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THIS ISSUE IN BRIEF

DEPARTMENTS

Assessing the Case for Formal Recognition and Expansion of Federal Problem-Solving Courts

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Introduction

Although not formally recognized by the Judicial Conference of the United States, nearly half of federal district courts operate some form of problem-solving court. Citing the positive energy those courts have produced and studies conducted in various jurisdictions, advocates argue it is time for federal problem-solving courts to be formally recognized and expanded. On the other hand, opponents argue that empirical support for problem-solving courts is lacking. There have only been a handful of federal studies with results that have been mixed at best, and all the research efforts have been subject to methodological limitations. Their impact on recidivism aside, federal problem-solving courts face issues of scalability, including cost, in the federal system. Observers, however, are increasingly positive about problem-solving courts' work in the areas of mentorship and managing the collateral consequences of a criminal conviction. Possibly greater focus in those areas and better division of duties among other problem-solving court members can drive down costs, enhance outcomes, and even avoid potential ethical issues. However, it will take more time and effort to determine if those benefits can, in fact, be realized. That all comes at the cost of other promising programs and those we already know reduce recidivism. The criminal justice system, unfortunately, has a history of maintaining and expanding popular programs only to discover later that those programs are ineffective. Consequently, ongoing and meaningful assessment is vitally important.

PROBLEM-SOLVING COURTS ARE designed to promote public safety and stabilize communities. As part of the court program, judges work collaboratively with litigants and others to resolve personal and social problems presented by "justice-involved people."[2] By addressing those problems, courts mitigate factors, such as substance abuse,[3] that are often associated with crime and recidivism.[4]

There are now thousands of problem-

[1] The views expressed by the author are not necessarily those of the Administrative Office of the United States Courts or the Judicial Conference of the United States.

[2] The terminology used to refer to persons charged and convicted of crimes has changed over time and is based on context. The contextual references link to the stage of the criminal justice process the person is in. For example, those pending trial or sentence are often referred to as "defendants." Those convicted and serving prison terms are usually referred to as "inmates." Persons released from prison and subject to community supervision terms are called "probationers," "parolees," and "releases," depending on the type of supervision that applies. Those who have fully satisfied sentence are sometimes referred to as "ex-cons" and "former felons." The Department of Justice, concerned about the ongoing stigma associated with the latter terms in particular, relies more now on the phrase "justice-involved person," and for the sake of simplicity and uniformity, that phrase is used in this article.

[3] While criminal history remains a primary predictor of future criminal behavior, the five most common dynamic risk factors found among federal justice-involved people are (1) antisocial thinking patterns and values, (2) criminal and antisocial peers, (3) dysfunctional family, (4) lack of gainful employment or education, and (5) substance abuse. See, *An Overview of the Federal Post Conviction Risk Assessment*, Administrative Office of the U.S. Courts, Probation and Pretrial Services Office (September 2011), www.uscourts.gov/file/2749/download.

[4] Not all persons with such problems commit crimes. Consequently, at times there is a backlash against justice-involved persons being afforded special treatment, vocational training, and other rehabilitative-oriented benefits, whether from traditional probation and parole supervision or from problem-solving courts. That backlash has led to the imposition of statutory and regulatory "collateral consequences" to a criminal conviction, including barring justice-involved persons from certain welfare programs and public housing, precluding them from occupations, and restricting their right to vote, serve as a juror, and bear arms (Tonry & Petersilia, 1999). The use of collateral consequences is being increasingly challenged by the argument that the deficits that led to criminality in the first place are compounded by a criminal prosecution and sentence, and the addition of collateral consequences just makes it that much harder for justice-involved persons to overcome their past and convert themselves into assets, rather than liabilities, to society (See, *The Forever Scarlet Letter: The Need to Reform the Collateral Consequences of Criminal Convictions*, Widener Journal of Law, Economics & Race, Rouzhna Nayeri, pp 110-142 (June 2014).

solving courts operating in state and local jurisdictions (Marlowe, Hardin, & Fox, 2016), and nearly half of federal district courts have programs as well (Meierhoefer & Breen, 2013). In the federal system, the programs are adopted at the discretion of interested districts, and they rely on decentralized funding allotments and volunteers for support. The Federal Judicial Center provides training for problem-solving courts (Sherman, Taxman, & Robinson, 2011), but the courts have not been formally recognized by the Judicial Conference of the United States,[5] and there are no judiciary-wide policies governing their operation. For those and other reasons, there is significant variability in and among federal problem-solving courts and they handle only a small number of cases each year (Meierhoefer & Breen, 2013).[6]

Advocates argue that the federal problem-solving courts have proven themselves effective and efficient, and should be formally recognized and expanded (Marlowe, Hardin, & Fox, 2016; Berman & Feinblatt, 2015).[7] Opponents, on the other hand, assert that it is not clear that problem-solving courts have met their primary goal of lowering recidivism while reducing social and economic costs. Moreover, the courts bring with them a variety of ethical, policy, and practical questions. Underscoring all these concerns is the criminal justice system's history of sustaining and expanding programs that seem promising but later prove to be ineffective and costly.

Possibly unique to the federal context, there is also concern that problem-solving courts are inconsistent with the judiciary's long-standing position against specialized courts and the direct assignment of cases to judges.[8] Further working against expansion of problem-solving courts in the federal system is the sheer size and diversity of the system itself.[9]

This article seeks to assist in answering the question whether federal problem-solving courts should be expanded. An important point to be made in the analysis is that the federal programs are modeled after those developed in state and local courts. The probation and parole systems in those jurisdictions have historically been underfunded and associated with recidivism rates two or three times those of the federal system. The relatively low recidivism rate in the federal system may explain why federal problem-solving courts have not, to date, been able to document any reductions in recidivism. This is in contrast to recidivism reductions reported in other jurisdictions that federal court operators hoped to at least match.[10] Observers report, however, that federal problem-solving courts are increasingly focusing in on "value-added" activities that complement traditional federal probation and pretrial services supervision. Those activities leverage the unique position and skill sets of judges and lawyers. This is particularly the case in helping program participants manage and overcome the collateral consequences associated with their prosecution and conviction (Parker, 2016). The legal team's focus on the legal and quasi-legal issues allows probation and pretrial officers and treatment providers to focus more on rehabilitative programming and behavioral monitoring. So even if empirical evidence does not exist to justify expanding problem-solving courts at this time, this newer trend and the syngeneic effect it is likely to produce may be worth ongoing study.

The Background of Problem-Solving Courts

The problem-solving court model calls for the formation of a team led by a judge and joined by the prosecutor and defense attorney, a probation officer, and usually a treatment provider. The judge and attorneys are asked to transcend their traditional roles and broaden their normal objectives in a criminal case. Specifically, judges and attorneys are tasked with working collaboratively to help justice-involved persons remain law-abiding. The legal team reduces reliance on the adversarial process and is driven by more than a legal disposition alone. In effect, the legal process becomes more a means to an end, not an end unto itself. The features of the transformed process, sometimes referred to as therapeutic jurisprudence, are summarized in Table 1.

There are various types of problem-solving courts, all with their roots in "drug courts." Drug courts began in the 1980s in response to the escalating cocaine epidemic. With subsequent endorsement from United States Attorney General Janet Reno and grant funds provided by the Department of Justice, drug courts spread quickly throughout state and local jurisdictions (Steadman, 2001). Initial anecdotal claims of drug courts' effectiveness were eventually coupled with formal studies attesting to their positive impact (Wolf, 2007). The Executive Office of the President of the United States highlighted one of the pivotal studies:

> The Department of Justice examined re-arrest rates for drug court graduates and found that nationally, 84 percent of drug court graduates have not been re-arrested and charged with a serious crime in the first year after graduation, and 72.5 percent have no arrests at the two year mark. (Office of National Drug Control Policy, 2011)

Academics went so far as to cite drug courts as one of the greatest criminal justice advancements in a generation (Berman, 2010). The expansion of drug courts continued and now seems to have peaked, with an estimated 3,000 in operation across the

[5] Pursuant to 28 U.S.C. § 331, the Judicial Conference of the United States is the national policy-making body for the federal courts. Its Committee on Criminal Law has been monitoring federal problem-solving programs for some time and has found them to be "an energetic commitment to the betterment of federal offenders and an enthusiasm that should be commended." However, the Committee also noted "[t]he proliferation of these programs around the country could have budgetary and other resource impact." See, Criminal Law Committee Report to the Judicial Conference of the United States (Sept. 2009).

[6] A November 2016 survey of all United States chief probation and pretrial services officers indicated that all the federal problem-solving court programs combined in the preceding 12-months graduated 326 people. The federal supervision population in that same time frame totaled 235,721 persons according to the Administrative Office of the U.S. Courts, Workload Report.

[7] The SAFE Justice Reinvestment Act of 2015, H.R. 2944, would allow for establishment of federal problem-solving courts and require the Director of the Administrative Office and U.S. Sentencing Commission to identify and disseminate best practices and other related information to the courts.

[8] See, September 1990 Session, Conf. Rpt., p 82 and March 1999 Session, Conf. Rpt., pp. 12-13. The Conference seeks to avoid balkanization of judicial operations while upholding the broad jurisdictional capacity of district courts and enhance procedural fairness through random assignment of cases. In many jurisdictions, problem-solving courts assign or transfer cases to a single judge or group of judges based on the judges' specialized training or interest (Berman & Feinblatt, 2002).

[9] The size and diversity of the federal system make it difficult for any single "program" to be effective and to be implemented the same way in all districts. For example, the most recent study of federal reentry courts by the Federal Judicial Center showed that, despite joint training and collective oversight, it was difficult for just five volunteer courts to remain consistent with one another and to follow a single set of evidence-based principles.

[10] A meta-analysis of state and local drug court studies, for example, showed reductions in felony rearrest rates of 28 percentage points (Department of Justice, Office of Justice Programs, 2008).

TABLE 1.

Therapeutic Jurisprudence/Problem-Solving Justice

Traditional Process	Transformed Process
Dispute resolution	Problem-solving dispute avoidance
Legal outcome	Therapeutic outcome
Adversarial process	Collaborative process
Claim or case-oriented	People-oriented
Rights-based	Interest or needs-based
Emphasis placed on adjudication	Emphasis placed on post-adjudication & alternative dispute resolution
Interpretation and application of law	Interpretation & application of social science
Judge as arbiter	Judge as coach
Backward looking	Forward looking
Precedent-based	Planning-based
Few participants and stakeholders	Wide range of participants and stakeholders
Individualistic	Interdependent
Legalistic	Informal
Formal	Effective
Efficient	

Source: https://criminaljusticecaucus.files.wordpress.com/2011/08/problem-solving-courts-steps-to-making-the-change.pdf

country (National Association of Drug Court Professionals, 2016). The popularity of drug courts has prompted many jurisdictions to develop similar programs targeting other issues plaguing justice-involved persons. There are now programs focusing on defendants who are homeless, mentally ill, compulsive gamblers, and members of gangs. Others focus on defendants' status as juveniles, veterans of military service, and Native Americans. There are also programs organized around the nature of the charges against the justice-involved person, including domestic violence charges, driving while impaired, prostitution, truancy, public order, and weapons possession (National Drug Court Resource Center, 2012; NCSC, n.d.).

The tenets underlying all problem-solving courts are (1) specialization, (2) focusing on human outcomes as much as legal ones, and (3) adding teamwork to the traditional adversarial process. The specialization takes the form of a docket comprising certain types of case, justice-involved person, or criminogenic issue. By dealing with similar problems over time, the theory holds, the court becomes more proficient at resolving those problems. As to outcomes, courts eye objectives beyond traditional caseload management and adjudication of the law. Through incentives and direction, courts strive to help program participants become better people and better citizens, thereby reducing the threat of recidivism. When participants are unwilling or unable to benefit from the program, the courts retain discretion to impose sanctions to protect the community and incentivize positive behavior moving forward (See Table 2). The teamwork concept includes involvement of the prosecutor and defense attorney, who are otherwise situated to be adversarial.

Those unifying principles aside, there are also variations between different problem-solving court types and even within programs bearing the same name (Bureau of Justice Assistance, 2006). Problem-solving courts are subject to normal team dynamics, including differences in personalities, varying commitments to the model, and differing skill sets. There is also variation in the type, quality, and cost of rehabilitative services available locally (Harrell, 2003). In addition, justice-involved persons enrolled in problem-solving courts are all unique, requiring courts to frequently adjust their approach. That flexibility, however, can lead to problematic inconsistency (National Association of Drug Court Professionals, n.d.). It can also fan concerns among policy makers and pundits:

> Problem-solving courts have raised hackles among both liberal and conservative commentators. On the right, problem-solving conjures images of a fuzzy-minded judiciary hell-bent on rehabilitation at the expense of accountability and individual responsibility. On the left, it raises the specter of a misguided judiciary unfettered by the restraints of the adversarial system, eager to send poor and defenseless defendants into lengthy social interventions for their own good, proportionality be damned. (Berman & Feinblatt, 2002)

Problem-solving courts draw considerable attention from the media and public.[11] It could be because the programs substantially change how judges and attorneys operate in the courtroom (Stetzer, 2016; Dukmasova, 2016). Countless books and movies portray the courts as home to solemn and detached judges, driven and cunning attorneys, and dramatic cross-examination. Visitors to problem-solving courts now are often surprised to see judges and lawyers making benevolent inquiries together and focusing on preventing tears on the stand, not creating them (Fishman, 2014).

The change in roles has generated ethical and practical concerns (Freeman-Wilson, Tuttle, & Weinstein). The legal professionals' increased involvement in the personal lives of program participants can make it more difficult to arrive at objective legal determinations in the case. Being human, judges and attorneys are subject to emotions when dealing with the often troubled justice-involved people referred to problem-solving courts. The joy of helping program participants make progress can easily be offset by failures and associated harm to the community. Negative emotions can sap legal teams' physical and psychological wellbeing and be particularly dangerous if left unmanaged (Norton, Jennifer Johnson, & Woods, 2016).

The problem-solving paradigm creates pressures on all those who operate the program, but the pressure seems particularly intense for defense attorneys.

> Since the inception of the drug court movement in America, arguably no player on the drug court team—be it judge, prosecuting attorney, probation officer or treatment provider—has struggled more with his or her own identity and often conflicted role than the defense attorney. The desires of the treatment team and the drug court client are, at times, conflicting and can

[11] A Google internet inquiry conducted on November 11, 2016, using the terms "drug courts" and "reentry courts," returned 2.4 million and 520,000 matches, respectively.

> seemingly put the defense attorney in a box with no way out. (National Drug Court Institute, 2013).

Judges and lawyers not only have to meet the ethical and practical challenges but do so in a transparent way. Otherwise, justice-involved persons and crime victims may think their legal rights have been unfairly subjugated to the broader interests of the problem-solving program. The interpretation would be reasonable to a lay person who once saw his or her defense attorney, in the case of the person charged, or prosecutor, in the case of the victim, zealously advocating for their Constitutional and statutory rights. Similarly, they saw the judge at arm's length from the litigants. In the problem-solving context, however, they see all the legal professionals acting in concert to pursue a global objective that they, personally, may not share (Feinblatt & Denckla, 2001). To mitigate such concern, some states require defense attorneys to explain to their clients how problem-solving courts may impact traditional advocacy rules and define when the client's wishes are not binding on the attorney (Meekins, 2007).

In addition to the ethical challenges, the problem-solving model produces additional training requirements for judges and attorneys. In order to influence the behavior of program participants, the legal team needs familiarity with forensic psychology, neurobiology, and pharmacology, among other fields. It is difficult for legal practitioners to develop that kind of knowledge base while maintaining their legal expertise (Bozza, 2008). One attorney noted that it takes "long-term training to figure out what kinds of treatment programs actually work, what are an individual's problems, and how to match that individual's problem to a particular program. Defense lawyers, prosecutors, and judges are [normally] not trained to do this" (Feinblatt & Denckla, 2001). Judges and attorneys can and do rely on the expertise of probation officers and treatment providers to assist with the necessary social science (Rudes & Portillo, 2012). A complete delegation by the court, however, would be contrary to the problem-solving model and possibly violate statutory rules (Adair, 2004).

The more judges and the attorneys are expected to assist in treatment decisions, ironically, the more susceptible they are to criticism. Judges have already been accused of exceeding their area of expertise, practicing medicine without a license and acting like amateur therapists (Szalavavitz, 2015; Galloway; Berman & Feinblatt, 2002; Eaton, 2005). See Table 2.

TABLE 2.
Examples of Problem-Solving Courts Rewards and Sanctions

	Modest	Moderate	High
Rewards	Verbal praise from the court	Reducing reporting requirements	Savings bond
	Applause during a hearing	Relaxed curfew rules	Concert tickets
	Free sundries and token gifts	Appoint as peer mentor	Health club membership
Sanctions	Verbal admonishment	Increased reporting requirements	Home confinement
	Essay assignment	Community service	Short jail term
	Maintain a journal	Financial sanction	Termination from program

Source: http://www.ndcrc.org/content/list-incentives-and-sanctions

As part of their problem-solving activities, the legal team reviews progress reports of program participants from probation officers and treatment providers; they discuss appropriate incentives and sanctions in light of the reported progress and interact with program participants at status hearings. Maybe more significantly, many judges and attorneys provide unique services directly to, and secure resources on behalf of, program participants. These services are often beyond that which can be offered by traditional probation and pretrial supervision. For example, by virtue of their status, judges are often able to recruit high-status and prosocial mentors for program participants (Castellano, 2016).[12] They also can garner support from civic leaders and potential employers (McAvoy, 2016). Moreover, they can secure cooperation from key government officials. For example, one court has a representative from the Veterans Administration at status hearings to help qualified program participants cut through red tape and secure benefits (Burris, 2016). Prosecutors and defense attorneys, directly or through referrals, assist program participants with ancillary civil matters (Maloney, 2016; Torres, 2016). It is not uncommon for justice-involved people, particularly those who have been incarcerated, have neglected their personal finances and avoided other responsibilities. Consequently, justice-involved persons frequently are subject to punitive financial liens, are in trouble with the Internal Revenue Service, and have lost their driver's license. An attorney's assistance in addressing those and related problems can protect program participants from being overwhelmed and losing motivation to stay law abiding. Moreover, by guiding program participants through the process of prioritizing their problems, developing coping strategies, and helping them negotiate effectively, the attorneys are teaching program participants life-skills that go beyond the legal realm (SanGiacomo, 2016). There are obviously concerns that prosecutors' and defense attorneys' help in providing legal advice in civil matters may create conflicts of interest and dilution of duties, so applicable ethical rules and considerations have to be taken into account (Freeman-Wilson, Tuttle, & Weinstein).

Emergence in Federal Courts

The popularity of problem-solving courts in

[12] Programs involving attorneys serving as mentors and providing assistance to justice-involved persons on matters of collateral consequences are not new. See, Burger, W. [Chief Justice of the United States], *Our Opinions Are Limited*, Villanova Law Review (December 1972), 165-172, 171 ("The ABA Commission on Correctional Facilities and Services has developed an active program aimed at modifying laws that foreclose large areas of employment for persons with criminal records. . .Another Commission program has already supplied 1,000 young lawyers as volunteers in twelve states to give counselling guidance and assistance to convicted persons released on probation or parole. This is a device used for more than 200 years in the countries of Northern Europe to supplement official governmental agencies").

state and local jurisdictions led to experimentation in the federal courts. The Department of Justice initially argued against adoption of federal drug courts[13] in a report to Congress:

> Using the existing data, approximately 2.0% of federal drug offenders between 2004 and 2005 were sentenced for simple possession offenses. Thus, putting aside unknown factors such as violent criminal history, and assuming that all offenders sentenced for simple possession offenses are nonviolent, substance abusers, at the most only a very small number of federal drug offenders—412 out of 24,561 in FY 2005—would even be eligible for a traditional drug-court type program. Plainly, this small and uncertain number of offenders does not warrant the creation of a new federal drug court program, particularly when there are existing drug treatment programs available in the federal system. (Department of Justice, June 2006)(cites removed)

Nonetheless, by the end of 2010, nearly half of federal districts had problem-solving courts, drug courts among them. Although there was considerable variation among the court programs, they reported consistency in targeting higher-risk persons under supervision who were motivated to change (Meierhoefer, 2011). Of the various types of problem-solving courts, reentry courts seemed to take the greatest hold in the federal system, and that trend was consistent with what was happening more globally in criminal justice (Marlowe, Hardin, & Fox, 2016). The Department of Justice, its position against drug courts aside, specifically encouraged its prosecutors to actively participate in reentry courts.[14] Reentry courts focus on persons returning to society after a prison term, but otherwise had the hallmarks of a drug court:

> In the reentry court, the presiding judge—with the aid of an Assistant Federal Public Defender and an Assistant United States Attorney—assists United States Probation with the supervision of participants by conducting regular court sessions attended by all participants in the program. At the court session, the judge reviews and responds to the achievements and failures of each participant. The conduct and activities supervised by the program are those typically handled by United States Probation without judicial support. The program adds the regular oversight of a defendant by a judge with a blend of treatment, education and job skills training, and sanctions alternatives to address participant behavior, rehabilitation, and the safety of our communities. Additional details on the program are included in the attached Interagency Agreement for the creation of a reentry court. (Reentry Court)

Federal Problem-Solving Court Studies

While there have been positive anecdotal assessments of federal problem-solving courts (Beeler, 2013), empirical studies have been inconclusive. Two studies commissioned by districts found their program participants had either the same or higher recidivism rates than those in comparison groups.[15] Yet two other studies found at least marginal reductions in recidivism, although those studies involved small study cohorts.[16] In fact, all the federal studies to date, according to the researchers who conducted them, have had significant methodological limitations.[17] Those limitations include those that often plague criminal justice research generally: selection bias, poor comparison group development, incongruent follow-up periods, failure to account for confounding factors, and lack of statistical controls for small population sizes and other factors (Burkhead, 2006).

The lack of clarity from the initial federal evaluations demonstrated the need for a larger, more comprehensive study. The Judicial Conference's Committee on Criminal Law requested the Federal Judicial Center (FJC) to undertake the effort, asking them to study both the effectiveness and cost efficiency of reentry courts relative to other ways of providing similar services. The FJC accepted the commission pursuant to its statutory mission to study judiciary operations (The Federal Judicial Center Offers Training and Research, 2009). Going into the study, the FJC had the advantage of pre-existing familiarity with the federal judiciary and having already provided training to problem-solving courts.

The FJC fashioned an "experimental design" for its study, with random-assignment of hundreds of justice-involved persons from multiple districts, tracking cost and outcomes for more than two years. With participation in the study voluntary, the FJC identified five geographically diverse districts willing to be part of the study.[18] The FJC then set study and control groups to be populated by volunteer justice-involved persons, randomly assigned to the group by the FJC. Last, the FJC put in place the mechanisms to track recidivism, in its varied forms, and cost.

Judges, litigants, and probation officers participating in the study received training in research-proven, "evidence-based" behavioral change techniques set out in the *Integrated Model for Implementing Effective Correctional Management of Offenders in the Community*, a program developed with support from the National Institute of Corrections (Crime and Justice Institute, 2014). The court teams also participated in training sessions led by the National Association of Drug

[13] The Department of Justice used the term "drug courts," at the time, to refer to all specialized courts programs, whether they were pretrial or post-conviction.

[14] U.S. Department of Justice, Office of the Deputy Attorney General, Memorandum for All United States Attorneys, Guidelines for Participation by United States Attorneys' Offices in Post-Incarceration Reentry Programs, Jan. 19, 2011.

[15] Taylor, C., *Tolerance of Minor Setbacks in a Challenging Reentry Experience: An Evaluation of a Federal Reentry Court*, 24 Criminal Justice Policy Review 49, 64 (2013)("Nearly one-third of both [program] participants and comparison group individuals were arrested for a new offense during the study period. Eight percent of [program] participants and 6% of the comparison group were arrested for a new violent offense"; Close, D., Aubin, M., Alltucker, K., *The District of Oregon Reentry Court: Evaluation, Policy Recommendations, and Replication Strategies*, available at: http://www.orp.uscourts.gov/documents/ReentryCourtDoc.pdf. ("it appears that the comparison group outperformed the treatment groups on multiple, important dimensions. For example, the comparison group underwent less monitoring and supervision and had fewer drug and mental health services and yet had more employment and fewer sanctions.")

[16] For a summary of the studied programs and their results, see Vance, S., *Federal Reentry Court Programs: A Summary of Recent Evaluations*, Federal Probation (Sept. 2011)

[17] Id.

[18] These districts were the Central District of California, the Middle District of Florida, the Southern District of Iowa, the Southern District of New York, and the Eastern District of Wisconsin.

Court Professionals (NADCP)[19] and the Administrative Office (AO) of the United States Courts. In addition, the group observed a case conference and other activities held, in simulated fashion, by operators of the federal drug court in the District of Massachusetts.

The court teams received instructions and written guidance on how they were to operate their respective groups. The guidance covered issues such as behavior management techniques, nature of rehabilitative interventions, and changes in program intensity based on progress and relapses. The guidance was based on the work of the NADCP, contextualized by the AO (OPPS Model Policy for Experimental Reentry Programs, 2010; The Federal Judicial Center, 2010).

In all, the FJC approached more than 500 justice-involved persons in volunteer districts to participate in the study. More than 42 percent declined, leaving 289 justice-involved persons for random assignment. The FJC placed volunteers in either "Group A," which had all the elements of a formal problem-solving court, including being led by a judge; "Group B," which was the same but led by a probation officer rather than a judge, or "Group C," which involved post-conviction supervision by a probation officer alone. Also, as a "Group D," the FJC tracked outcomes of persons who declined to participate in the reentry court study, at least in instances where they were subject to ongoing probation and supervised release terms.

Among the outcomes monitored by the FJC were revocation rates at 24 months, rearrest at 30 months, and total cost of operation. In its review of operations, the FJC discovered that volunteer courts were finding it difficult to adhere to the defined reentry court model. Courts, to one degree or another, varied in terms of treatment intensity, phased movement of participants, level of participation by team members, and (in limited instances) the random case assignment methodology. The courts diverged from the prescribed model, presumably, to address the needs of individual cases or to respond to logistical realities or local priorities.

The variation from the model may reflect the inherent challenges involved in trying to apply a single model of operation in an environment as large and diverse as the federal judiciary, and adds challenges to expanding the problem-solving model. The judiciary is required to deal with prosecutions based on more than 3,000 statutes investigated by 70 different law enforcement agencies. The charges cover everything from drug trafficking to fraud, terrorism, weapons offenses, immigration violations, environmental crimes, and espionage. There are 94 district court jurisdictions, each afforded autonomy to deal with their unique legal, socio-economic, and geographic environments. There are more than 200,000 justice-involved people a year subject to some form of federal court-imposed supervision.[20] That population, made up of individuals, presents a boundless array of criminogenic risks, rehabilitative needs, and responsivity issues. Not every supervisee requires the same type and intensity of monitoring and treatment services. Moreover, getting them the monitoring and services they do need is a challenge, because they reside in an area covering 3.8 million square miles and in every type of living environment. Each locale has different treatment resources, law enforcement presence, job markets, and policies toward justice-involved persons.

As was the case with other studies of problem-solving court programs, the FJC study has been subject to criticism regarding its execution. The primary concern was the court's failure to strictly adhere to the random case assignment protocol. There was also criticism regarding the lack of incentives to secure more interest in study and program involvement (Compton, 2016).[21] Nonetheless, the FJC concluded "there was sufficient fidelity to the [. . .] model to justify analyses of the combined sites. By combining the sites, we gain statistical power and increase our ability to detect differences in outcomes across the experimental groups" (Rauma, 2016). Chief among the observations made was that participants in judge-led problem-solving court programs had higher revocation and rearrest rates than those subject to traditional supervision by

[19] The NADCP is a non-profit organization that "champions proven strategies within the judicial system that empower drug-using people to change their lives." Through its National Drug Court Institute, it provides comprehensive training and technical assistance to more than 3,000 drug court and problem-solving court professionals annually (About NADCP).

[20] Persons are conditionally released to the community by courts, the U.S. Parole Commission and the Federal Bureau of Prisons. The types of release include pretrial, deferred prosecution, criminal incapacitation (person found unfit to stand trial or to be sentenced), probation, parole, special parole, military parole and conditionally released persons unfit to stand trial or to be sentenced, and conditionally released certified sexually dangerous persons. Pursuit to Title 18 of the United States Code, the United States Probation and Pretrial Services System supervises persons conditionally released to the community by the courts and Department of Justice. Probation and pretrial services officers are responsible for promote adherence to the conditions imposed by the court and paroling authority, and to detect and report violations.

[21] It is unclear, at this point, what incentives would be appropriate and sufficiently strong to address the concerns raised and their impact on any subsequent cost/benefit analysis. The use of incentives could also produce ethical and practical concerns of their own. See, *Ethics in Human Subjects Research: Do Incentives Matter?* Journal of Medicine and Philosophy, Grant R; Sugarman, J. (2004). Some of the existing incentives used by problem-solving courts are set out in Table 2 of this article and include early termination from supervision and case-specific rewards, such as issuance of a formal letter of rehabilitation. See, *Judge Gleeson Issues a "Federal Certificate of Rehabilitation,"* Collateral Consequences Resource Center, Love, M. (March 7, 2016).

TABLE 3.
Revocation and Rearrest Rates

	Revoked at 24 Months	Rearrested at 30 Months
Group A: Judge & Team	22%	45%
Group B: Probation Officer & Team	33%	27%
Group C: Supervision by Probation Officer Alone	19%	31%
Group D: Supervision by Probation Officer Alone of Persons Refusing Participation in Other Groups	19%	35%
Average	23%	34%

probation officers. In fact, at the 30-month mark, the rearrest rate for those in the judge-led program was 18 percentage points higher than those in the same program administered by a probation officer (See Table 3 and Chart 1). Those differences, however, were not deemed statistically significant due to the number of program participants involved. The only distinguishable factor found by researchers pertained to cost. The judge-led group (Group A) was the most expensive to operate. On average, Group A cost $44,500, or 83 percent, more than Group B (the probation officer-led group) (Rauma, 2016). Groups C and D (traditional probation supervision) had the lowest per capita cost overall, as such supervision did not involve salary costs beyond that of the probation officer.

The Implications

Staying with a program, even a promising one, can be costly if it comes at the expense of a more effective one (Duriez, Cullen, & Manchak, 2014). Our criminal justice system has a history of maintaining and expanding programs in the absence of strong empirical evidence. Although the programs were popular and seemingly effective from an intuitive perspective, they later proved to be ineffective and in some cases even damaging. The premature expansion of programs that later fail may feed public perception that nothing works in terms of rehabilitation. In addition, they exact a significant opportunity cost relative to other programs that are effective, although not as popular or high profile.

In March 1995, boot camps or "shock incarceration programs" were heralded as "one of the newest weapons in the war on crime." While not all boot camps were designed alike, at the federal level they involved military drill and access to educational and rehabilitative programming (Klein-Saffran, Chapman, & Jeffers, 1993). While there was reason to question boot camps' ability to reduce recidivism from the very beginning (Burns & Vito, 1995), they proliferated nevertheless. By 1998, boot camps were operating throughout the country (Colledge & Gerber, 1998). Support for boot camps eventually faded in the face of mounting research demonstrating they were ineffective at reducing recidivism (Parent, 2003). Even boot camps with formal treatment components did not fare well from a statistical perspective (Wilson, MacKenzie, & Mitchell, 2008). The Federal Bureau of Prisons closed its boot camps in 2005 (Willing, 2005). Many state and local systems eventually terminated their programs as well (Bergin, 2016). Shock or "intensive" community supervision programs, with operating principles similar to boot camps, were also deemed ineffective and discontinued at about the same time (Sherman, Gottfredson, MacKenzie, Eck, Reuter, & Bushway, 1998).

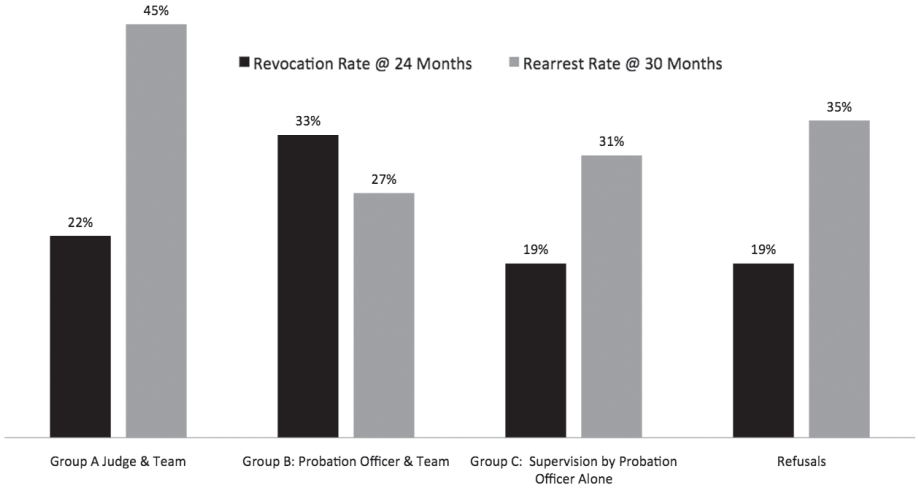
A 1979 documentary skyrocketed "scared straight" programs into popularity. At least 30 jurisdictions adopted scared straight programs, and they received attention at the federal level as well (Petrosino & Buehler, 2003). Scared straight was designed to expose at-risk youth and first-time offenders to hardened criminals, with the hope that the interaction would literally scare the younger, less culpable offenders out of a life of crime. The popularity of scared straight declined when initial reports of its effectiveness were disputed, and concerns grew that the program was actually having adverse effects on participants. The federal government, which once considered having scared straight programs, took the unusual step of outright discouraging their use (Department of Justice, 2011) and labeled them as having "no effect" in regard to recidivism (Department of Justice, 2016).

Drug Abuse Resistance Education, more commonly known as D.A.R.E., followed a similar life cycle. Initial popularity grew, with eventually 15,000 police officers assigned to schools, providing drug education and trying to enhance community relations. A line of studies finding that D.A.R.E. did not work, and in some instances increased drug use by students, checked the growth (Berman & Fox, 2010).

There are many, often conflicting, theories on the causes and solutions to crime (Regis University, 2016). The popularity of these theories seems to ebb and flow over time. The rehabilitative model of the 1960s and 1970s was replaced with the "just desserts" model of the 1980s and 1990s; now therapeutic jurisprudence is growing in popularity (International Therapeutic Jurisprudence in the Mainstream Project, 2016). The fact is that it is hard for any single theory to be effective all the time. Human behavior, and criminal offending in particular, is complex and does not lend itself to one type of intervention.

The federal probation and pretrial services system has geared itself less toward "programs" and more toward flexible principles and doctrines. Individualized case assessment and interventions tailored by trained professionals to specific risk presented have been mainstays for federal probation and pretrial services officers for decades (Administrative Office of the U.S. Courts, 1952). More recently, actuarial risk assessment tools been added to the arsenal of probation and pretrial services officers in identifying and addressing criminogenic issues in a case. In addition, cognitive-based interventions have emerged as one of the most versatile and promising means of producing positive behavior change. The theory underlying cognitive behavioral interventions is that thinking influences behavior. Consequently, officers assist supervisees with analysis of thought patterns, realistic goal setting, contingency planning, and progress assessment (Burkhead, 2006). One of the larger training efforts undertaken by the Administrative Office of the United States Courts for probation and pretrial services officers has been based on the cognitive behavioral model. Called "Staff Training Aimed at Reducing Rearrest" or STARR, its curriculum and

CHART 1.
Revocation and Rearrest Rates



follow-up coaching cover: Active Listening, Role Clarification, Effective Use of Authority, Effective Disapproval, Effective Reinforcement, Effective Punishment, and Problem Solving, and teaching the Cognitive Model to supervisees. The program is currently deemed "promising" and additional studies are underway (Department of Justice, 2016).

The federal probation and pretrial services approach follows the well-researched Risk-Need-Responsivity Model. The "risk" refers to who should be targeted for intervention, "need" refers to the criminogenic risk factor(s) to focus upon (e.g., distorted thinking, antisocial associates), and "responsivity" refers to how the intervention should be deployed to produce desired results (Gornik, 2002). When applied correctly, the risk, need, and responsivity approach is associated with recidivism reduction in the range of 25 percent (Andrews, 2010).

The current, evidence-based approach taken by the federal probation and pretrial services system may explain, in part, why most of the reentry programs did not outperform traditional supervision programs. In the limited instances where reentry courts have been found effective, they have adhered to similar evidence-based principles relied on by the federal probation and pretrial services system (Ndrecka, 2014). Consequently, it would make sense in the federal studies that reentry and regular supervision outcomes were comparable.

The Strength of the Research into State and Local Programs

Those founding federal problem-solving courts have high expectations, in part because of the success of programs successful at the state and local level. Most of the state and local assessments focused exclusively on drug courts, and not the reentry courts addressing the broader needs of the federal system. Earlier this year, the Bureau of Justice Assistance determined that there was simply not enough data to determine if reentry courts are effective (Bureau of Justice Assistance, 2016).

In the limited instances where state and local reentry courts have been found promising, it is because they applied evidence-based principles similar to those already used by the federal probation and pretrial services system (Ndrecka, 2014). So possibly it is not as important who applies the principles, but rather that the principles be applied by someone, and applied with fidelity. The findings of the FJC study into federal reentry courts may underscore this possibility. The reentry courts and probation officers conducting traditional supervision produced similar results statistically speaking, and both were operated by personnel trained in evidence-based practices.

Although the operation and principles behind drug and reentry courts are the same, and it may intuitively seem that they would produce similar results, reentry courts deal with a different target population. The reentry population presents a broader array of criminogenic risk and need factors, not just substance abuse. Those factors often have been worsened by a prolonged prison term. While the NADCP is optimistic that reentry courts will prove to be the "last frontier" for the drug court concept, they have been cautious not to mix confidence in drug court outcomes with those of other problem-solving programs (Marlowe & Meyer, 2011, p. 15; National Association of Drug Court Professionals, 2013).

Moreover, the National Academy of the Sciences has expressed concern about the lack of evidentiary support for reentry courts:

> At present, reentry courts are largely experimental, and neither their impact nor their costs and benefits have been rigorously evaluated. . . . Given the importance of the reentry problem and the success of handling other offender populations through the problem-solving court model, the costs and benefits of reentry courts is a subject that begs for more rigorous research. It is critical to understand the impact of reentry courts on reoffending in comparison with traditional services. . . . As is the case for other specialized courts, it is necessary to determine whether it is the charismatic leadership of a judge and the interaction with the client that leads to desistance and other positive outcomes or a strict adherence to a sanctioning protocol. Another possibility is simply that clients are getting more substance abuse treatment and other services than they would have otherwise had. If the last situation is the case, then couldn't those enhanced services be provided by traditional parole agents rather than sitting court judges? These are all important questions in need of more rigorous research. (National Academy of Sciences, 2007)

Even though the NADCP's confidence in drug court research is unequivocal, others do not share that faith and with it question the foundation for all problem-solving courts. The NADCP has announced: "the verdict is in . . . Drug Courts work. Better than jail or prison. Better than probation and treatment alone" (National Association of Drug Court Professionals, 2016). The NADCP further states "the scientific community [has] concluded beyond a reasonable doubt from advanced statistical procedures called meta-analysis that Drug Courts reduce recidivism." The NADCP also cites studies showing drug courts are cost effective (Marlowe, 2010). The Drug Policy Alliance,[22] however, reported that:

> Available evidence shows that drug courts "[. . .] are no more effective than voluntary treatment, do not demonstrate cost savings, reduce criminal justice involvement, or improve public safety, leave many participants worse off for trying, and often deny proven treatment modalities, such as methadone and buprenorphine." (Drug Policy Alliance, May 2014)

The Open Societies Foundation,[23] relying on the same "advanced statistical procedures" relied on by the NADCP, concluded that drug courts had no impact on incarceration rates and time defendants spend in custody (Csete, 2015). Moreover, upon review of Congressional Research Service and General Accountability Office reports, the Open Societies Foundation observed:

> Major methodological challenges, however, underscore the limits of much U.S. evaluation of drug courts. In 2011, the non-partisan U.S. Government Accountability Office (GAO) reviewed 260 drug court evaluations, including the U.S. Department of Justice multi-site evaluation, to determine how well the millions of federal dollars invested in drug court were being spent. Of the 260 studies, GAO found that fewer than

[22] The Drug Policy Alliance is a nonprofit organization that describes itself as dedicated to the development of drug policies grounded in science, compassion, health and human rights. http://www.drugpolicy.org/about-us/about-drug-policy-alliance

[23] The Open Societies Foundations indicates it seeks to shape public policies to assure fairness in political, legal, and economic systems and to safeguard fundamental rights. https://www.opensocietyfoundations.org/about/mission-values

> 20 percent—44 studies—used sound social science principles. . . .
>
> Many drug court evaluations have been criticized for having poorly defined or biased control groups, omitting data on people who fail to complete the treatment program, and over-reliance on self-reported data. A more trenchant critique in the U.S. case may be that a large majority of studies derive from government-funded evaluations of government-funded courts; there are too few independent evaluations. (Csete, 2015)

Conflicting research results and contrasting views on the effectiveness of drug courts are not new. The authors of a 2003 article in the *Federal Sentencing Reporter* began their discussion with these two quotes:

> Drug courts don't work, and never have. They don't reduce recidivism or relapse . . . They have become . . . a form of glorified, and terribly expensive, probation . . . Their continued popularity is a testament to their political appeal, and to the irrational commitment of a handful of true believers.
>
> Drug courts work—the research proves it and there are science-based reasons for the research findings . . . But just as compelling as the outcome research is the explanation of 'why' drug courts work. The answer to that question is also based on science and predicated upon enhanced training, and the informed use of sanctions and incentives to motivate change. (Marlowe, DeMatteo, & Festinger, 2003) (Cites omitted)

At times, the debate has moved beyond whether drug courts to why they expanded so quickly. One state judge stated:

> Drug courts are sweeping the country, a contagion fueled by federal grants and sparked by well-intentioned state and local trial judges frustrated by the lost war on drugs . . . [W]e have rushed headlong into [drug courts], driven by politics, judicial pop-psychopharmacology, fuzzyheaded notions about "restorative justice" and "therapeutic jurisprudence," and by bureaucrats' universal fear of being the last on the block to have the latest administrative gimmick. (Hoffman, 2000)[24]

Another judge expressed practical concerns that the involvement by judges in problem-solving courts may dissipate and dilute judicial authority and deplete resources:

> Assuming drug and mental health courts provide a model for effective behavior modification, the same results can be accomplished without the need to fundamentally alter the judiciary's traditional role as an independent adjudicator and guardian of the rule of law.
>
> These courts do not provide individuals with access to any new or unusually effective form of treatment. Professionals can offer treatment only that our current scientific knowledge of human behavior supports. If the treatment doesn't work in the community, it won't work any better if carried out in the context of the court system.
>
> Moreover—assuming that these initiatives offer some advantage in the management of criminal offenders—direct and ongoing judicial involvement is not required. The dissemination of rewards and punishments can be done by anyone who has the practical ability to do so. (Bozza, 2011)

The Open Societies Foundation made a similar point: "[d]rug treatment courts are not specified as the only or principal means of providing that alternative [to prosecution or incarceration]" (Csete, 2015). One of those options is to treat chemical addiction as a medical problem altogether and aim preventative, treatment and research resources at all abusers, not just at those involved in the criminal justice system (Justice Policy Institute, 2011).

Where Does this Leave Us in Understanding Studies of Federal Reentry Courts?

How can we reconcile the seemingly irreconcilable studies and interpretations of federal, state, and local programs? One of the findings from a Columbia University meta-data analysis may offer a solution. The study explained that one of the reasons drug courts are sometimes found effective is that they "provide more comprehensive and closer supervision of drug using offenders than other forms of [traditional] supervision" (Belenko, 1998). Put another way, the "quantitative drug court research focuses primarily on the issues of cost and recidivism vis-à-vis traditional dockets" (Werkmeister, 2015). Therefore, whether drug courts are considered effective or not often depends on the quality of the community corrections program they are measured against.

Drug courts were created when many probation and parole programs were struggling. Tight budgets and rapidly increasing caseloads left many departments unable to provide even the most basic supervision and rehabilitative services (Petersilia, 1998). As a result, recidivism climbed and so did the pressure to act.

> Drug courts sprung out of necessity, not fashion or vogue. Just over twenty years ago when drug courts were born, the court system was in crisis. Dockets were overwhelmed with drug-related cases that rarely seemed to be resolved. Judges would sentence drug offenders to probation or incarceration, only to quickly see them back again on a revocation or new charge. The oft-cited statistics spoke loudly then and continue to speak deafeningly today: two out of three prison inmates arrested for a new offense; fifty to seventy percent of inmates reincarcerated for a new offense or parole revocation; forty to fifty percent of probationers revoked; ninety-five percent of drug offenders continuing to abuse alcohol, other drugs, or both with little pause. (Marlowe & Meyer, 2011, p. 1)

To the credit of Congress and leadership in the judiciary, the federal probation and pretrial

[24] As to the expansion of drug courts, the NADCP advised it "launched a massive campaign to put a Drug Court within reach of every American in need. NADCP has aggressively pursued its vision and achieved a renewed commitment for Drug Courts among Congress and the general public alike. A national rally on Capitol Hill; 890 face-to-face Congressional visits; numerous press conferences; two major research announcements; Congressional testimony; and an ongoing media blitz that landed Drug Courts and NADCP on all major television networks and in *Newsweek*, *USA Today*, *The Washington Post*, *The New York Times*, and countless other newspapers, resulting in a staggering 50% increase in federal funding in 2007, and a historical 250% increase in federal funding for Drug Courts this year. Additionally, on July 1, 2009 NADCP launched its new public awareness campaign, ALL RISE, starring ten celebrities in a series of national public service announcements which introduces a broad group to NADCP's efforts to improve justice." (About NADCP)

services system did not fall into the depths experienced by some state and local systems. Comparatively, caseloads remained reasonable, the federal probation and pretrial services system was able to recruit and retain quality staff, and there was support for training and research, and investment in other key areas.[25]

The outcomes associated with the federal, state, and local systems have been distinguishable as well. It is true that direct comparisons can be tricky because agencies define recidivism and client risk differently. But some generalizations can be made. For its part, the federal probation and pretrial services system defines and reports recidivism as arrest on any felony-level charge and termination of supervision upon revocation. At last measure, the rearrest rate of persons under federal supervision hovered at 20 percent after three years and they had a "total failure" rate, combining arrest and revocation, of 34 percent (Baber, 2015).

A Bureau of Justice Statistics (BJS) study placed the rearrest rate of federal supervisees much higher, at 35 percent (Markman, Durose, Rantala, & Tiedt, 2016). A more detailed explanation of the methodological differences underlying the variation is being drafted, but aside from different timeperiod, sampling and other factors, BJS took into account any arrest, for any reason. The probation and pretrial services system did not, looking only at felony-level charges. Consequently, the probation and pretrial services computations do not take into account arrests for scofflaw and administrative law violations, nor arrests related to revocation of supervision proceedings, as the latter were influenced in large part by the probation and pretrial services system itself.

The clear advantage of the BJS approach, however, is that it allows for better comparison of outcomes for people released from federal prison and those released from state prisons. Again, the BJS reported a three-year rearrest rate of 35 percent for persons released from federal prison to community supervision. For persons released from state prisons, the three-year rearrest rate has averaged 68 percent (Durose, Cooper, & Snyder, 2014). Consequently, the data indicates that the rearrest rate of persons released from federal prison is about half that of people released from state facilities. The difference is even greater for federal probationers and those who were not required to serve prison terms as part of their sentence.

The lower recidivism baseline makes it difficult for federal problem-solving courts to produce significant reductions. While state and local problem-solving court programs have reported substantial recidivism reductions, they tended to be in jurisdictions with high preexisting failure rates. Consequently, the opportunity for reduction was larger in those jurisdictions. Although not a perfect analogy, it as if the federal system is trying to facilitate weight loss among 200-pound individuals, while some of the state and local systems are dealing with people weighing much more.

The BJS study identified both demographic and criminogenic differences between state and federal justice-involved populations, which in part explains differences in expected recidivism rates and variation in programmatic need. The average person released from federal prison had 6 prior arrests on his or her record, while it was nearly double that for persons released from state prisons.[26] Although the racial makeup is similar in all jurisdictions, federal offenders tend to be a bit older and females constitute about seven percent more of the population. Even taking those differences into account, federal recidivism rates are still lower than the collective rate for states, according to the Bureau of Justice Statistics research.

Summary and Conclusion

There are many problem-solving courts in state and local jurisdictions, and they have grown popular in the federal system as well. With their basis in drug courts, all problem-solving programs leverage specialized dockets and case assignment, judicial oversight of the rehabilitative process, and collaborative assistance from prosecutors and defense attorneys. There is ongoing debate about whether problem-solving courts achieve their goal of reducing recidivism and keeping communities safer. Studies of federal problem-solving courts have been mixed. Adding to the equation is that operation of problem-solving courts has generated some policy, ethical, and even pragmatic questions.

At the same time, there is no disputing that problem-solving courts have created positive energy. The mixed study results aside, they retain considerable intuitive and emotional appeal. Maybe more importantly, observers are pointing to a potential niche service that problem-solving courts provide that may hold great potential. Specifically, many problem-solving courts help participants manage and overcome "collateral consequences" to their criminal activity, prosecution, and sentence. In doing so, the courts address "responsivity issues" that could interfere with a successful reintegration into society, and impart important life skills that assist program participants in moving forward. Fully addressing such issues has been outside the reach of traditional probation and pretrial services supervision.

The federal judiciary has a tradition of successfully reducing the criminogenic risk posed by persons conditionally released to the community. Historically, the courts have relied on the probation and pretrial services system to both monitor and improve the condition of justice-involved persons. The problem-solving court movement reflects the judiciary's commitment to improvement and evolution. While persuasive empirical evidence that federal problem-solving courts reduce recidivism is at this point lacking, that should not dampen enthusiasm for improvement and securing better outcomes. Federal problem-solving courts have modeled themselves on state and local courts. Differences among jurisdictions may explain why positive results reported in some state and local courts have not been replicated federally. Consequently, maybe the question now should be what model makes the most sense in light of the peculiarities of the federal system.

Maybe the feature of problem-solving courts that is increasingly garnering accolades from community corrections professionals can serve as the basis for a more refined federal model moving forward. Assisting program participants with issues such as collateral consequences to a conviction can be invaluable and clearly leverages the professional skills and expertise of judges and attorneys. That in combination with greater division of duties with probation and pretrial services officers and treatment providers, and more direct behavior modification issues, may help reduce the cost of problem-solving courts, enhance outcomes, and even circumvent certain ethical issues.

Regardless of how the question of federal problem-solving courts is answered now,

[25] More than half of officers exceed the bachelor's degree requirement with either a master's degree or doctorate. In addition, officers average 10 years of relevant experience and are required to participate in at least 40 hours of training a year.

[26] Existing cross-jurisdictional comparisons take into account the number of arrests and the type of charge but not the severity of the offense (i.e., the amount of drugs or nature of victims' injuries), perpetrators' level of sophistication (e.g., use of special skills and efforts at concealment) or role in the offense (i.e., leader or organizer as compared to those who operate at the direction of others).

whether it be expansion, maintaining the status quo, or modification as suggested above, metrics and timelines need to be put in place for future decision making. No program should be allowed to go on endlessly without demonstrating its programmatic and cost efficacy. The criminal justice system in this country has repeatedly maintained and expanded crime reduction programs that sounded good but proved to be ineffective, exacting opportunity costs and endangering the community. While experimentation and piloting of new programs is absolutely necessary, it is unwise and maybe unethical to do so without a plan to assess their effectiveness and cost.

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An Examination of the Impact of Criminological Theory on Community Corrections Practice

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CRIMINOLOGICAL THEORIES ABOUT why people commit crime are used—and misused—every day by legislative policy makers and community corrections managers when they develop new initiatives, sanctions, and programs; and these theories are also being applied—and misapplied—by line community corrections officers in the workplace as they classify, supervise, counsel, and control offenders placed on their caseloads. The purpose of this article is to provide a brief overview of the major theories of crime causation and then to consider the implications of these criminological theories for current and future community corrections practice. Four distinct groups of theories will be examined: classical theories, biological theories, psychological theories, and sociological theories of crime causation. While the underlying assumptions of classical criminology have been used to justify a wide range of sentencing and corrections policies and practices over the past several decades, it is also possible to identify the influence of other theories of crime causation on corrections policies and practices during this same period. As we examine each group of theories, we consider how—and why—the basic functions of probation and parole officers change based on the theory of crime causation under review.

When considering the link between theory and practice, it is important to remember the following basic truth: Criminologists disagree about both the causes and solutions to our crime problem. This does not mean that criminologists have little to offer to probation and parole officers in terms of practical advice; to the contrary, we think a discussion of "cause" is critical to the ongoing debate over the appropriate use of community-based sanctions, and the development of effective community corrections policies, practices, and programs. However, the degree of uncertainty on the cause—or causes—of our crime problem in the academic community suggests that a certain degree of skepticism is certainly in order when "new" crime control strategies are introduced. We need to look carefully at the theory of crime causation on which these new initiatives are based. It is our view that since each group of theories we describe is applicable to at least some of the offenders under correctional control in this country, intervention strategies will need to be both crime- and offender-specific, if probation, parole, and other community corrections programs are to be successful as "people changing" agencies. But can we reasonably expect such diversity and flexibility from community corrections agencies, or is it more likely that one theory—or group of theories—will be the dominant influence on community corrections practice? Based on recent reviews of United States corrections history, we suspect that one group of theories—supported by a dominant political ideology—will continue to dominate until the challenges to its efficacy move the field—both ideologically and theoretically—in a new direction. We may—or may not—be at such a watershed point in the United States today. See Table 1 below.

1. Classical Criminology

Why do people decide to break the law?

TABLE 1.
An Overview of Criminological Theories

Classically-based criminologists explain criminal behavior as a conscious choice by individuals based on an assessment of the costs and benefits of various forms of criminal activity.
Biologically-based criminologists explain criminal behavior as determined—in part—by the presence of certain inherited traits that may increase the likelihood of criminal behavior.
Psychologically-based criminologists explain criminal behavior as the consequence of individual factors, such as negative early childhood experiences and inadequate socialization, that result in criminal thinking patterns and/or incomplete cognitive development.
Sociologically-based criminologists explain criminal behavior as primarily influenced by a variety of community-level factors that appear to be related—both directly and indirectly—to the high level of crime in some of our (often poorest) communities, including blocked legitimate opportunity, the existence of subcultural values that support criminal behavior, a breakdown of community-level informal social controls, and an unjust system of criminal laws and criminal justice.

To a classical criminologist, the answer is simple: The *benefits* of law breaking (such as money, property, revenge, and status) simply outweigh the potential *costs/consequences* of getting caught and convicted. When viewed from a classical perspective, we are all capable of committing crime in a given situation, but we make a rational decision (to act or desist) based on our analysis of the costs and benefits of the action. If this is true, then it is certainly possible to *deter* a potential offender by (1) developing a system of "sentencing" in which the punishment outweighs the (benefit of the) crime, and (2) ensuring both punishment certainty and celerity through efficient police and court administration. "Classical" theories of criminal behavior are appealing to criminal justice policy makers, because they are based on the premise that the key to solving the crime problem is to have a strong system of *formal* social control. In other words, the classical theorist believes that the system can make a difference, regardless of the myriad of individual and social ills that exist. During the past four decades, a number of federal, state, and local programs have been initiated to improve the deterrent capacity of the criminal justice system, including proactive police strategies to ensure greater *certainty* of apprehension, priority prosecution/speedy trial strategies to ensure greater *celerity* (speed) in the court process, and determinate/mandatory sentencing strategies to ensure greater punishment certainty and *severity*. To further our deterrent aims, we have significantly increased our institutional capacity during this same period and passed legislation that includes mandatory minimum periods of incarceration for drug-related crimes, while simultaneously developing a series of surveillance-oriented intermediate sanctions (e.g., intensive probation supervision, electronic monitoring/house arrest) for a subgroup of the offenders under community supervision.

It is apparent from these initiatives that *classical* assumptions about crime causation are still being used as the basis for current crime control strategies. Some have argued that our four-decade-long emphasis on "deterrence-based" crime control policies has resulted in safer communities; in fact, by most standard measures (crime rates, victimization rates) we have less crime and less violence today than at any point since the early 1970s. However, there is disagreement among academics on the source of this decline (see Byrne, 2013 for an overview), with most experts estimating that about a quarter of the crime decline can be linked to tougher sentencing policies, while three quarters of the decline have been attributed to other factors (such as the economy, education, and immigration).

A careful review of the evaluation research on the latest wave of deterrence-oriented *community-based* sanctions does *not* support the notion that increased surveillance and control reduces recidivism (that is, an offender's likelihood of rearrest, reconviction, and/or re-incarceration). There are two possible explanations for these findings: (1) the underlying assumptions of classical criminologists (i.e., most people are rational, and weigh the costs and benefits of various acts in the same manner) are *wrong* (e.g., people commit crimes for emotional reasons, because of mental illness, and/or because they believe the criminal act is justified, given circumstances and prevailing community values); or (2) the current sentencing strategies and community corrections programs need to be even tougher and deterrence-oriented (in other words, the theory is correct; it just has not been implemented correctly).

In the short run, it appears that policy makers and program developers favor the latter explanation; prison populations and incarceration rates in the United States remain among the highest in the world (Byrne, Pattavina, & Taxman, 2015), while community corrections populations and probation rates also remain high, and continue to use multiple conditions that emphasize surveillance and control (through drug testing, electronic monitoring, curfews, and now social media monitoring). For example, in the name of deterrence, legislation has been passed in several states allowing the lifetime supervision of paroled sex offenders, based on the belief that if these offenders know they are being monitored, they will be less likely to re-offend. The use of electronic monitoring for sex offenders, domestic violence offenders, and others on probation and parole has been justified using similar logic. However, the research reviews on the effectiveness of electronic monitoring do not support this strategy (Byrne, 2016).

A good example of how classical criminology can be applied in the community corrections field is found in David Farabee's monograph, *Reexamining Rehabilitation*. In this review, Farabee offered several recommendations for corrections reform that focus on deterrence-based intervention strategies. He argued that since his review of the available research reveals that a prison sentence does not either deter or rehabilitate offenders, we need to reconsider our current reliance on this sentencing strategy. While the use of incarceration can be justified for those violent offenders who require control through incapacitation, it cannot be justified using the logic of offender change (through deterrence or rehabilitation). Because prison does not appear to deter non-violent offenders, he believes that we need to experiment with the use of deterrence-based community-supervision strategies, not only as a sentencing option but also as a response to offenders who refuse to comply with the conditions of community supervision. The key features of Farabee's model are highlighted below in Table 2.

Perhaps the most intriguing component of the above strategy is the recommendation that offenders under community supervision should be closely supervised in order to detect violations of the conditions of community

TABLE 2.
David Farabee's Model of Corrections

Recommendation 1: "De-emphasize prison as a sanction for nonviolent offenses and increase the use of intermediate sanctions...Furthermore, minor parole violations....should be punished by using a graduated set of intermediate sanctions, rather than returning the offender to prison" (p 63).
Recommendation 2: "Use prison programs to serve as institutional management tools, not as instruments of rehabilitation" (64).
Recommendation 3: "Mandate experimental designs for all program evaluations" (66).
Recommendation 4: "Establish evaluation contracts with independent agencies" (67).
Recommendation 5: "Increase the use of indeterminate community supervision, requiring three consecutive years without a new offense or violation" (68).
Recommendation 6: "Reduce parole caseloads to fifteen to one, and increase the use of new tracking technologies" (71).

Source: Farabee (2005)

TABLE 3.
Classical Theory and Community Corrections Practice

Theoretical Assumptions	Intervention Strategy	Examples of Programs/Strategies
Individuals are rational and weigh the costs and benefits of their actions similarly	General and Specific Deterrence	Mandatory Sentencing and Sentencing Guideline Schemes
Individuals will be deterred from committing criminal acts if the costs of the illegal activity outweigh the benefit of the activity in the mind of the potential offenders	Establish clear links between illegal behavior and consequences, utilizing sanctions that include loss of freedom, loss of rights and privileges, drug testing, and/or mandatory work, community service, fines, and treatment	The use of either judicially imposed or administratively imposed special conditions of Probation and Parole Supervision
There are three components of the deterrence calculus (1) certainty of detection and apprehension, (2) speed/ celerity of the criminal justice system's sanction, and (3) severity of the sanction imposed for each prohibited act	Community corrections personnel will monitor compliance with conditions of supervision and respond quickly and consistently to any detected violations, utilizing a structured hierarchy of sanctions linked to the seriousness of the violation(s).	Day Reporting Centers Intensive Supervision Programs Electronic Monitoring/ Home Confinement Programs HOPE probation initiatives

supervision, such as curfews and prohibitions on drug and alcohol use. If a violation is detected, the three-year supervision "clock" is pushed back to zero, which means that for some noncompliant offenders community supervision will result in several additional years under the watchful eyes of community corrections officers. David Farabee has suggested that the deterrence "tipping point" is likely found when the odds of detection (of criminal acts or rule violation) are about one in three (Farabee, 2005). To achieve this level of monitoring, he argues for the hiring of additional community corrections personnel to allow smaller caseloads (15 to 1) and multiple conditions of compliance monitoring.

A more recent example of a deterrence-based community corrections initiative is Hawaii's HOPE program, which was designed to ensure certainty of punishment for offenders who did not follow the rules of probation, in particular the prohibition on continued substance abuse. The assumption of program developers was that on a day-to-day basis, addiction was a choice, and offenders needed to know that the consequence of choosing to do drugs would be a short period of incarceration (Kleiman, 2016). To detect drug use, probationers were subject to frequent, random drug tests. Program developers argued that increasing certainty would offer potential users a simple choice: abstain from drug use today and remain in the community, or use drugs today and get locked up. They argued that most probationers will quickly comply, resulting in less overall jail time for program participants and the need for treatment in only a small percentage (1 in 5) of all cases, due to continued drug test failures. The argument was that for most probationers, addiction was actually a choice, not a disease. The initial findings from the evaluation of Hawaii's HOPE program were impressive, with significant reductions in drug use, recidivism, and jail time reported. However, the follow-up multi-site replication study of this program—Honest Opportunity Probation with Enforcement (HOPE)—did not find evidence to support these initial claims, and the future of HOPE-based community corrections initiatives is a matter of debate (Nagan, 2016; Lattimore et al., 2016; Cullen & Pratt, 2016). See Table 3.

2. Biological Criminology

Criminologists who focus on biological explanations for criminal behavior do not share the same perspective on behavior (and motivation) as classical criminologists. The basic assumption of early biological criminologists, such as the Italian criminologist Cesare Lombroso (1835-1909), was that crime was *determined* by an individual's biological make-up, i.e.,that some persons were *born criminals* who could not control their actions. It is important to keep in mind that Lombroso did *not* argue that all crime could be explained by biological factors. He estimated that offenders with atavistic tendencies (i.e., throwbacks to earlier more primitive man) were responsible for about a third of all crime. Although Lombroso's research on the physical characteristics of offenders was dismissed due to its poor quality, most reviews of the available research have concluded that we simply have not yet studied the biology-crime connection in sufficient detail to make any definitive statements about the efficacy of the theory itself. Interestingly, there has been a recent resurgence of interest in a range of *biological* factors, including genetics and biochemical and neurophysiological factors (e.g., diet, food allergies, EEG abnormalities). Perhaps the most compelling argument in support of biocriminology was offered 30 years ago by James Q. Wilson and Richard Herrnstein. After reviewing all the available research on biology and crime, these two authors argued that at least *one* type of crime—predatory street crime—could be explained by "showing how

TABLE 4.
Biological Criminology and Community Corrections Practice

Theoretical Assumptions	Intervention Strategy	Examples of Programs/Strategies
Some individuals have genetically-linked characteristics (such as low IQ, learning disabilities, high serotonin levels, underdeveloped autonomic nervous systems) that predispose them to criminal behavior.	Strategies designed to (1) identify offenders with biological characteristics that increase their risk of criminal behavior and (2) provide individual treatment to address the problem identified through drug treatment and other behavioral interventions.	The use of specialized community supervision caseloads utilizing treatment and control strategies for sex offenders and for violent/ assaultive offenders.

human nature develops from the interplay of psychological, biological, and social factors" (1986: 1). There certainly appears to be an emerging body of research examining the linkage of biology, environment, and various form of criminal behavior (see Pratt et al., 2016; Portnoy et al., 2014).

What are the implications of bio-criminological theory for probation and parole practice? This is a difficult question to answer. No estimates are available on the size of the current offender population that is affected, either directly or indirectly, by these biological factors, but it seems safe to predict that before probation and parole agencies could address the needs of these offenders, money for *treatment* would have to be found. Individual treatment plans would vary by the type of problem identified. It also seems likely that a policy of selective incapacitation would be discussed as a means to "control" the treatment failures that inevitably would emerge from these community-based programs.

3. Psychological Criminology

The field of psychology has influenced community corrections in a number of important areas: (1) the classification of offenders' risk and needs; (2) the development of case management plans and offender supervision strategies; (3) the techniques used to interview, assess, and counsel offenders; and (4) the strategies used to foster compliance with the basic rules of community supervision. Because of their focus on *individual* problems, it is the psychological theories of criminal behavior that have had the most direct influence on probation and parole practice in this country. Much of what currently passes as "rehabilitation" in the field of community-based corrections is taken from one or more of the following four groups of psychological theories.

A. Psychoanalytic Theory

Psychoanalytic theorists, such as Sigmund Freud (1856-1939), explain criminal behavior as follows:

The actions and behavior of an adult are understood in terms of childhood development.

Behavior and unconscious motives are intertwined, and the interaction must be unraveled if we are to understand criminality.

Criminality is essentially a representation of psychological conflict (Adler, Mueller, & Laufer, 2013). Advocates of *psychoanalytic* explanations would emphasize the need for both short and long-term individual and family counseling by trained therapists. Probation and parole officers could either be hired with the necessary qualifications (e.g., a Master's degree in Psychology or Social Work) or the agency could refer offenders to existing community treatment resources. To the extent that early identification of "pre-delinquents" is also recommended by advocates of the psychoanalytic perspective, (juvenile) probation and parole officers would need to develop collaborative agreements with local school boards regarding a comprehensive screening protocol and the development of appropriate early childhood intervention strategies. Because of limited community corrections resources, we do not anticipate community corrections agencies focusing much attention on *pre-delinquents* in the coming decade, but given the current fascination with predictive analytics, it is not out of the question. Nonetheless, the influence of psychoanalytic theory is substantial, since a wide range of treatment models are based (in whole or part) on these theoretical assumptions (e.g., individual therapy, group therapy, reality therapy, guided group interaction).

B. Social Learning Theories

Adherents of *social learning theory* make a common-sense claim: Behavior is learned when it is reinforced, and not learned when it is not reinforced. Building on this basic premise, many residential juvenile treatment programs include "token economies," which reward juveniles for adherence to program rules, utilizing positive reinforcement techniques to help juveniles *learn* appropriate behavior. Similarly, probation and parole officers establish conditions of supervision that represent a "behavioral contract" between the probation officer and the offender. If an offender adheres to the contract for a set period of time, he or she is rewarded by a relaxation of supervision standards (such as downgrading an offender's risk classification level, requiring fewer meetings with the P.O., no curfew, no drug testing).

The problem with such behavioral contracting in probation and parole is that judges, parole boards, and probation and parole officers simply set *too many* conditions and then do not uniformly enforce them; inevitably, this leads to high levels of noncompliance by probationers and parolees. For example, surveys of *absconding* levels (i.e., offenders who fail to report and/or leave the area without permission) reveal that, at any one time, up to 10 percent of the probation population has absconded, while another 15 percent had their probation revoked for failure to comply with the conditions of probation release. Comparable patterns of failure are found among parolees, suggesting that we need to rethink our current approach to offender control in community settings.

One strategy advocated by a number of corrections experts is simply to set *fewer* conditions, but to enforce those conditions we do set (Jacobson, 2005). Others have argued that it is not the number, but the *type*, of conditions that should be carefully examined. For example, should we mandate weekly drug testing for probationers and parolees with admitted substance abuse problems, even when the agency lacks the necessary resources to place these same offenders in an appropriate treatment program? Answers to questions such as this are critical to the success of probation and parole strategies based on the two basic assumptions of social learning theory:

- People will repeat behavior when it is gratifying, that is, when it is rewarded.
- Punishment is immediately effective only for as long as it lasts and cannot be avoided. It will not extinguish unacceptable behavior—unless some optional behavior is found that is as rewarding to the person as was the original behavior.

It appears to us that probation and parole officers spend too much time telling offenders what to do and too little time explaining why they should behave in a certain way. Borrowing for a moment from the title of criminologist Jack Katz's recent book, we need to offer offenders a reasonable alternative to the "seductions of crime," because—if social learning theorists are correct—punishment alone will simply not work. Similarly, a strategy of drug control based on the slogan "Just say no—or else!" fails to recognize that people get high on drugs because they like the experience. A social learning theorist would argue that we need to replace the positive feelings an offender gets from doing drugs (and crime) with some other positive experience, such as involvement in the arts, music, and/or other leisure activities, including sports. Strategies designed to facilitate positive lifestyle change among offenders under community control have been reviewed by the United Kingdom's National Offender Management Service, with mixed results reported (Byrne & Shultz, 2014).

C. Cognitive Development Theories

A third group of psychological theories

—cognitive development theories—has also been used to explain criminal behavior, and a wide range of offender treatment programs have been implemented in recent years based on this group of theories (MacKenzie, 2006). Cognitive development theories, initially developed by the Swiss psychologist Jean Piaget and then refined by Lawrence Kohlberg and his colleagues, essentially argue that offenders have failed to develop their moral judgment capacity beyond the *preconventional* level. Kohlberg found that moral reasoning (i.e., our capacity "to do the right thing") develops in three stages:

> . . . in stage one, the *preconventional* stage, children (age 9-11) think, "If I steal, what are my chances of getting caught and punished?" Stage two is the *conventional* level, when adolescents think "It is illegal to steal and therefore I should not steal, under any circumstances." Stage three is the *post-conventional* level (adults over 20 years old), when individuals critically examine customs and social rules according to their own sense of universal human rights, moral principles, and duties (Adler, Mueller, & Laufer, 2004: 87).

Is it possible to improve the moral judgments of offenders by utilizing probation and parole officers as role models? Kohlberg observed that we learn morality from those we interact with on a regular basis—our family, friends, and others in the community. It certainly makes sense that moral development could be improved by increased contacts between POs and offenders, especially if the focus of these sessions was on morality (e.g., justice, fairness), rather than the typical ritualism of most office visits. In Massachusetts, the probation department sponsored a series of violence prevention workshops utilizing the basic principles described by Kohlberg and his associates. Initial research reveals "significant increases in moral development" when these types of programs are initiated (Guarino-Ghezzi & Trevino, 2014). In addition, a variety of treatment programs for drug-involved offenders has been developed, implemented, and evaluated. In terms of "what works" with drug-involved offenders, treatment programs based on this theory are among the most effective in the field, according to the most recent evidence-based reviews (see, e.g., Taxman & Pattavina, 2014).

TABLE 5.
Psychological Criminology and Community Corrections Practice

Theoretical Assumptions	Intervention Strategy	Examples of Programs/Strategies
(1) **Psychoanalytic theories** assume that negative early childhood experiences may increase the probability of criminal behavior.	(1) The use of either mandatory or voluntary individual treatment as a condition of supervision.	(1) Individual counseling strategies using both community corrections personnel and local referrals to local counselors, psychologists, and psychiatrists.
(2) **Social Learning theories** focus on the ways in which behavior is learned and reinforced.	(2) The use of conditions that restrict who an offender can interact with and where he or she can live, work, or visit; the application of behavior modification techniques.	(2) Residential community corrections programs often use token economies to reinforce positive behavior, while behavioral contracting has become standard practice in many state community corrections systems, including California and Arizona.
(3) **Cognitive Development theories** link criminal behavior to a failure to move from the pre-conventional to the conventional and post-conventional stages of cognitive development.	(3) Regular meetings between offenders and community corrections officers, focusing on morality, fairness, and related issues; the referral of offenders—including drug, violent, and sex offenders—to group treatment strategies based on this theory.	(3) Many drug treatment programs utilize the basic tenets of cognitive development theory, making it the most popular group treatment strategy currently being employed in this country.
(4) **Criminal personality theories** assume that offenders have developed criminal thinking patterns that are distinct from those of non-offenders.	(4) Classification of offenders with criminal personality traits, followed by placement in specialized supervision caseloads	(4) Taxman's Proactive Community Supervision Strategy targets offenders' criminal thinking; it has been used in Maryland, Minnesota, and several other state community corrections systems.

D. Criminality Personality

The final group of psychological theories focuses on the potential link between personality and criminality. Although there is currently much debate on whether personality characteristics play a significant role in determining subsequent criminal behavior, a number of prominent criminologists have argued that "the root causes of crime are not…social issues [high unemployment, bad schools] but deeply ingrained features of the human personality and its early experiences. Low intelligence, an impulsive personality, and a lack of empathy for other people are among the leading individual characteristics of people at risk for becoming offenders" (Wilson, 2007: v). Hans Eysenck has completed numerous studies on the impact of personality characteristics on criminality. He theorizes that criminal behavior may be a function of both personality differences (i.e., offenders are more likely to be neurotic and extroverted) *and* conditioning, in that some individuals are simply more difficult to "condition" than others. Since we "develop a conscience through conditioning," it is not surprising that antisocial behavior is more likely when this process breaks down for some reason (Eysenck, 1987).

If a criminal personality (or identifiable criminal thinking pattern) does exist, what—if anything—can probation and parole officers do about the problem? The answer may be that it depends on exactly *how* the problem is defined. For example, it has been estimated that a significant proportion (over 20 percent in some studies) of the current state correctional population in this country could be classified as psychopaths, with the exact estimate depending on exactly how this term is defined. According to a recent review by Caspi, Moffit, Silva, Stouthamer-Loeber, Krueger and Schmutte (2006:82), "Across different samples and different methods, our studies of personality and crime suggest that crime-proneness is defined both by high negative emotionality and by low constraint." This certainly sounds like the criminal personality

described earlier. No reliable estimates are available on the extent of this problem among the *seven million plus* offenders under some form of correctional control today, but it is a safe bet that community corrections personnel simply would not have the experience, training, and/or resources necessary to address a problem of this magnitude.

Since "criminal personality" theory is based on the assumption that offenders have erroneous thinking patterns, it seems certain that intensive individual therapy would be required to address this problem. Based on this theory, a range of correctional interventions involving direct confrontation of thinking errors and behavior modification techniques can be envisioned. Ironically, the recent wave of intermediate sanctions—house arrest/electronic monitoring, boot camps, residential community corrections, intensive supervision—offered (in theory) exactly the intense, close contact that would be a prerequisite for effective treatment of this type of offender. However, program developers have generally downplayed the role of *treatment* in these programs, focusing instead on the programs' punishment and control components. This "non-treatment" strategy is not consistent with the recommendations of psychologists and psychiatrists who study the personality characteristics of offenders. Since we know from several well-designed research studies that the surveillance-driven "get-tough" community corrections programs (IPS, house arrest, electronic monitoring, boot camps) have been found to be ineffective, perhaps we need to design community corrections strategies and programs that provide *both* control and treatment, targeting offenders with criminal thinking patterns (Taxman et al., 2005).

4. Sociological Criminology

In general, sociologists explain criminal behavior not by focusing on *individual* (biological, psychological) differences between offenders and non-offenders, but rather by viewing criminal behavior in its broader social context. By emphasizing the importance of social environmental factors—such as poverty, social disorganization, cultural deviance, and a breakdown of informal social controls—these criminological theorists directly challenge the basic underlying assumption of traditional correctional interventions: that we can change the offender without changing the social context of crime. If this group of criminologists is correct, we will never reduce crime in our country until we first address these *social* problems. In the following section, we highlight the emerging role of probation and parole officers as advocates for community change (and control) based on five different types of sociological theories of criminal behavior: strain theories, subcultural theories, social ecological theories, control theories, and societal reaction theories.

A. Strain Theories

The first group of sociological theories we will discuss are called *strain* theories. These theories may focus on different aspects of criminal behavior (e.g., juvenile crime, gang formation, specific offender types), but they share one common assumption: Some (otherwise moral) people are driven to crime out of the frustration (and illegitimate opportunity structure) associated with living in lower-class communities. From a strain perspective an individual initially attempts to achieve "success" by acceptable means (e.g., education, employment) but he or she quickly realizes that these legitimate avenues are blocked in lower-class communities. Blocked access to legitimate avenues of success may come in a variety of general forms, including under-funded school systems and high unemployment rates, as well as in such *specific* policies as (1) tracking in high schools, (2) the misdiagnosis of juveniles with learning disabilities as "behavior" problems, and/or (3) the labeling of students based on decidedly middle-class definitions (i.e., utilizing middle class measuring rods) of appropriate group behavior. Cohen believed that because of the prior socialization of urban youth, they enter our educational system at a distinct disadvantage.

According to Albert Cohen, juveniles from lower-class areas respond to the strain in one of three ways: (1) by adopting a "*college boy*" role, which entails continued attempts to achieve success through legitimate avenues, such as school; (2) by adopting a "*corner boy*" role, which results in lowered expectations (and aspirations) for success; or (3) by adopting the "*delinquent boy*" role, which enables youths to redefine "success" in a way that will relieve their status frustration. Cohen observed that individuals who adopt a "corner boy" role would become involved in marginal forms of crime and deviance (e.g., drunkenness, drug use), but they would not pose a major threat to community residents. However, "delinquent boys" responded to blocked educational opportunity by forming a subculture (or gang) that defined "success" and "status" in a very different manner. These individuals gained status and self-esteem by engaging in crime and emphasizing (anti-social, hedonistic) behavior that directly challenged existing norms. Since it is the subgroup of "delinquent boys" that is *most* likely to become adult criminals, it certainly makes sense to develop intervention strategies aimed at changing the social conditions that spawn delinquent subcultures.

Building on Cohen's theory, criminologists Richard Cloward and Lloyd Ohlin have theorized that different *types* of subcultures emerge because there is differential access to both legitimate and illegitimate opportunities in these lower-class communities. Stable lower-class neighborhoods are characterized by a clearly defined criminal subculture, where criminal values are easily learned, criminal role models are visible, and a structure exists to support various criminal activities. In transitional neighborhoods, people are constantly moving in and/or moving out; as a result, individuals face blocked access to both legitimate *and* illegitimate opportunities. In these neighborhoods, status is gained through the use of violence in "conflict"-oriented subcultures. Cloward and Ohlin also identify a third type of subculture, the retreatist subculture, which includes the "double failures" who were denied access to both the criminal and conflict subcultures. "Retreatists" often abuse drugs and/or alcohol in order to relieve the frustration they feel because of blocked legitimate and illegitimate opportunities.

What are the social and correctional policy implications of strain theories? If Cohen is correct, we had a gang problem in the mid-1950s for the same basic reason we have a gang problem today in our urban centers: *Our inner-city educational system is too "middle class" to handle the unique problems of urban youth*. Evidence supporting Cohen's critique of urban education is not difficult to find. When more than 40 percent of the high school age students in the Boston, Massachusetts, public school system drop out of school without graduating, something is fundamentally wrong. Sadly, this is not an isolated example; Boston's drop-out rate is on par with those of other urban areas across the country. Proposals consistent with Cohen's view include (1) the education, training, and hiring of a significant number of minority teachers, (2) the discontinuation of ability-based tracking programs, (3) increased funding for the early assessment and treatment of learning disabilities, (4) expansion of preschool (Headstart) programs, and (5) the

development of a full range of alternative education programs to meet the diverse needs of inner-city students.

In addition to education reform, Cloward and Ohlin have advocated a number of policies focusing on improving job opportunities for at-risk youth (and young adults) from lower-class areas. In fact, a number of the federal anti-poverty programs originally proposed by President Kennedy and then funded through President Johnson's "War on Poverty" initiatives (e.g., the Job Corp and other employment/training programs) have been linked directly to the positive reaction by Congress to Cloward and Ohlin's proposals (Huang & Vikse, 2014).

Although strain theorists focus on the need for changes in opportunity structure (jobs, education) of the lower-class community, it can certainly be argued that probation and parole officers still need to work with individual offenders in the areas of education and employment. But we need to emphasize that from a strain perspective, it is not enough that POs set and monitor conditions of supervision requiring offenders to "stay in school" or "get a job." Probation and parole officers would need to act as advocates for change in both the educational and employment opportunity structure in their communities.

B. Subcultural and Differential Association Theories

Subcultural (or cultural conflict) theorists argue that crime is not a function of opportunity; it is a function of values. Although they agree with strain theorists on the relation between class and crime, they take the view that individuals who live in lower-class communities have been exposed to a different set of values than individuals from more affluent areas (see, e.g., Elijah Anderson's *Code of the Street*). These values include the notion that criminal behavior is indeed acceptable behavior in certain circumstances. If subcultural criminologists such as Walter Miller and Marvin Wolfgang are correct, then neither educational reform nor increased job opportunity will substantially reduce the problem of crime and violence in urban areas. What is needed is a fundamental change in the basic values of the entire lower-class community.

But how can we change the values of an entire community? According to Edwin Sutherland, the key to understanding criminality is to recognize how values supporting criminal behavior are defined and transmitted from "one generation to the next":

> The theory of differential association states that crime is learned through social interaction. People come into constant contact with "definitions favorable to violations of law" and "definitions unfavorable to violations of law." The ratio of these definitions—criminal to noncriminal—determines whether a person will engage in criminal behavior.

If Sutherland is correct, then the use of short and long periods of incarceration may actually *promote* subsequent criminal behavior, since incarcerated offenders are rarely placed in treatment programs (such as therapeutic communities) designed to offset the negative effects of a group of criminals living together and thus acting as "schools for crime." Similarly, community supervision strategies that ignore the prevailing attitudes of family members, peer group members, and community residents toward crime and violence will also be ineffective. Whether the offender is locked up or placed under community supervision, what is needed is the presentation of an "alternative world view" that underscores the advantages of conformity. Institutional treatment programs have been developed for juvenile and adult offenders along these lines, utilizing guided group interaction (GGI) techniques. The problem with this strategy is that the "group support" disappears when the offender graduates from the program. While examples of community support groups can be provided (e.g., Alcoholics Anonymous, Narcotics Anonymous), it is obvious that we have done a poor job of providing (both individual and group-level) positive role models in lower-class communities. Probation and parole officers may be able to begin to address the problem by becoming more visible in the communities where they work, perhaps utilizing the basic strategy of the community police officer. But visibility in targeted neighborhoods is only one step in the direction supported by subcultural theorists. Probation and parole officers would need to embrace a mentoring role with the offenders on their caseloads.

C. Social Ecological Theories

A third group of sociological theories of crime causation emphasize the negative consequences of community characteristics on the behavior of community residents. Clifford Shaw and Henry McKay, for example, examined the effect of community social disorganization on juvenile misbehavior. According to Shaw and McKay, social disorganization occurred in periods of change, due to such factors as increased immigration, urbanization, and/or industrialization. Communities characterized by social disorganization typically had high rates of crime and delinquency, owing in large part to a breakdown in the community's *informal* social control system (i.e., family, peers, and neighbors).

The solution to the problem of a disorganized community is reorganization, but how and where do we begin? In a seminal article, "The Community Context of Violent Victimization and Offending," Harvard University criminologist Robert Sampson argues that:

> there are . . . policy manipulable options that may help reverse the tide of community social disintegration. Among others, these might include (1) residential management of *public housing* (to increase stability), (2) *tenant buy-outs* (to increase home ownership and commitment to locale), (3) *rehabilitation of existing low income housing* (to preserve area stability, especially single-family homes), (4) *disbursement of public housing* (versus concentration), and (5) *strict code enforcement* (to fight deterioration). (Sampson, 1993)

As we discussed earlier in our analysis of strain theory and probation and parole practice, there is a dual role for POs working in disorganized, lower class communities. On the one hand, these agencies would need to take an *advocacy* role regarding community reorganization efforts; but at the same time, line probation and parole officers would also need to develop specific, short-term strategies for supervising the probationers and parolees who live in these communities. One strategy would be to place a priority on field visits by POs, and to coordinate various offender control strategies (such as curfews) with local neighborhood (block watch) groups. It would also be necessary to consider the use of special conditions to keep probationers and parolees out of certain neighborhood areas (or establishments) known to police as the "hot spots" of crime (and victimization). In a series of federal and state court decisions, the court has upheld the constitutionality of such conditions as long as they can be reasonably linked to the goal of rehabilitation.

When viewed from a social ecological perspective, the need for planned community

reorganization is obvious. In fact, Shaw and McKay responded to this need by developing the Chicago Area Project in 1934, and similar community change efforts have emerged in other poor, urban areas since that time. While it is difficult to assess the impact of these attempts at community reorganization, our view is that it doesn't make much sense to attempt to change *offenders* without also addressing the "community context" of their behavior. Probation and parole officers can help organize local residents in this type of effort, while also developing offender-specific (and area-specific) supervision strategies. The negative consequences of continued residence in socially disorganized communities would not be eliminated by such activities, but the overall risk of recidivism might be reduced to some extent.

D. Control Theories

A somewhat different view of crime causation is offered by social control theorists (Gottfredson & Hirshi, 1990; Hirschi, 1969). Control theorists do not attempt to explain why "otherwise moral" individuals are *driven* to break the law; they focus instead on why we conform to the rules of law in the first place. Criminologist Travis Hirschi has theorized that when an individual's *bond to society* is either weak or broken, he or she is "free to engage in delinquent acts." Hirschi has identified four elements of this bond to society: attachment, commitment, involvement, and belief. He argues that,

> . . . *Attachment* to conventional others, *commitment* to conventional pursuits, *involvement* in conventional activities, and *belief* in conventional values reduces the likelihood that a youth will become delinquent.

Although Hirschi's theory was originally applied only to juvenile delinquency, it has also been used in recent years to explain various forms of adult criminality, including white-collar crime.

Control theory has implications for change in a number of family, school, and neighborhood-level policies that are directly (and/or indirectly) related to current probation and parole practice. For example, since *attachment to parents* is one element of an individual's bond to society, it certainly makes sense to develop intervention strategies designed to improve parent-child relationships (e.g., parent training programs). Similarly, since *attachment to family* may be improved by utilizing a combination of treatment (e.g., family therapy) and control (e.g., curfews, house arrest, electronic monitoring) strategies, it makes sense to use probation and parole *conditions* to focus on this problem. Unfortunately, keeping an adult offender at home at night may simply move the *location* of certain forms of criminal behavior, such as assault and substance abuse, from the community to the home.

Hirschi has also emphasized the importance of the school, focusing on attachment to teachers, commitment to education, and involvement in school-related activities: "attachment to school depends on one's appreciation for the institution, one's perception of how he or she is received by teachers and peers, and how well one does in class" (Hirschi, 1967). In this context, it would appear to be futile to simply require that a young offender "go to school" as a condition of probation/parole, particularly if the offender has a history of failure in school. The development of specialized programs for youth "at risk"—perhaps aimed at improving student-teacher relationships, or increasing the number and type of after-school activities—would be more consistent with social control theory. Unfortunately, these types of programs are difficult to get started and the first to get cut when there is an economic "downturn."

Social Control Theory can also be used to justify *neighborhood*-level changes in both resource availability (for youth and adults at risk) and community values (such as legitimacy of the criminal justice process, belief in the law). As we noted in our earlier discussion of cognitive development theory, it does appear that probation and parole officers can play a critical role in this latter area. On the one hand, they can help communities to secure local, state, and federal funding for a variety of programs designed to (1) improve family relationships and parenting skills, (2) expand school resources for students with academic problems, and (3) increase resident involvement in community activities. But perhaps more importantly, they can provide a function typically reserved for organized religion: to reinforce *belief* in the moral validity of existing laws. This can be accomplished by asking POs to emphasize "morality" in their interactions with offenders (Taxman et al., 2005) and by developing positive relationships between offenders and POs that result in offender attachment to POs. When this occurs, the PO is acting as an agent of formal and informal social control. After evaluating the impact of the Massachusetts Intensive Probation Supervision (IPS) Program, Byrne and Kelly concluded:

> . . . the relationship that develops between PO's and offenders during the intensive supervision process may . . . act as a powerful, informal deterrent to future criminal activity. (Byrne & Kelly, 1989)

The results of the Massachusetts IPS evaluation underscore the need for a strong probation and parole presence in the lives of offenders. When probation and parole officers are *involved* in the lives of offenders—by monitoring individual and family treatment, by assisting in employment searches, by discussing key "life course" events (e.g., marriage, family, friends, jobs)—they generally respond by committing fewer crimes. If social control theorists are correct, criminal justice policy makers have focused far too much attention on *formal* deterrence mechanisms (e.g., mandatory sentencing laws) and far too little attention on *informal* deterrence techniques (e.g., increased contacts/development of personal relationships).

E. Life-course and Developmental Theories

In recent years, criminologists have explored the possibility that we may have overemphasized the impact of childhood experiences (victimization, parenting, peer influences, school experiences) on *adult* patterns of both continued criminality (the persistent offenders) and desistance from crime (i.e., the age-crime connection). According to Sampson and Laub (2005), there are four key *turning points* in the adult life-course that appear to be linked to desistance from crime: (1) marriage, (2) employment, (3) the military, and (4) physical relocation. They conclude that "Involvement in institutions such as marriage, work, and the military reorders short-term situational inducements to crime and, over time, redirects long-term commitments to conformity" (2005:18). If Sampson and Laub are correct, then it would certainly make sense for community corrections officers to recognize the importance of these turning points as they consider the prospects—and develop strategies—for changing the behavior of the offenders placed under their direct supervision. A variety of community corrections

initiatives consistent with life-course theory come immediately to mind, including (1) a renewed emphasis on the provision of both job training and employment assistance by POs, and (2) the development of strategies to assess community "risk" and then relocate offenders who currently reside in "high-risk" neighborhoods to lower-risk areas, utilizing the lure of new job opportunities or housing incentives. In addition, the prospects for offenders joining the military could also be explored, while the prospects for marriage and/or stability in long-term relationships should improve with changes in employment status and physical location. Sampson and Laub (2005:17) emphasize why these turning points are directly linked to desistance:

> The mechanisms underlying the desistance process are consistent with the general idea of social control. Namely, what appears to be important about institutional or structural turning points is that they all involve, to varying degrees, (1) new situations that "knife off" the past from the present, (2) new situations that provide both supervision and monitoring as well as opportunities for social support and growth, (3) new situations that change and structure routine activities, and (4) new situations that provide the opportunity for identity transformation.

When viewed in terms of life-course theory, the role of community corrections generally—and community corrections officers in particular—in the offender change/desistance process can be easily identified.

F. Conflict and Societal Reaction Theories

A final group of sociological theories of crime causation can be identified, based on the premise that people become criminals not because of some inherent characteristic, personality defect, or other sociologically-based "pressure" or influence, but because of decisions made by those in positions of power in government, especially those in the criminal justice system. Although a number of different theoretical perspectives on the crime problem can be distinguished under this general heading, we will focus on only two—labeling theory and conflict theory. Labeling theorists, most notably Edwin Lemert and Howard Becker, argue that while most of us have engaged in activities (at one time or another)

TABLE 6.
Sociological Criminology and Community Corrections Practice

Theoretical Assumptions	Intervention Strategy	Examples of Programs/ Strategies
(1) Strain	(1) Strategies emphasize education, skill development, and employment opportunity.	(1) Day Reporting centers in Massachusetts provide a variety of on-site, "one-stop shopping" asssessment, education, training, and job development programs.
(2) Subcultural Theories	(2) Strategies emphasize community-level value change, alternatives to gang involvement, and offender relocation.	(2) A number of states have experimented with gang intervention/gang suppression strategies; the moving to opportunity program sponsored by HUD and other federal initiatives was a large-scale offender relocation initiative.
(3) Social Ecological Theories	(3) Strategies target improving community structural conditions, resource availability, and collective efficacy; strengthening informal community social control mechanisms; and eliminating poverty pockets.	(3) The Broken Windows Probations strategy advocated by Dilulio and others emphasized the importance of changing both offenders and communities in which offenders reside.
(4) Control Theories	(4) Strategies focus on the breakdown of informal social control mechanisms—attachment, commitment, involvement, and belief—and emphasize the importance of the relationship between the offender and his/her probation/parole officer.	(4) Proactive community supervision models currently used in Maryland and Virginia utilize the basic tenets of control theory.
(5) Life-Course/Developmental Theories	(5) Strategies designed to target the turning points in the life-course that have been directly related to desistance among adult offenders—marriage, employment, military service, and offender relocation.	(5) Many community corrections systems now incorporate key elements of the life-course perspective—in particular, the belief that offender change is possible through improved relationships, stable employment, and removing of barriers to offender transformation. However, the prospects for a new start through relocation are limited for certain offender groups (e.g., sex offenders).
(6) Conflict and Societal Reaction Theories	(6) Strategies focus on the use of alternative dispute/conflict resolution strategies that result in lower levels of formal criminal justice system involvement in the lives of community residents; and on the application of community/restorative justice principles in traditional criminal justice settings, including community corrections.	(6) A number of recent initiatives consistent with conflict and societal reaction theories are being introduced across the country, including restorative justice programs in Florida, the diversion to drug court strategy being used in most state court systems, and the reentry strategies being developed in Burlington, Vermont.

that were illegal, only a few of us have actually been labeled as "criminals" for this behavior. Once labeled in this manner, people tend to react by *internalizing* the negative label and living up to societal expectations by engaging in further criminal activities. Given the potential negative consequences of labeling, we need to ask ourselves: (1) which laws do we really need to enforce? and (2) which offenders can (and should) we divert from the formal court process?

In the last decade, we have seen the relaxation of laws (i.e., decriminalization) in some states related to prostitution and marijuana use, although the AIDS epidemic has fueled fears about intravenous drug use and sexually transmitted disease, resulting in calls for tougher legislation to "deter" both behaviors. In addition, "diversion" is now an accepted practice for offenders with drug and alcohol problems (through drug court) in most states, while dispute resolution through mediation (and restorative justice panels) is also becoming popular, particularly in the areas of misdemeanor crime, divorce, and child custody. Probation officers in many states are responsible for determining the *eligibility* of offenders for various diversion programs, as well as for their *operation*. However, a number of observers have suggested that by developing such pre-trial/pre-conviction diversion programs, we are actually "widening the net of social control," thereby exacerbating the negative effects of being brought into the criminal (or juvenile) justice system.

Conflict theorists, such as Richard Quinney, have argued that we need to focus our attention on why laws are made. According to conflict theorists, "Laws do not exist for the collective good; they represent the interests of specific groups that have the power to get them enacted" (Quinney, 1970). Given the size of the black underclass and the overrepresentation of blacks and other minority groups at each step in the criminal justice process (e.g., arrest, conviction, incarceration), it has been argued that the criminal law has been used as a minority control mechanism in this country. The current preoccupation of federal and state legislators with the "drug problem" is a good example. We are willing to expand our prison capacity in order to incarcerate urban street-level dealers and users, but we are unwilling to adequately fund substance abuse treatment programs for these same offenders. Conflict theorists would argue that drug laws need to be enforced equally in urban, suburban, and rural areas. They would also demand other changes in the criminal justice process, focusing on the need for "equal justice," regardless of race or social class. Although community corrections officers now represent "agents" of social control, conflict theorists would likely suggest that they would be more effective if they became advocates for social justice in the areas of jobs, health care, housing, education, and treatment. At the individual level, recent attempts to apply restorative justice concepts to community corrections practice are certainly consistent with conflict criminology (see Wood, 2016).

Conclusion

The Link between Criminological Theory and Community Corrections Policy

A number of observers have suggested that probation and parole officers do not have an adequate "professional base" to do the job we ask them to do. However, it is our view that it is impossible to assess the qualifications of community corrections personnel unless we first clearly define the primary job orientation of the community corrections officer: Do we want our line staff to emphasize treatment or control? As we have indicated throughout this article, how we answer the "why" (or causation) question (*Why did the offender commit this crime?*) will determine not only our general orientation toward certain categories of crime (e.g., drug offenses, violent crime) and groups of offenders (e.g., sex offenders, gang members, drunk drivers), but also the types of functions we will expect community corrections to perform.

Some POs have Master's degrees in Social Work and Psychology, while others have advanced degrees in public administration and criminal justice. A number of line probation and parole officers only have an undergraduate degree, while some have even less formal education. This diversity in educational background would be a cause for concern *if* we could clearly establish a relationship between education and the job itself. Unfortunately, we do not have a firm grasp on the types of skills necessary to be an effective probation or parole officer in the next decade. While a number of "get tough" intermediate sanctions programs have been developed based on *classical* assumptions about crime control (e.g., intensive supervision, house arrest, boot camps), these programs still include only a small percentage (approximately 10 percent) of all offenders under community supervision. If these programs continue to expand, it appears that we will need to draw our POs from the pool of undergraduate criminal justice majors, perhaps requiring some prior experience as a police officer or corrections guard. Such "deskilling" is an inevitable consequence of the movement away from treatment and toward the technology of control. However, there has been considerable discussion recently on the need to redesign existing community corrections programs—both probation and parole/reentry—with a renewed emphasis on individual offender assessment and treatment (Taxman & Pattavina, 2014; Taxman et al., 2005). To the extent that service provision/treatment becomes a primary community corrections line staff function, upgrading the qualifications of line staff will be critical to the success of community corrections as a people-changing organization. Regardless of which direction we move toward, this review has underscored the need for a discipline not only with a rich *theoretical* "core," but also with a clearly defined *professional* base informed by high quality evaluation research.

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Performance Measures in Community Corrections: Measuring Effective Supervision Practices with Existing Agency Data

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IN RECENT YEARS, community supervision in the United States has been changing dramatically, as corrections populations have mounted and philosophies have shifted accordingly to accommodate more evidence-based supervision. There are currently 6.8 million adults under some form of correctional supervision in the United States (Kaeble, Glaze, Tsoutic, & Minton, 2016). During the 1970s "tough on crime" movement, probation supervision practices emphasized surveillance, authority, and control. These law enforcement-oriented practices prevailed for three decades, despite mounting evidence against their effectiveness at reducing recidivism (Bonta, Rugge, Scott, Bourgon, & Yessine, 2008; Drake, 2011; Nagin, Cullen, & Jonson, 2009; Taxman, 2002, 2009). Today, growing attention to the ineffectiveness of punishment-oriented responses to criminal behavior and the associated financial strain (Bonta et al., 2008; Nagin et al., 2009; Taxman, 2002) has led to a renewed emphasis on rehabilitation ideals. But these ideals are cloaked in efforts to advance the use of science to identify effective practices. As a result, researchers and practitioners increasingly emphasize core correctional practices using proactive and behavioral management approaches in community supervision.

A core set of community supervision practices has been defined as effective in reducing recidivism. Referred to as evidence-based practices (EBPs), these core practices are:

- standardized, validated assessment instruments to assess risk and identify service needs;
- matching of offenders to treatment and referrals made according to identified risk and needs;
- provision of more treatment and referrals to offenders who pose the highest risk for reoffending;
- use of a human service environment; and
- use of cognitive behavioral and social learning approaches to work with clients. While the use of proactive and behavioral management approaches to supervision has gained currency in recent years, embedding EBPs within routine community supervision practices has presented significant challenges for researchers and practitioners alike.

A major drawback to the advancement of practice is that there are few reliable measures to describe these practices. We propose a series of measures of supervision that may be gleaned from administrative databases. In this article, we review the administrative data from four community supervision agencies to explore the measures and highlight their utility. We then discuss the implications of using these performance measures.

Evidence-Based Practices in Community Corrections

Growing evidence on the ineffectiveness of control-oriented supervision practices has led to an emphasis on EBPs—that is, practices that are empirically tied to recidivism reduction (Petersilia & Turner, 1993; Taxman, 2002; Taxman, 2008). In general, EBPs refer to the combined use of rigorous research and best available data to guide policy and practice decisions that improve outcomes for individuals under supervision (Bourgon, 2013). When applied to supervision specifically, EBPs refer to a core set of correctional practices found to be associated with effective intervention and reductions in recidivism (Dowden & Andrews, 2004). In one of the few meta-analytic studies on the topic, Chadwick and colleagues (2015) found that offenders supervised by trained officers in these skills had a 13 percent reduction in recidivism. This is promising given that in the most recent major national-level study by the Bureau of Justice Statistics (BJS), 43 percent of prisoners were rearrested within one year of release to the community (see Durose, Cooper, & Snyder, 2014), and 40 percent of probationers are

unsuccessful on supervision (Taxman, 2012). While adherence to evidence-based supervision strategies results in positive outcomes among individuals involved in the criminal justice system, we know little about the supervision process and its effectiveness due to a lack of research evidence (Bonta, Bourgon, Rugge, Scott, Yessine, & Gutierrez, 2011; Taxman, 2002; Taxman, 2008).

An Untapped Resource: Administrative Data in Community Supervision

An important but often overlooked aspect to establishing meaningful measures of performance is administrative databases (i.e., management information systems) that are routinely used by probation agencies. Administrative databases collect routine intake, process, and discharge information at the client level; they are used by the agency to manage the population and, in many instances, serve as a supplement to case files. They are a source of data that can be used to determine progress towards successful implementation of evidence-based supervision. These data can be used to evaluate the effectiveness of an agency's programs and policies (Drake & Jonson-Reid, 1999; English, Brandford, & Coghlan, 2000; Raybould & Coombes, 1992). An agency's monitoring of administrative data can help to ensure compliance with "what works" at a system level (Miller & Maloney, 2013). However, the functional utility of administrative data is very much contingent on the quality and completeness of the data collected by the agencies, and whether or not the agencies are using the data to construct meaningful measures that are both valid and reliable.

The Present Study

The aims of the present study are to:

- develop a set of process measures related to evidence-based supervision that might be measurable in administrative data;
- assess the quality and completeness of existing administrative data from four community corrections agencies; and
- compare the measures across different sites to assess their robustness. If community corrections agencies can assess how the staff and agency perform in relation to evidence-based practices, then they can more readily monitor the quality and cost-effectiveness of supervision. They can also then assess what practices need more attention to improve supervision.

Method

Background

The data in this study were collected as part of a larger project that involved assisting justice professionals in translating evidence-based research into practice. Self-selection sampling was used to select the four study sites. All sites are located within the United States in different geographical areas. According to 2010 census data, the percentage of urban population (as compared to rural) within the four selected jurisdictions ranged from 68 percent to 100 percent.[1]

Sample

Table 1 presents the case characteristics of individuals under supervision across the four study sites. The majority were male (range = 76 percent to 94 percent) and the mean age ranged from 30.6 (*SD* = 11.4) to 39.4 (*SD* = 10.1). The study sites provide a mix of racial and ethnic groups, with the White population ranging from 3 percent to 80 percent, the Black population ranging from 1 percent to 54 percent, and the Hispanic population ranging from 0 percent to 97 percent. Results from chi-square tests of independence and between-subjects t-tests indicated that, in addition to the characteristics above, offenders differed significantly across sites in terms of educational levels, risk and supervision levels, days on supervision, and history of prior supervision.

[1] Data are from the 2010 United States Census Bureau.

TABLE 1

Case Characteristics by Site

	Site 1 %/M(SD)	Site 2 %/M(SD)	Site 3 %/M(SD)	Site 4 %/M(SD)
Male	77%	76%	94%	85%
Age	30.6 (11.4)	30.8 (11.4)	39.4 (10.1)	38.8 (12.0)
Race				
White	44%	3%	79%	32%
Black	54%	1%	14%	52%
Hispanic	0%	96%	5%	9%
Other	2%	0%	2%	7%
Education level				
No diploma	36%	54%	31%	46%
Diploma	64%	30%	25%	42%
GED	0%	0%	42%	0%
Some college	0%	14%	2%	6%
Risk level				
Low	25%	30%	15%	-
Medium	48%	47%	20%	-
High	13%	23%	66%	-
Supervision level				
Low	7%	21%	15%	-
Medium	57%	55%	20%	-
High	30%	24%	66%	-
Days on supervision	353.4 (237.3)	251.2 (201.0)	210.7 (163.4)	417.3 (256.0)
Prior supervision	38%	100%	89%	41%
Current offense				
Violent	9%	10%	19%	23%
Property	15%	20%	19%	27%
Drug	22%	54%	25%	32%
Other	21%	16%	36%	18%

Note. Site 1 N = 821, Site 2 N = 2296, Site 3 N = 288, Site 4 N = 2490.

Measures and Procedure

The jurisdictions were all trained on the "Skills for Offender Assessment and Responsivity in New Goals" (SOARING2) eLearning system (www.gmuace.org/tools) through George Mason University's Center for Advancing Correctional Excellence! (ACE!). SOARING2 is an innovative eLearning training platform for professionals working with individuals involved in the criminal justice system to learn about EBPs and to enhance their case management skills. The SOARING2 program contains five self-guided modules on Risk-Need-Responsivity, Motivation and Engagement, Case Planning, Monitoring and Compliance, and Desistance. Recent modifications include segments for criminal thinking and lifestyles, substance abuse disorders, mental illness, emerging adults, and intimate partner violence. The process measures were developed based on these five areas of evidence-based supervision. Table 2 provides the variables extracted from the administrative data to develop the five domains for the current analyses.

Domain 1: Risk-Need-Responsivity

The Risk-Need-Responsivity (RNR) domain is the operating principle of Andrews and Bonta's (2010) model of correctional treatment. According to the RNR model, those at highest risk for recidivism should receive the most intensive programming; offender programs should target dynamic criminogenic needs; and correctional interventions should be tailored to meet the individual needs of offenders. Evidence suggests that the principles delineated in the RNR framework also apply to treatment outcomes for interventions with sexual offenders.

Based on the available administrative data, eight measures were created to assess how well agency staff are adhering to RNR principles. The risk/needs assessment variable is a dichotomous variable (yes/no) that was used to record whether a formal risk-needs assessment was carried out on each offender. The supervision level assigned variable refers to the clients' assigned supervision level based on their level of risk, which was divided into three categories: low, medium, and high. The risk and supervision level match variable was a dichotomous variable (yes/no) that recorded whether the clients' risk level matched the assigned level of supervision. For instance, if a client was identified as low risk by a risk-needs assessment and he or she was subsequently supervised at low level, this constituted a match (yes = 1). Total number of reassessments measured the number of reassessments that were carried out on each individual over the course of supervision. Total contact over supervision refers to the total amount of contact clients had with their probation/parole officers during their supervision. The types of contact included in this variable were telephone, e-mail, letters, and face-to-face at home, in the office, or in the community. It included "collateral" contact, which refers to contact with anyone else regarding the offenders' supervision (e.g., treatment providers, family members). The total contact over supervision was divided by the length of time the individual was on supervision to create the variable rate of monthly contact on supervision. The variable "rate of identified needs to treatment placement" refers to the number of identified needs that matched the number of treatment placements. Finally, needs reduction was a dichotomous variable (yes/no) that recorded whether the clients' number of needs, as determined by a needs assessment, reduced over the course of their supervision.

TABLE 2

List of Measures by the Five Domains

Domain	Variables
Risk-Need-Responsivity	Risk/need assessment
	Supervision level assigned
	Risk and supervision level match
	Total number of reassessments
	Total contacts during supervision period
	Rate of contact (monthly) on supervision
	Rate of identified needs to treatment placement
	Reduction in number of criminogenic needs
Motivation and Engagement	Referral and start date for treatment
	Initial treatment less than 14 days from referral date
	Number of days from referral to treatment
	Number of days between 1st and 3rd treatment sessions
Case Planning	Number of days between intake and assessment
Monitoring and Compliance	Revocations
	Special conditions given
	Number of special conditions given
Desistance	Successfully completed supervision
	Negative drug test
	Employed during supervision

Domain 2: Motivation and Engagement

Engaging clients in their community supervision experience and motivating them to make prosocial choices is important to the success of outcomes (Garnick, Horgan, Acevedo, Lee, Panas, Ritter, et al., 2014). To this end, four variables were used to measure the constructs of motivation and engagement: referral and treatment start dates, amount of time between referrals and start of treatment (and also if this was less than 14 days), and the number of days between the first and third treatment sessions. Although administrative data have a limited capacity to directly measure these intrinsically driven concepts, these proxy measures were developed based on the understanding that referrals start the process of engagement in care, and that early initiation of treatment with regular follow-up treatment sessions (typically monthly) can increase the odds of better client engagement (Garnick et al., 2014).

Domain 3: Case Planning

Given that case plans drive the supervision process, it is important to develop a plan early in the supervision process (Taxman, Shepardson, & Byrne, 2004). The effective use of case planning was assessed by the number of days between the intake date and the date of assessment. Of course, other aspects of case planning such as goal setting, feedback, and reinforcement are also important to supervision success (Alexander, Whitley, & Bersch, 2014); however, these factors are not typically gathered in management information systems.

Domain 4: Monitoring and Compliance

To ensure that clients are complying with the

terms and conditions of their supervision, it is necessary to know what terms and conditions have been imposed on them by the agencies and courts, and whether or not they were violated. Based on the available data for this sample, three measures were constructed to reflect this domain: special conditions given (yes/no), number of special conditions given, and number of revocations and violations.

Domain 5: Desistance

The success of community supervision is often judged by the degree to which it affects recidivism, and this is often measured by rearrest, reconviction, or reincarceration. However, this is rather short-sighted, as other factors that support the goal of desistance can also be used as markers for reentry success. For instance, employment and abstinence from substances have been identified as two important elements for reentry success (James, 2014). In the present study, three dichotomous desistance measures were created: whether the client successfully completed supervision; whether the client drug tests were negative; and whether the client was employed.

Findings and Discussion

Through the process of data harmonization, we were able to collate the information from multiple administrative management information systems to create measures that could be used consistently across sites. One important learning point is that the ability to create process measures using administrative data is very much contingent on the type and quality of information collected by the agencies.

Findings indicate that of the five domains, data related to RNR domain were the most frequently available (range = 0 percent to 100 percent) in the management information systems. Except for site 4, all of the sites had the ability of having RNR-related variables (see Table 3). Further investigation revealed that the site's policy was to utilize risk assessment information from past supervision. In other words, current clients on supervision were being managed according to their prior risk assessment information. This is problematic according to the RNR principle, as programming should be matched to the clients' current risk-needs appraisal (Andrews & Bonta, 2010). Data on the rate of identified needs to treatment placement was the least available in the RNR domain.

The second domain, motivation and engagement, had the least amount of data available across all four sites. While we were able to pull from the data whether or not clients had received a referral, the fact that the agencies did not track any information about these referrals (e.g., client attendance, completion of program requirements) limits our ability to tap motivation and engagement. Part of the problem may be that administrators are recording information according to the policies and procedures of their agency. Therefore, if an agency's responsibility is primarily to refer clients and the onus is on referral programs to track their own client information, it may not be feasible to acquire much information about this domain using agency administrative data.

Case planning was measured by the number of days between intake and assessment. Apart from site 4, which did not track this information, these data were available more than two-thirds of the time across sites. Of course, case planning also involves elements such as goal setting, expectations, rewards, and sanctions, but these data were not available for the agencies. One could speculate that this is in part because such elements involve more of an interactive process between probation

TABLE 3

Percentage of Administrative Data Available by Site

	Site 1 *N* = 821	Site 2 *N* = 2296	Site 3 *N* = 288	Site 4 *N* = 2490
RNR				
Risk/need assessment	86%	100%	100%	45%
Supervision level assigned	86%	100%	100%	45%
Risk and supervision level match	83%	100%	100%	45%
Total contact over supervision	100%	100%	100%	100%
Rate of contact (monthly) on supervision	100%	100%	100%	100%
Rate of identified needs to treatment placement	24%	66%	57%	–
Total number of reassessments	86%	100%	100%	100%
Needs reduction	38%	100%	51%	0%
Motivation and Engagement				
Referral and start date	–	9%	27%	–
Initial treatment less than 14 days from referral	–	9%	100%	–
Number of days from referral to treatment	0%	9%	31%	0%
Number of days between 1st and 3rd treatment sessions	0%	9%	100%	0%
Case Planning				
Number of days between intake and assessment	86%	100%	100%	4%
Monitoring and Compliance				
Revocations	100%	100%	100%	100%
Special conditions given	100%	100%	60%	–
Number of special conditions given	100%	100%	67%	0%
Desistance				
Successfully completed supervision	33%	32%	100%	17%
Drug test negative	–	100%	85%	–
Employed	100%	100%	100%	52%

Note: dashes denote that data were not available for that site

TABLE 4

Performance Measures by Site

	Site 1 *N* = 821	Site 2 *N* = 2296	Site 3 *N* = 288	Site 4 *N* = 2490
RNR				
% of population assessed for risk/needs	87%	100%	100%	47%
Assessment Level				
Low	28%	30%	14%	18%
Medium	55%	48%	19%	37%
High	17%	23%	68%	45%
Total average contacts over supervision	0.6 (1.1)	2.0 (17.8)	4.0 (3.0)	1.9 (9.0)
Contact rate per month on supervision				
Low	0.1 (0.2)	1.0 (1.5)	2.2 (1.4)	2.0 (0.0)
Medium	0.9 (1.2)	1.6 (15.1)	3.9 (2.8)	--
High	0.1 (0.5)	3.8 (28.3)	4.4 (3.2)	2.3 (0.0)
Rate of identified needs to treatment placement	35%	56%	63%	–
% of population with matched risk and supervision level	58%	90%	100%	98%
% of population with decrease in needs	1%	22%	9%	0%
Total average number of reassessments over supervision	1.3 (0.6)	1.6 (0.9)	1.5 (0.5)	0.5 (0.5)
Average reassessments per risk level				
Low	1.2 (0.5)	1.3 (0.5)	2.0 (0.0)	1.0 (0.1)
Medium	1.3 (0.6)	1.6 (0.8)	1.5 (0.5)	1.0 (0.0)
High	1.4 (0.6)	2.1 (1.2)	1.4 (0.5)	1.0 (0.0)
Motivation and Engagement				
% with both a referral and start date	–	9%	28%	–
Average days from referral date to treatment start date	–	302.5 (167.7)	2.4 (7.8)	–
Average days between 1st and 3rd treatment sessions	–	24.6 (19.4)	14.9 (14.7)	–
Average days between all treatment sessions	–	24.7 (19.8)	14.1 (13.9)	–
Initial treatment < 14 days from referral	–	4%	14%	–
Case Planning				
Average days between intake and assessment	14.6 (66.2)	16.0 (62.0)	44.9 (82.0)	171.5 (134.2)
Monitoring and Compliance				
% revoked	16%	2%	30%	17%
% of population given special conditions	29%	74%	61%	–
Average number of special conditions given	0.5 (1.0)	1.2 (1.0)	6.2 (3.3)	–
Desistance				
% successfully completed supervision	19%	30%	100%	1%
% drug test negative	--	85%	92%	–
% employed	14%	42%	64%	66%

Note: dashes denote that data were not available for that site

officers and clients that is not typically documented. It may be possible, however, to obtain this information from other sources such as single coordinated care plans (SCCPs).

Data for the monitoring and compliance measure were largely available across sites. This is not surprising given the supervisory role of community corrections agencies. Because it is highly likely for individuals under community supervision to have some sort of general supervision conditions (e.g., contact requirements, abstinence from substances), agencies may not deem the tracking of this information as important as tracking special conditions (e.g., no contact orders, treatment conditions). Of course, not all individuals are given special conditions, but for those who are, findings revealed that this information is not documented reliably. For example, special conditions data were available 60 percent of the time for site 3, but it was unclear whether the remaining 40 percent of cases had no special conditions or whether the special conditions were simply not recorded, as in site 4.

For the fifth domain, supervision completion and abstinence from illicit substances are logical desistance measures. However, data were not consistently available across sites. Supervision completion data were recorded in less than one-third of cases (range = 17 percent to 33 percent) and 50 percent of sites provided substance use screening data. The latter data were limited due to both the outsourcing of substance use testing by sites and also the quality of data records (e.g., recorded qualitatively as a string variable, inconsistent recording).

The principles of RNR suggest that matching treatment to clients' risk levels and associated needs is the key to treatment success (Andrews & Bonta, 2010; Taxman, 2008). In comparing the process measures that each site was able to construct with existing data (see Table 4), we found that sites 1 through 3 are, for the most part, carrying out risk and needs assessments with clients. The absence of recorded assessment data in more than 50 percentage of clients in site 4 is cause for concern, given that this is a crucial first step to interventions. This means that some clients' needs may not be properly identified, which is reflected in the fact that site 4 had the lowest percentage of the population with a decrease in needs. The implication here is that an examination of the agency's assessment and triage policies is much needed.

Another important principle for the RNR domain is that contact rate while on

supervision should correspond with the clients' risk level. As such, one would expect higher risk clients to receive more frequent contacts. While this is true for sites 2 through 4, for site 1, the monthly contact rate was lowest for the *high-risk* clients. In fact, the total average number of contacts over the supervision period was relatively low for this site for all risk levels, which suggests a need to examine the agency's policies of supervision and how clients are being monitored.

The findings for the case planning domain indicate that, on average, clients are waiting anywhere from around two weeks to six months to receive an assessment after initial intake. This may pose a problem if the goal is to start clients on the road to rehabilitation as quickly as possible. As previously mentioned, information on motivation and engagement is generally lacking in agency administrative data. However, the findings for site 2 show a large average gap between clients receiving a referral and the start of their treatment process (around 10 months). This is highly problematic given that research suggests that early initiation of treatment is positively associated with client engagement (Garnick et al., 2014). While this may indicate a problem with the triage procedures of that agency, it could also reflect the lack of resources and local treatment options available.

In regard to desistance, surprisingly, only one site (site 3) had complete data on clients who had successfully completed supervision. For the other three sites, this ranged from 1 percent to 30 percent. This is surprising given that rehabilitative success hinges in part on whether clients can successfully adhere to the requirements of their probation. As for the other indicators of success measured in this study, half of the sites in our sample do not track information on drug testing, and employment data was only tracked between 14 percent and 66 percent of the time.

Conclusion and Implications

In this article, we explored the feasibility of developing a set of measures that reflect evidence-based supervision processes. The measures were based on the five domains within the SOARING e-learning system: Risk-Need-Responsivity (RNR), Motivation and Engagement, Case Planning, Compliance and Monitoring, and Desistance. Findings suggest it is possible to create evidence-based process measures to identify quality supervision; however, some measures (e.g., treatment referral and identified needs) are unlikely to be available given that the data is not in the database. Of the four sites, 6 of 19 measures had less than 50 percent of the data available for two or more sites. These 6 measures were: rate of identified needs to treatment placement, needs reduction, referral and start date, initial treatment less than 14 days for referral, successfully completed supervision, and negative drug test. This demonstrates that it is possible to construct process measures using administrative data; however, this is a work in progress and further development is needed for some of the items within the model. For example, motivation and engagement was the most problematic domain. The implication is that information about clients' progress is not well-documented. The reason may be that motivation and engagement reflects a mindset and individual attitudes (and thus, are intrinsic), which makes it unlikely to be available in administrative data. Therefore we may need to reconsider how to measure this component of evidence-based supervision.

- Based on our findings, we offer agencies several suggestions for collecting administrative data for creating process measures that reflect evidence-based supervision practices:
- Create mandatory data fields that must be filled in before moving to the next entry.
- Add dropdown menus to provide clarity for data entered in text fields (e.g. selecting "no special conditions" in dropdown format as opposed to having a blank text field). It can also increase consistency in data entry within and between staff. Moreover, to maximize effectiveness, response options should be as comprehensive as possible.
- Supervision completion is often recorded dichotomously (yes/no) but could benefit from greater specificity by recording not just whether supervision was completed successfully but also why. For instance, we were unable to differentiate between those who completed supervision in full (i.e., fulfilled all conditions and requirements) without violations versus those who completed supervision but did not fulfil all treatment requirements and/or violated any conditions of their supervision (currently, both groups would be recorded as having "successfully completed supervision").
- Better tracking of information for client referrals and/or any outsourced treatment. This would require probation/parole staff to be more involved in the supervision process.
- And finally, in general, better staff training on how to use their data systems and what information needs to be recorded and why.

In sum, administrative data contain a wealth of information but are currently under-utilized by community supervision agencies. Using these data to create a set of process measures that reflect evidence-based supervision can aid community supervision agencies in identifying any gaps in service provision and inform policies and procedures for best practice. Future follow-up studies are also needed to validate these measures against client outcomes.

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An Examination of Deterrence Theory: Where Do We Stand?

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DETERRENCE THEORY HAS been the underlying foundation for many criminal justice policies and practices throughout the course of American history. Although it was once the dominant theory within the realm of criminology, it now competes with other developing, more comprehensive and integrated theories about criminal behavior such as life course theory or Agnew's general theory of crime. Criminologists have relentlessly tested deterrence theory using scientific methods to assist in informing and educating policymakers, as well as to unravel the mystery of crime reduction. This essay first examines the theory, including the main tenets, the inherent assumptions of the theory, and the goals set forth by the theory. An inductive content analysis of numerous scholarly, peer-reviewed articles was conducted to identify key themes in the literature pertaining to deterrence and to ascertain whether or not the goals of the theory have been met, as evidenced by scientific testing. Whether or not the theory did achieve its intended goals will be addressed throughout the essay. Last, I present a summary of the major findings and commentary on the overall utility of the theory.

Overview of Deterrence Theory

Modern deterrence theories have their foundation in classical criminological theory derived mainly from an *Essay on Crimes and Punishments* written by Cesare Beccaria, an Italian economist and philosopher, in 1764, and from *An Introduction to the Principles of Morals and Legislation (Introduction to the Principles),* written in 1781 by Jeremy Bentham an English philosopher, jurist, and social reformer. Beccaria's treatise was notably the first concise and orderly statement of standards governing criminal punishment and called for major reform in the criminal justice system. Although not the main purpose of his work, contained within his essay was an underlying theory of criminology which argued that individuals make decisions based on what will garner them pleasure and avoid pain, and unless deterred, they will pursue their own desires, even by committing crimes (Beccaria, 1986 [1764]). Bentham's work has developed a more broad and general theory of behavior than did Beccaria's, and his work has been credited with being the forerunner to modern rational choice theory (Bentham, 1988 [1789]).

Additionally, classical theory posits that punishments should be swift, certain, and proportionate to the crime in order to appropriately deter individuals from violating the law. Beccaria called for laws that were clearly written and for making the law and its corresponding punishments known to the public, so people would be educated about the consequences of their behavior. These basic principles of classical theory would later come to be known as deterrence theory.

Deterrence theory was revived in the 1970s when various economists and criminologists began to speculate about the topic again, not only as an explanation for why people commit crime but also as a solution to crime (Pratt et al., 2006). The principal assumptions made by the theory include: (1) a message is relayed to a target group [e.g., it is wrong to murder, and if you take another's life you could go to prison or receive the death penalty]; (2) the target group receives the message and perceives it as a threat; and (3) the group makes rational choices based on the information received. Assumption one is the easiest to achieve: Most people are aware that it is wrong to murder or steal, etc., although they may not be aware of the specific penalties for crimes other than murder. Assumptions two and three, however, are more problematic. The conjecture is made that everyone will be threatened by the sanction for the crime; however, this is not always the case. For some individuals, being arrested and serving time in jail or prison is a way of life. In addition, people do not always make rational choices, especially while under the influence of drugs and/or alcohol, which research shows a fair number of arrestees are at the time of their offense (Chapman et al., 2010).

As a final comment, it might be noted that deterrence theory is both a micro- and macro-level theory. The concept of specific deterrence proposes that individuals who commit crime(s) and are caught and punished will be deterred from future criminal activity. On the other hand, general deterrence suggests that the general population will be deterred from offending when they are aware of others being apprehended and punished. Both specific and general deterrence, however, are grounded in individuals' perceptions regarding severity, certainty, and celerity of punishment. It is essential to understand how perceptions of these factors do or do not translate into criminal behavior.

Perceptions of Punishments

Much of the scholarly literature pertaining to deterrence theory examines the certainty,

celerity (or swiftness) of punishment, and severity, and their intended effects on offenders (Bailey & Smith, 1972; Geerken & Gove, 1977; Paternoster, 1987; Howe & Loftus, 1996; Maxwell & Gray, 2000; Nagin & Pogarsky, 2001). For example, if when a person commits a crime the likelihood of being apprehended is high and that he or she will be swiftly punished and severely enough, these outcomes and their teaching effect will deter the person (as well as others) from committing future crimes. Any delay between the commission of an offense and commencement of its associated punishment is postulated to reduce the deterrent effect of the sanction. Furthermore, if the punishment for the crime is not severe enough to cause sufficient discomfort or inconvenience to the actor, he will not be deterred from engaging in additional criminal acts. These underlying assumptions of the theory point toward a linkage between perceptions and the actions on which they are based.

Research regarding severity, certainty, and celerity has shown mixed results. Severity of punishment was once thought to deliver the main deterrent effect; the more severe the consequence for law-breaking, the less likely an individual is to commit a crime. However, this assumption has not been supported in the literature (Paternoster, 1987; Schneider & Ervin, 1990; Kovandzic, et al., 2004; Kleck et al., 2005; Paternoster, 2010). Kleck et al. commented that although increased punishments may in fact reduce crime, this reduction can also be attributed to incapacitation effects (large number of offenders incarcerated), not necessarily to general deterrence (2005). The United States has experienced an incarceration binge over the last several decades; in 1980 there were approximately 501,886 incarcerated persons in prisons and jails, and at year-end 2009 there were 2,284,913. These figures do not include probation or parole; when probation and parole figures are added in, the total number of individuals under some form of correctional supervision in 1980 was 1,840,400, increasing to 7,225,800 in 2009 (BJS, 2010). Although crime rates in the U.S. did steadily decline over several decades, this cannot be solely attributed to deterrence, but to incapacitation effects and possibly to changes in police activity (Paternoster, 2010). And in fact crime rates in the U.S. remain higher than in any other Western nation.

Several forms of punitive, deterrence-focused legislation are responsible for this dramatic increase in imprisonment rates. Sanction threats such as three strikes laws in the early 1990s were partly responsible for the increase in incarcerated offenders, as well as other sentencing initiatives such as mandatory minimums and truth-in-sentencing laws. Three strikes legislation was touted as a deterrent to serious offenders due to reduced judicial discretion (increasing certainty) and increased severity in penalties. Yet, after much empirical testing, researchers have found no significant deterrent effects for such laws (Males & Macallair, 1999; King & Mauer, 2001; Kovandzic, 2001). This may be because these laws did not take into account a person's many other factors that have been correlated with criminal conduct, such as age, gender, impulsivity, mental illness, antisocial personality disorder, etc. (Ellis, Beaver, & Wright, 2009). In addition, some research has shown that these laws may have an inverse effect—that is, to increase crime (Kovandzic et al., 2004).

Schneider & Ervin's (1990) research showed that people who had been punished more severely actually engaged in more crime; this could be due to the punishment creating a chain reaction of other events which reduce individuals' opportunities for conventional behavior (e.g., stable employment, close family ties) and weakening of social bonds. One study examining perceptual deterrence of active residential burglars found that severity alone did not have a significant impact on offenders' decisions to commit burglary. Only when severity was factored into the expected gain from the illegal activity did it have an effect (Decker et al., 1993). This finding does speak to the rational decision-making process of offenders proposed by the theory, at least in some crime categories, but it also points to a weakness of a central assumption of the theory that severity of punishment deters people. Additionally, chronic offenders, or those known as career criminals, have been shown to perceive the chance of apprehension as quite low (Bridges & Stone, 1986). This may be related to perceptions involving the erroneous dichotomization of specific versus general deterrence, certainty of punishment, and the notion of punishment avoidance.

Deterrence in general, whether contextualized as specific or general, depends on an offender or would-be offender's perceptions of sanction threats, the probability of apprehension, and the like. Also, the frameworks for both specific and general deterrence in the early literature discussed these as if they were mutually exclusive occurrences. However, researchers have documented the illogical fallacies of this mode of thinking and proposed a reconceptualization of deterrence theory that takes into account the reality that a person could experience both general and specific deterrence (Stafford & Warr, 1993; Paternoster & Piquero, 1995). Although the researchers did not explicitly state it, actually what is being used to conceptualize the erroneous dichotomization regarding specific versus general deterrence is the bifurcation fallacy. This fallacy presents a false dilemma or a premise only allowing two choices, when there is actually at least one other option, if not more.

Stafford and Warr (1993) proposed that it is possible for most individuals to have an experience with both general and specific deterrence, or a mixture of indirect and direct experience with punishment. They argue classical deterrence theory suggests that those affected by general deterrence are assumed to have never had a direct experience with punishment, and this is simply not the case. There are individuals who may be affected by seeing others being punished, but who also may have committed crime in the past. Likewise, those categorized as experiencing specific deterrence are assumed not to be affected by vicarious punishment. It is likely that a person who has committed a crime (specific experience) is also aware of friends or acquaintances who have been apprehended. The complex nature of social context, human interaction, and individual decision making cannot be accounted for by the basic model of deterrence theory.

Additional research supports Stafford and Warr's reconceptualization model. For instance, Paternoster and Piquero (1995) found support for the concurrent effects of both specific and general deterrence in their study involving self-report measures and college students' perceptions of punishment. Their findings suggested "the overall deterrent effect of perceived risk to self [on minor forms of illegal substance use] was due to a combination of personal (specific deterrence) and vicarious (general deterrent) experiences" (1995, p. 281). It should be noted however, that conducting this type of research on college students may introduce a bias, as college students may not be representative of the total population of criminals. One could propose that college students differ from "criminals" in some systematic way, that they have more self-control, have goals and can follow through with them, are more naïve and higher in risk-sensitivity because they have more to lose.

In addition, not only has research shown a concurrent effect of both general and specific deterrence, but it has also revealed an effect of punishment avoidance.

Much of the early scholarly discourse surrounding the deterrence theory ignored the possibility of punishment avoidance and its effect on individuals. This can be attributed to oversimplification of a complex issue—making broad over-generalizations and only examining formal sanction threats and their effects on individuals, while not taking into account informal influences. Punishment avoidance refers to the situation where a person commits a criminal offense, but is not caught and punished by the criminal justice system. Stafford and Warr, in their reconceptualization of deterrence theory, proposed a model incorporating punishment avoidance into both specific and general deterrence; hence, general deterrence includes "indirect experience with punishment and punishment avoidance and specific deterrence refers to the deterrent effect of direct experience with punishment and punishment avoidance" (1993, p. 127). Individuals who experience punishment avoidance may increase offending behaviors because of the perception that the likelihood of being caught is low. This type of thinking on the part of offenders contains several logical fallacies, one being confirmation bias—a form of selective thinking that focuses on evidence that supports what believers already believe while ignoring evidence that refutes their beliefs. Secondly, observation selection is at play here when offenders point out favorable circumstances while ignoring unfavorable ones—"I have gotten away with many crimes thus far and the chances are I will never get caught," or "I am not hurting anyone in the process," but they are hurting someone in some way and risking their freedom in doing so. The reconceptualization model is a significant advancement of classic deterrence theory.

The reconceptualization model has a number of advantages over the traditional deterrence model (Stafford & Warr, 1993). First, it allows for both specific and general deterrence to have an effect on a person concurrently. Second, it recognizes the discrete operation of punishment avoidance, separate from experiencing punishment. Third, it allows for congruence with other theories such as learning theory, and is more comprehensive in its ability to explain offending behaviors. In essence, the model includes four types of effects that may impact an individual's choice to violate the law: (1) personal encounter with sanction threats; (2) personal encounter with punishment avoidance; (3) indirect experience with punishment; and (4) indirect experience with punishment avoidance (Stafford & Warr, 1993; Paternoster & Piquero, 1995). Thus, the original deterrence model is expanded to incorporate perceptions of risk based on both personal experiences and vicarious experiences of others, tries to expand the linkage between perceptions and actions, and helps to explain the complex interaction of these variables upon individual decision making in relation to crime. At its core is the idea that certainty of punishment is more important to an individual contemplating crime than is severity or celerity. Moreover, such findings deteriorate the simplistic assumptions asserted by the original theory; particularly because the original theory only focuses on legal sanction threats and does not account for informal influences. Certainty of punishment has garnered much attention in the research when severity of punishment failed to deliver expected results.

The impact of certainty of punishment for criminal acts is just as murky as the research on severity of punishment. Some studies indicate perceived certainty of sanction threats has very little effect on re-offense rates (Kleck et al., 2005), whereas other research claims it does have an effect on some people but not others (Matthews & Agnew, 2008). Early deterrence theory research recognized the importance of certainty of punishment and the methodology of testing went through several waves. Sociologist Matthew Silberman was one of the first researchers to use individual survey research in conjunction with aggregate crime data in his examination of deterrence theory, and found that certainty of punishment was differentially affected by the type of crime committed (1976). Geerken and Gove found similar patterns in their research, including perceived certainty of punishments that differed according to crime type (1977). Chambliss also articulated that those who commit "expressive crimes" such as drug use, murder, or sex offenses are less deterred when compared to "instrumental crimes" or economic crimes (1967). One should contemplate the fact that the seriousness of the offense affects the individual's perception of being caught, as it is more difficult to avoid detection of these acts, whereas lesser crimes of an economic nature may be easier to commit without detection. Beyond the early research, which relied mainly on objective measures (e.g., number of arrests, number of convictions), new methods of testing the certainty facet of deterrence were employed in later scholarship.

The next phase in testing the certainty of deterrence involved use of individual surveys; this went beyond aggregate measures and attempted to tap personal perceptions, which is integral to understanding individual-level decision making to engage in crime. Individuals were asked about their perceptions of the certainty of punishment in relation to past or future criminal behavior, and correlations were tested amongst these variables (Schneider & Ervin, 1990; Maxwell & Gray, 2000). These studies primarily used cross-sectional designs and received much criticism due to problems with temporal ordering of variables. In effect, people were mainly being asked about perceived certainty of punishment on past criminal offending. Researchers recognized this issue and began to employ longitudinal studies in testing the effect of certainty. One such study specifically addressed the temporal sequencing issue and found offenders who had direct experience with the criminal justice system actually perceived a decrease in certainty of sanction threats (Saltzman et al., 1982). Again, to this writer, this finding clearly points to the fact that individuals commit more crimes than those for which they are caught and punished, so when they actually are caught once or a couple of times, their past experiences with punishment avoidance affect their future decision making regarding reoffending. They are basing decisions on flawed calculations and false confidence in avoiding future punishment. Furthermore, deterrence theory really boils down to individual decision making more than macro-level considerations, although many crime control policies are based on both specific and general deterrence. Consequently, research attempting to refine deterrence should be conducted with individuals, as opposed to using aggregate-level analysis, when the main goal is to tap perceptual deterrence and its linkage to behaviors based on those perceptions.

More recently and contradictory to the immediate previous discussion, Wright et al. found those predisposed to crime are more likely affected by perceived certainty of punishment (2004). Several studies examined the perceived certainty of sanction threats with a group of probationers entering a court-ordered drug rehabilitation program. Although violations of probation are not always considered law violations (violations

such as positive urine tests for illegal drugs indicate risk of reoffending and continued disregard for the law), the authors argued their study attended to the temporal issue by gathering information on perceptions of certainty of sanctions before violations occurred and with individuals who have engaged in serious offenses (Maxwell & Gray, 2000; Marlowe et al., 2005). Results revealed "support for the positive effect of the offenders' perceptions of the certainty of sanction on their outcome status and their lengths of time in the program" (Maxwell & Gray, 2000, p. 132). This finding is not surprising considering offenders in this program were being monitored closely by probation officers and were receiving regular drug testing. They were already in a "real" situation that threatened their freedom instead of being surveyed about past involvement in crime. Furthermore, Pogarsky et al. stated that perceptions of sanction threats change over time according to experiences of the individual and other moderating factors (2004). This is an important postulate because it is naïve to think that humans are primarily static and impervious to any external forces or social contexts, as well as internal changes brought about by these external stimuli, which may lead to an increase in self-reflection or maturity. Nonetheless, certainty of punishment has elicited various responses by scholars.

Several common responses can be seen in the literature with regard to the mixture of findings on certainty of punishment. First, some scholars have posited that threatening individuals with sanctions from the State does not matter, because crime is largely a function of informal social control and other variables such as criminal associates and morality (Paternoster, 1987). Second, others have argued that some people are deterred while other types of people are not; therefore, certainty of punishment will have no effect, at least on some people. Third, criminologists have begun studying factors affecting perceptions about certainty of punishment that may explain the differential effects measured in the research literature. Still others claim that certainty of punishment mostly deters those with a high predisposition (or low "risk-sensitivity") from offending because those with a low predisposition ("high risk-sensitivity") are not likely to engage in crime at all (Matthews & Agnew, 2008). All of these claims seem to have merit and have been scientifically tested, and therefore it is difficult to reconcile these differences. Or, is reconciliation even the proper answer? Last, the position on celerity is a little more definitive than the state of either severity or certainty.

The tenet of celerity has received the least support in the scholarly literature with regards to deterrence. Bentham proposed that the promptness of the sanction after commission of a criminal act is integral "for punishment to keep its superiority over the profit of the offense..." (Howe & Loftus, 1996). Nonetheless, some social scientists have even argued that celerity is irrelevant and only applies to animal behavior (Grice, 1948; Kamin, 1957; Mackintosh, 1974, as cited in Howe & Loftus, 1996). Nagin and Pogarsky found "variation in sanction certainty and severity predicted offending, but variation in celerity did not" (2001, p. 865). The delay in meting out punishment, a common occurrence in the American criminal justice system, is a logical consideration not to be overlooked. In many cases, those arrested and prosecuted may not receive a final disposition until two years after they are arrested. Cases are continually passed and reset in the legal maneuvering game by both prosecutors and defense attorneys. Paternoster stated that the system does not sufficiently make use of the rationality that individuals supposedly employ when weighing the costs and benefits of their actions because of such delays (2010).

Mendes reviews several explanations for the differential and confounding findings pertaining to the three central fundamental elements of deterrence theory. First, the element of risk taking—the degree to which individuals are willing to take risks and how they perceive risk factors—in certain situations plays a key role (2004). This component was actually asserted by Becker (1968), an economist who has been credited with the revival of deterrence theory in the 1970s. Second, extralegal factors such as morals, beliefs, and informal social consequences come to bear on decision-making, which may account for variability across severity, certainty, and celerity (Mendes, 2004). Furthermore, there are several underlying fallacies of logic I see within the theory of deterrence and tangential issues such as punishment avoidance. One is the "argument of adverse consequences," which refers to the assumption that if a person who commits a crime is not caught and punished, others will commit crime due to the failure of the criminal justice system. Also, one can see the fallacy of *argumentum ad baculum,* which is an argument based on an appeal to fear or a threat (if you don't obey the law, you will go to jail). These threats plainly do not deter all people from committing crime, as the theory asserts. This has led some to propose that components of deterrence theory be incorporated with other criminological theories, and this was a consistent theme which emerged from the content analysis of articles for this essay.

Integration of Deterrence with Other Theories

Traditions in criminological research have often centered on the development of one particular theory by which all crime can be explained. Throughout the early twentieth century numerous theories regarding criminal behavior were developed to account for offending, and were sometimes pitted against each other in this effort. Criminologists recognize the importance of theory integration explaining complex human behavior such as criminal offending, even as far back as Cesare Lombroso in the 1800s. Some of Lombroso's later work proposed integration of biological, psychological, social, and other factors to fully explain criminal behavior (Cullen & Agnew, 2006). There are a couple of useful models for theory integration that will be described briefly, followed by an analysis of proposals found within the articles examined for this essay.

The two main types of theory integration include conceptual and propositional integration. Conceptual integration involves overlapping concepts from one theory onto another, or examining similarities in concepts between two, or amongst several, theories. Several decades ago Akers discussed the manner in which "social learning theory concepts and propositions overlap with and complement social bonding, labeling, conflict, anomie, and deterrence theories" (Akers & Sellers, 2009, p. 303). However, he did point out that conceptual integration does not necessarily translate into propositional integration. Propositional integration refers to how two or more theories make similar predictions about crime even though each theory may begin with different concepts and assumptions, as well as taking explicative features from different theories and developing them into some kind of causal pattern or sequence (Akers & Sellers, 2009, p. 303).

A consistent theme emerged in many of the articles reviewed for this essay, which simply stated that deterrence theory alone is not sufficient to explain criminal behavior, nor is it the be-all and end-all solution for reducing crime. Many of the articles called for integration of

deterrence with other criminological theories (Nagin & Paternoster, 1993; Paternoster & Piquero, 1995; Nagin & Porgarsky, 2001; Wright et al., 2004; Matthews & Agnew, 2008). Social control and social bond theories were explained to impact rational choices of offenders (Nagin & Paternoster, 1993; Nagin & Porgarsky, 2001). It seems logical that a person's criminal propensity, which is directly affected by the individual's level of self-control, could be a significant factor impacting his or her decision to commit crime. Also, there is much value in the assertions made within social bond theory that the more positive the attachment, commitment, involvement, and prosocial beliefs an individual possesses, the lower the likelihood he or she will engage in crime (especially coupled with high self-control), regardless of the threats made by the State for law-breaking behavior. On the other hand, deterrence theory cannot account for these individuals' behavior. Some may argue the theory is not designed to address those that would not consider crime anyway, but if one finds truth in the theory of self-control, which asserts that all individuals would commit crime if given the chance, then how would one reconcile these two theories? Yet, additional research calls for integration of deterrence with other theories.

Paternoster & Piquero argue that "deterrence variables are inextricably part of the causal process of social learning/differential association, rational choice, and social control theories" (1995, p. 281). People who associate with undesirables learn processes and techniques for offending, as well as learning the thinking and beliefs that neutralize culpability for law-breaking, or they acquire an excess of definitions favorable to violating the law. There is merit in the assumptions made by this theory as well. Delinquent peers do have an effect on the decision to commit crime; perceived certainty has been shown to have an inverse correlation among those with a high number of delinquent peers (Matthews & Agnew, 2008). Wright et al. comment the "study of crime is intrinsically social-psychological" (2004, p. 208), meaning crime cannot be evaluated or explained absent the social environment and without consideration of psychological traits of individuals. Deterrence theory lacks contemplation of psychological traits, although it does incorporate some element of social context (vicarious experiences of others in thwarting an individual's consideration to commit crime).

Conclusion

In sum, the state of deterrence theory is still confusing. The mixture of findings in the literature indicates that additional research is needed as new concepts and models are formulated. Early deterrence research focused on severity, certainty, and celerity of punishment, as well as the dichotomy of specific versus general deterrence. More recent studies have introduced new ideas such as punishment avoidance, deterrability, defiance, and the effect of informal factors that impact a person's decision. It seems as though deterrence works for some people, but not for others. Some individuals are "deterrable," while others are not (Jacobs, 2010). The scientific evidence "leads to the conclusion there is a marginal deterrent effect for legal sanctions, but this conclusion must be swallowed with a hefty dose of caution and skepticism; it is very difficult to state with any precision how strong a deterrent effect the criminal justice system provides" (Paternoster, 2010). This is especially true considering how many crimes, especially domestic violence and sexual assault, are not reported to the police. This represents significant information about criminal behavior, or human behavior, not objectively measured—notwithstanding the inevitable biases and inaccuracies of existing data.

Overall, the empirical evidence points toward non-legal factors, such as marriage, employment, peers, morality, disapproval from loved ones, ostracism, and shame, having a more significant impact on conformity than do sanction threats (Nagin & Pogarsky, 2001; Paternoster & Piquero, 1995). Furthermore, the research also shows that in *some* cases *some* criminals do act rationally, but due to the inadequacies of the criminal justice system deterrent effects are diminished or even vanish. The plight of the mentally ill and the effect of deterrence on these individuals were not addressed in this particular set of articles. However, that is yet another complicated issue to be examined. Additionally, classic deterrence theory assumes the propensity to commit crime is equal across all persons. This is a pretty bold assumption that has yet to be proven. What one can deduce is that deterrence theory may work for some people in certain contexts if carried out appropriately. However, it should not be considered a "general" theory of crime, or a "general" solution for all crime.

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Leadership and Its Impact on Organizations

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THE FEDERAL JUDICIAL Center's Leadership Development Program teaches and develops leadership skills in participants through a combination of formal instruction, project-based learning, and one-on-one interaction with faculty mentors. During the course of the three-year program, participants formulate and carry out three major projects: a management practices report, an in-district improvement project, and a temporary duty assignment. The following article was prepared as a management practices report—the objective of which is to gain a better understanding of the meaning of leadership and the impact that leaders and managers have on their organizations. For those employed in the field of community corrections, leadership is one resource that is not limited by budgetary constraints. Leadership is renewable and, more importantly, a resource that positively impacts community corrections on all levels—from clients to employees to organizations.

Have you ever tried to bake a cake from scratch? For some, such an undertaking comes naturally. For others, it requires a great deal of concentration. Regardless of the effort utilized, most cakes generally require the same basic ingredients: flour, sugar, baking powder, milk, and eggs. Although the same ingredients are generally used in most cakes, outcomes vary. Too much of one ingredient or too little of another or the addition of one ingredient too soon or too late directly impacts the quality of the cake that you ultimately pull out of the oven. One thing is for sure, although recipes vary, each of us knows a good cake when we taste one.

For many, the path to baking a great cake may start with a review of cookbooks authored by experts in the field of baking cakes and a related search for what they consider to be the "best" cake recipe. However, this tactic does not guarantee success. A further step down the path to baking a great cake might be to seek out those who have successfully baked great cakes and take the time to discuss with each baker their personal recipes and the skills that they found most helpful in baking great cakes.

As odd as it may sound, I have come to think that developing leadership is like baking a cake. The path to successful leadership also begins with a review of literature authored by experts in the field of leadership, followed by discussions of leadership with those who serve or have served as managers and leaders in various organizations. Such a course of action, as I have personally experienced, makes it much easier to follow the often hidden path to leadership in the real world in which we live. However, even when made easier to follow, the path to leadership remains challenging and will always "end" at a spot just over the horizon.

After a detailed review of selected management and leadership-related articles and books authored during the last 25 years, I discussed the concept of leadership with three very different experts in the field of leadership, individuals with varied backgrounds who each possess a wealth of leadership-related knowledge. First, I spoke with Meg Rintoul, who has been employed as the Manager of Commodity Services and Budgeting at Siemens Industry, Inc., in Columbia, South Carolina, for five years. Meg supervises 12 employees who are located in both Columbia, South Carolina, and London, England. Next, I spoke with Jerry Vahl, who was employed as the President of Western Reserve Life and the Vice President of Aegon USA Holding Company from about 1991 to 2004, leading a total of 1,500 employees at various locations throughout the United States. Last, I spoke with Waylyn McCulloh, who has been employed in the field of community-based corrections for nearly 40 years, serving the past six and a half years as the Assistant Director for the Seventh Judicial District Department of Correctional Services in Davenport, Iowa. Waylyn has served as a supervisor and manager of pretrial release services, residential facilities, and probation/parole field offices.

In order to preheat the "leadership oven" and ensure that we were on the same page, I opened each of these conversations with the same question, "What does leadership mean to you?" Meg described leadership as the use of organizational knowledge to set both short- and long-term goals, the ability to establish appropriate deadlines to reach those goals, and the ability to effectively communicate goals and deadlines to employees. Meg noted that she sets deadlines about 25 percent early so that, if the amount of work increases, she can keep employees on schedule without increasing their stress levels. In Meg's opinion, leadership means planning so as to reduce stress, keep up morale, and allow for an appropriate work and personal life balance. In Meg's words, "Happy workers are generally your best workers."

Jerry's description of leadership focused on the ability to craft a sound vision of where an organization is headed, including the development of a 10-year plan with specific benchmarks of what needs to be achieved during each phase of the plan in order to successfully move toward the vision. In Jerry's words, "You really have to know your vision and where you're heading." Jerry further described leadership as a form of service in which one works with an organization's "front line" employees to assist them in understanding where the organization is going and to knock down the obstacles blocking their paths to success.

Waylyn described leadership as the ability to act as a role model, specifically as a role model who has the ability to challenge others by "raising the bar" to a reasonable and attainable level that they can aspire to without becoming overly frustrated. Leadership as described by Waylyn also encompasses the aptitude to display a great deal of patience and a willingness to counsel others, as one's personal life often impacts work and vice versa.

Next, I asked the experts with whom I spoke to determine which "ingredients" or qualities are most vital to the creation of a successful leader. Meg listed a willingness to "get into the trenches" and work with her team—to lead by example—and the ability to effectively communicate as vital components of leadership. Meg also cited the ability to be empathetic to her employees and their personal lives and stressors (understanding without making excuses) and the ability to allow time for the development of employees, even if such development means that a valued employee will likely be promoted to a position outside of her team.

First, Jerry indicated that leaders must truly care about other people, explaining that once followers understand that a leader truly cares about them and wants them to be successful, then leaders are more likely to be followed and be successful. Jerry listed many other characteristics as important components of successful leaders, including general intelligence, approachability, vast knowledge of the organization, and a well-balanced combination of technical proficiencies and social skills. In addition, Jerry described leaders as having the ability to be confident enough (and unafraid enough) to follow their instincts or "gut feelings," to take time to be creative and think, and to take time to reflect on what they've learned and think about how things are done so as to look for potential improvements.

Waylyn described an ideal leader as an individual who is forward thinking, who plans for the future, and who has a vision. Waylyn further described an ideal leader as being genuine and warm and as having both the ability and willingness to provide opportunities for staff members to develop professionally, what Waylyn described as the most rewarding aspect of leadership and one of the main reasons that he enjoys his role as a leader.

Just as the use of certain ingredients can ruin the consistency and flavor of a cake, certain traits and attributes can ruin the quality of a leader. Meg listed poor communication as a trait that can negatively impact leadership. Meg explained that, if specific tasks and general expectations are not clearly defined and expressed, then employees can be "surprised" when they fail—noting that she finds such poor communication to be the "most frustrating" element of poor leadership. Meg also noted the negative impact of leaders who take credit for the good work of their followers and leaders who "disappear" for extended periods of time and have no contact or communication with their followers.

Jerry discussed his numerous and frequent experiences with "bad" leadership and listed the inability to provide positive feedback, the development of friendships with followers, and the use of a leadership style based on "like-mindedness and loyalty" as traits that are often displayed by "bad" leaders. Jerry cautioned that, although a leadership style based on "like-mindedness and loyalty" allows organizations to move faster toward their goals, such a style often fosters an environment in which it is much easier to quickly move down the wrong path.

Waylyn reflected on his experiences during his 40-plus years of employment and identified several behaviors that are frequently displayed by "bad" leaders, such as engaging in personal relationships and friendships with defendants and other staff members, disciplining subordinates in public and in front of other members of the organization, yelling and shouting at other members of the organization, and relying on the use of nepotism, intimidation, and/or friendship (all instead of merit) in order to accomplish what the leader has personally defined as the organization's goals.

Regardless of whom you talk to or the words they use, it appears as if leadership can't exist without some component of mission or, in the words of the experts I consulted, a plan for or a soundly crafted vision of the future that is effectively communicated to followers by a leader. With this in mind, how do managers and leaders effectively communicate a sense of mission to their employees? According to Meg, she communicates a sense of mission to the members of her team by specifically outlining her expectations for what she considers to be the mission of Siemens Industry, Inc.—the provision of "client-focused" services to clients and the development of working relationships with them. Meg noted that she initially outlines expectations in writing, so as to avoid any confusion, and incorporates behaviors that support these expectations into the metrics that are used to evaluate the members of her team. In addition, Meg organizes the members of her team so that experienced members have opportunities to model mission-supporting behaviors to the newer team members.

Jerry noted that he communicated a sense of mission to his 1,500 employees through "direct communication" to ensure clarity. Jerry used yearly full staff meetings, quarterly meetings with supervisory staff and managers (during which current progress would be compared to goals), weekly meetings with a core group of advisors, and conversations with individual employees. Jerry reported that he also communicated a sense of mission by disseminating a newsletter as well as having monthly "birthday meetings" during which he would meet with randomly selected employees (whose birthdays were all in a given month) and discuss how their efforts fit into the overall mission of the organization.

Waylyn cited the textbook definition of how to most effectively communicate a sense of mission to employees: ensuring that all levels of the organization are actively involved in formulating the vision. Waylyn noted that this definition is often not practical and reported that he therefore communicates such a sense of mission by formulating small goals that he outlines within the context of the organization's overall mission. Waylyn explained that he is able to most effectively communicate such mission by setting an example for others, by "walking the walk and talking the talk."

Now that each of these three leadership experts has identified and selected the "ingredients" they feel are the most vital to the development of leadership and the most essential to those who serve as effective leaders, what happens next? How does each of them mix the ingredients that they have identified as vital and essential into a form of leadership that brings out the best in their employees? Meg addressed the complexity of

the task by explaining that each employee is motivated differently. Meg indicated that she motivates her employees though one-on-one discussions, group lunch outings, reduced work hours, bonuses, and opportunities for education and skill development—attempting to determine what makes each of her team members happy, as "happy workers" are most often her "best workers."

Jerry explained that, despite the large amount of academic research to the contrary, he has always found that a soundly structured compensation program appears to have most effectively motivated his employees. Jerry reported that financial incentives need to fit into the "big picture" and be based on the achievement of both individual and organizational goals (70 percent personal performance and 30 percent company performance). In addition, Jerry indicated that he motivated his employees to engage in self-improvement by providing constructive criticism (obtained by engaging in conversations with a supervisor's employees). Most important, Jerry learned to motivate many of his difficult employees by moving them to positions where their weaknesses were not used or were not as important and where their strengths were used and were very important, allowing employees to pursue positions where they were more likely to succeed—resulting in "happier employees" who become "happier people."

Waylyn reported that he brings the best out of his staff by employing his "personal skills" and developing rapport to show the employees that he truly cares about them. Waylyn noted that if his "personal skills" are not effective, then he is forced to rely on his positional power to motivate an employee to correct or improve performance. Waylyn explained that he also motivates his staff by providing them with opportunities for success, including opportunities to act as a role model to other staff or to serve as either a mentor or a mentee. Waylyn indicated that he relies on alignment to bring the best out of difficult employees, helping them to both identify the aspects of their position that they most enjoy and excel at and focus on those aspects for movement or specialization within the structure of the agency. In summary, Waylyn reported that effective employee motivation is rooted in a leader's ability to show employees that the leader is genuine and really cares about employees' success.

Despite the care and effort with which each of these three leadership experts have followed their recipes, their leadership experiences have not been without surprises—some good and some bad. Meg reported that she was most surprised by how frequently members of her team came to her with their personal problems. Meg believes this may be because they realize that their personal problems likely have a negative impact on their work performance. She also noted that she was surprised at how quickly bonds develop among the members of her team and how quickly they help each other out when one of them starts to fall behind.

Jerry reported that he was most surprised by the number of people who were afraid to take the first step in a project, to share an idea, or to make a recommendation. Jerry noted that he was also surprised at how unwilling or unable individuals are to make decisions, specifically a decision to start or stop a project or course of action. In addition, Jerry was caught off guard at how unproductive competition can be within an organization if left unchecked, resulting in poor decision making by those who are competing against each other.

Within the realm of community corrections, Waylyn was most surprised by the negative attitudes of staff, the number and nature of personal problems between staff members, and the personal problems brought to work by staff. As a consequence, Waylyn was also surprised that his role as a manager involved much more problem diffusing than mentoring. In addition, Waylyn was surprised by how greatly poor leadership can negatively impact the overall functioning of an organization, resulting in low morale and staff turnover.

In addition to the presence of surprises, each leader reported that they view leadership differently now than they did at the beginning of their careers. Meg reported that, early in her career, she wanted everything—both more money and more time off. She acknowledged that, as a manager, she has now gained a "new" perspective that has helped her realize that her old managers really weren't as "difficult" as she thought they were at the time.

Jerry stated that, at the beginning of his career, he believed that leadership was a naturally occurring trait, something that you were either born with or didn't have. Later in his career, he learned that many aspects of leadership can be developed—including the ability to craft a vision, motivate others, be objective, and make decisions or change directions. Despite this, Jerry noted that some aspects of leadership, specifically the charisma often displayed by former Presidents John F. Kennedy and Bill Clinton, are difficult to "develop."

Waylyn indicated that, after nearly 40 years in the field of community corrections, he has learned to appreciate how difficult it is to be a manager or leader. Through his promotion to a management position, he developed a different perspective, reporting that he has developed a more positive view of leaders during the course of his employment, in particular a more positive view of leaders whose leadership methods he questioned earlier in his career. In addition, Waylyn noted that he has learned just how important good leadership is and the impact that such leadership can have on an organization.

Each of our leadership experts reported that, if given the opportunity, they would gladly offer a few words of advice to anyone who is stepping into a leadership role for the first time. Meg offered the following words, "People are different, so treat them differently." To Meg, it is important for a new manager or leader to remember that you can't motivate and help people the same way every time, that people have different motivators, and that people learn differently and react differently to positive and negative experiences. In addition, Meg cited the importance of hiring employees who will fit well into the culture of her team, as such a "fit" can't be learned.

Jerry noted that he would encourage new managers or leaders to not be afraid to follow their instincts or "go with their gut." In addition, Jerry cited the importance of learning how to recognize when someone is in the "right spot" or "not in the right spot," and developing the skill to tell them one way or the other. Jerry advised that, when an employee performance evaluation reveals deficiencies in certain areas, it is more effective to simply move that specific employee to a position where their strengths are utilized and their weaknesses are not used. Simply stated, move employees to the position that best fits the employee, which in turn is the best position for the company. Jerry stated that he would also encourage new managers or leaders to not worry so much about making decisions or making a mistake, and to be "slow to hire and quick to fire."

Waylyn likewise stressed the importance of the hiring process and encouraged both new managers and leaders to hire carefully and to not be afraid to let an employee go when you need to do so. Within the realm of community corrections, Waylyn noted the importance of

reminding new managers and leaders to be realistic with both themselves and their staff about the ability of defendants to succeed while subject to correctional supervision, to avoid power struggles and/or power trips, and to not take things personally. Last, Waylyn cited the importance of ensuring a "work/life balance" and allowing for time for reflection and for finding a "sanctuary" where you can recharge so as to avoid the burnout that is so common in the field of corrections.

Each of these three leadership experts listed several experiences that they felt were vital to their development into a manager or leader. Meg recalled that, when she took over her team, things were poorly organized to such an extent that she is now "hyper-organized" and may even be "anal" about organization as she doesn't want to be "caught off guard or surprised"—a feeling that she experienced when she was first assigned to manage her team and that she has disliked since.

Jerry advised that he learned from each of his experiences with "bad" leadership to create his own vision of what a true leader should be and the qualities that they should possess. Jerry indicated that he also developed a great deal when given opportunities to solve problems, develop solutions, and make mistakes doing so. In particular, Jerry cited his experiences with a supervisor who indirectly challenged him to take the initiative to learn about all aspects of the companies that they were acquiring, conduct that helped him to develop a desire to learn on his own and build a knowledge base, a desire which served him well for the remainder of his career.

Waylyn noted that he also learned a great deal from his experiences with poor management in community corrections and learned what he didn't want to be like as a manager or supervisor. Waylyn specifically cited the growth and learning that he experienced when he was forced to work through "bad spots" and when he was given formal opportunities to learn management or leadership-related skills. In addition, Waylyn discussed how important spending time with and observing an effective leader at work (during difficult times) were to his development.

In addition, each of our leadership experts identified aspects of their formal education that they felt prepared them for leadership, and identified additional characteristics of leadership for which they wished they had been better prepared. Meg, who earned a bachelor's degree related to the field of the religious studies of southeastern Asia, wished that she had developed a better and more comprehensive understanding of the concepts used in business, so she enrolled in and completed online business and management-related courses offered by her employer. Meg indicated that, in her opinion, the most valuable training she received was related to hiring practices. To Meg, such training helped her understand the importance of assessing a candidate's personality, as personality isn't a trait that you can teach to a new employee if it is incompatible with the company's culture.

Jerry explained that he earned a bachelor's degree in accounting and a master's degree in business administration, and indicated that, if he could "do it again," he would take more classes related to the field of psychology in order to learn more about the differences between people, how to better understand people, and how to better motivate people. Jerry reported that he believes he would have benefited greatly from having a mentor to help him learn to be confident in making decisions and know that it is okay to make mistakes. However, as he did not have a formal leadership program available to him, he was forced to develop his own path to leadership, an experience that he believes made him a stronger leader than he would have been if he had participated in a formal course of management or leadership-related training.

Waylyn, who earned both a bachelor's degree in political science and a master's degree in criminal justice, wished that he would have had more coursework related to management and leadership as a general foundation for his employment and role in an organization. Waylyn also wished he had enrolled in a course that would have stressed to him the importance of developing relationships with fellow managers or leaders so as to share ideas and seek guidance. Waylyn noted that his formal education failed to prepare him to develop such a network.

Unfortunately, the success or effectiveness of a manager or leader often boils down to one thing—their ability to improve their employer's financial condition. Meg noted that she has reduced costs for her employer by improving how work is organized so as to eliminate redundant or overlapping tasks, thus improving efficiency. Jerry explained that he also reduced costs for his employer by improving efficiency in both his employees and the organization as a whole. Waylyn acknowledged that reduced budgets in the field of community corrections have forced individuals such as himself to develop ways to do more with less, noting that he has done so by correcting inefficiencies in organizational structure, ensuring that work duties are not duplicated at any level within the organization, and empowering staff members.

Although managers and leaders seek to better the organization within which they manage and lead, organizations can directly impact the ability of a manager or leader to succeed or fail. Meg noted that, to ensure success, organizations need to provide leadership-related opportunities and courses to employees, helping them learn how to improve their communication skills so as to better work with other people. Meg noted that, if organizations promote employees to positions as managers without the proper management-related training, both are more likely to fail. In Meg's words, "Being a good employee doesn't mean that they will be a good manager."

Jerry reported that organizations can encourage leadership by providing employees with leadership experiences in which they have the opportunity to fail or succeed. Jerry noted that, to stifle leadership, organizations need only foster "an atmosphere of fear" in which employees are afraid to take a risk or make a mistake, a mood that will eventually result in a complete lack of leadership. Waylyn reported that organizations can encourage leadership by providing opportunities for employees to lead or to display leadership skills. Waylyn noted that, despite this, a lack of vision or a lack of needed funds (which is often common in the realm of community corrections) can easily suppress the development of leadership.

As should now be clear, just as good cakes often have many of the same ingredients, good leaders often have many of the same qualities. It should also be quite clear that the meaning of leadership varies from person to person. Such a reality is best displayed in the answers offered by each of these three leadership experts. The best way to summarize each of the differing yet similar views of leadership discussed by our experts is to ask one additional question, "What is your most important role as a leader?"

Meg reported that her most important role as a leader is to clearly outline work tasks and her expectations for the members of her team and ensure that the members of her team know that she is their "champion" and willing to fight for them if they are doing their jobs well. To Meg, her role as a leader requires her to be accountable to both her supervisor and

to the members of her team.

Jerry described his most important leadership role as that of an innovator who is tasked with developing the organization's vision, and more important, as the individual who ensures that his key leaders understand the goal of the vision and stay on task so as to continually move toward the organization's vision. Jerry further noted the importance of his role as the unifier and developer of the organization's key leadership in order to plan for the present and the future, ensuring that able and willing leaders are ready to take over when the opportunities to do so arise.

Waylyn described his most important leadership role as being a role model who inspires others to learn more about the job that they are doing, aspire to do their job well, and develop both an intellectual curiosity and a desire to find the answer themselves. In addition, Waylyn noted that, as a role model, he inspires his staff to develop a sense of ownership in their work, to effectively communicate in both writing and verbally, and to be proud of the work that they do and who they are.

So, what have I learned about leadership? Several months ago, at the onset of my journey into the world of leadership, I sat down and read Christensen, Allworth, and Dillon's (2012) *How Will You Measure Your Life?* I found that many of the examples offered by Christensen (2012) from the business world and his personal life supported my general beliefs that effective leadership and the qualities inherent in effective leaders include vision to make good decisions, keep followers on track and change course when needed, and allocate resources appropriately; a desire to help others by providing motivation and opportunities to develop processes, opportunities that are provided well before they are needed; and an ability to lead by example by being present and modeling appropriate behavior, working with others to solve problems, and displaying integrity (setting a "good example"), in part by admitting your errors and mistakes to your followers and not being afraid of making mistakes in the future.

Since a great deal of what I had read in *How Will You Measure Your Life?* supported my limited outlook on leadership, I simply adopted these qualities as my "working definition" of leadership. A few months later, I found myself methodically turning the pages of *Quiet* by Susan Cain (2013) and, soon thereafter, the pages of *The Situational Leader* by Dr. Paul Hersey (2012); *The Powers to Lead* by Joseph S. Nye, Jr. (2010); and *On Becoming a Leader* by Warren Bennis (2009). In addition, I read several articles related to both management and leadership.

As I read each of these books, my view of leadership took on a life of its own, it started to shift and evolve. Cain (2013) helped me realize that I'm an introvert and helped me gain a greater understanding of myself during her discussion of the stresses and strains often experienced by introverts who reside in a world where extroversion is the "ideal." Hersey (2012) taught the value of learning how to assess an employee's current performance readiness level (their ability and willingness to complete a given task) and later match the appropriate leadership style to this performance readiness level so as to best motivate that employee. Nye (2010) taught the difference between transformational and transactional leadership, and more important, the importance of blending "hard power" and "soft power" in different proportions based on the context of the situation, resulting in the use of "smart power." Bennis (2009) provided a lesson in leadership that revolved around the need for education, unlearning, learning, reflection, risk-taking, mistakes, and competency in the development of a leader.

Each management or leadership-related article that I read also added an "ingredient" to the growing list that I felt was required for the proper development of "good" leadership. Kotter (1990, May/June) discussed how management and leadership are complementary and focused on the importance of vision, alignment, and motivation. Abramson & Scanlon (1991, July) reviewed the "five dimensions" of leadership in which leaders must operate—hierarchical, subordinate, collegial, public, and process, and stressed the importance of employing interpersonal skills in each dimension. Williams (1994) focused on the need for court systems to be willing to clearly understand their mission, to create an ethic of service, to both rethink and reorganize how they use their human resources, and to measure performance and engage in a process of continuous improvement if they want to survive in a world where public expectations are heightened and public resources are shrinking. Collins & Porras (1996, September/October) discussed how any company's vision is the sum of the company's core ideology (core values and core purpose) and envisioned future ("big, hairy, audacious goals" and a vivid description of said goals). White (1997, January) stressed the need for future leaders to focus on "difficult learning" and to seek out uncertainty and vulnerability to gain an advantage, modeling their behavior after the adaptive conduct of children and experienced travelers.

Goleman (1998, November/December) discussed how the combination of self-awareness, self-regulation, motivation, empathy, and social skills creates emotional intelligence, which can be learned. Hamel (1999, September/October) lectured on two very different types of innovation, resource allocation and resource attraction, and their relationship to risk and opportunity. Goffee & Jones (2000, September/October) dissected each of the four qualities of inspirational leaders—an ability to selectively reveal their weaknesses, rely on their intuition, employ "tough" empathy, and dare to be different. Stupak (2001) offered a lesson on the types of power available to leaders and stressed the importance of court managers and leaders understanding how each of these types of power is used and where such power exists within the judiciary.

After spending hours reading and taking notes on each of these books and articles, I realized that I had been taught many things but had yet to really "learn" anything. Despite the wealth of leadership-related knowledge that I had built, I did not start to truly "learn" about leadership until after I had spoken with each of the three experts whose words I have outlined above. After a great deal of reflection, I finally determined that, in its essence, leadership means being yourself and learning from each of your experiences—both the good and the bad. In the words of Bennis (2009), "At bottom, becoming a leader is synonymous with becoming yourself. It's precisely that simple, and it's also that difficult." As summarized by Goffee & Jones (2000, September/October), "So the challenge facing prospective leaders is for them to be themselves, but with more skill."

The importance of being oneself became clear to me as I discussed leadership with Meg, Jerry, and Waylyn. In speaking with these experts, it became readily apparent that each of their definitions of leadership were molded by their experiences, and more important, were a direct reflection of the type of person that they are outside of their role as a manager or leader. In reviewing the statements made by each of our leadership experts, I soon realized that I agreed with nearly everything that they had to say about leadership—in part because they each so easily and directly set forth in only a few words leadership-related concepts

that others had explained in published books and articles, effectively bringing what had seemed to be lifeless concepts to life.

In order to seek out leadership, I must learn how I have been molded by each of my experiences, and more important, how the type of person that I am will reflect on me as a leader—building on each of my strengths and both identifying and improving on each of my weaknesses. In other words, I must learn from each of my experiences to become a better version of myself and, in doing so, a better leader.

In the words of Nye (2010), "Good leadership matters." This is true for all organizations, but it is especially true for those of us employed in the field of correctional supervision as federal probation officers. If not for good leadership, federal probation officers may find that they have no reason to continue to do the dangerous job that they are tasked with in an environment where public expectations are heightened and limited resources, staff, and pay are all too common. In other words, good leadership in the field of correctional supervision must include an ability to motive staff in an environment where financial resources, specifically the "soundly structured compensation program" discussed by Jerry, are controlled by outside factors.

The organizational chart in the Northern District of Iowa is quite flat and the few positions to which officers could be promoted are occupied by officers with many years left until retirement. With that in mind, how will my development as a leader be beneficial to the Northern District of Iowa? Simply stated, I will "lead from the middle," taking each leadership opportunity to gladly lead in "all directions of the compass"—acting as a leader to both my superiors and my peers (Nye, 2010, pp. 23, 35).

Baking a cake from scratch is not easy, but as one works through the process, a great deal can be learned. The same stands true for leadership. Developing into a leader is not easy, but as one works through the process, a great deal can be learned. After reading several management and leadership-related books and articles and interviewing three leadership experts, I learned that leadership means being yourself and learning from each of your experiences—learning how to more skillfully be yourself. Although it appears as if this process has cleared one of the often hidden paths to leadership, this path to leadership remains challenging and continues to "end" at a spot just over the horizon.

For better or worse, leadership impacts organizations. In the end, I think the baking analogy holds true: Leadership is like baking a cake. Although recipes vary, and at times can be difficult to understand, each of us knows a good cake when we taste one. Each of us also knows a good leader and effective leadership when we see it—in part through the positive impact that they have on organizations.

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Transportation Strategies of Female Offenders

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DEPENDABLE TRANSPORTATION CAN include automobile ownership, proximity to affordable and reliable public transit, or physical ability to walk or bike from place to place. The challenge of dependable transportation has been well studied in low-income and elderly populations—populations similar to female offenders. Female offenders commonly experience financial hardship (Holtfreter, Reisig, & Morash, 2004) as well as unemployment, unsafe housing (Schram, Koons-Witt, Williams, & McShane, 2006), and significant health concerns (Maruschak & Berzofsky, 2015). However, unlike these populations, female offenders have disadvantages unique to their criminal-justice system involvement (Daly, 1992; Daly & Chesney-Lind, 1988). Due to pasts demarcated by trauma, many face depression and anxiety symptoms, anger/hostility, adult victimization, parental stress, and relationship dysfunction (Belknap, 1996; Bloom, Owen, & Covington, 2003; Covington & Bloom, 2003; O'Brien, 2006; Owen & Bloom, 1995; Richie, 2001). Some also face psychosis symptoms. These conditions likely translate into greater need for transportation to meet day-to-day needs and complete supervision successfully.

Yet, because of these problems, female offenders are often categorized on risk and needs assessments as higher risk to recidivate (Hannah-Moffat, 1999). As a result, women are then required to attend a greater number of supervision programs. Complicating the situation, programs appropriate for women tend to be farther away geographically because fewer women are in the criminal justice system. Further still, because 56 percent of females in federal prisons and 62 percent in state prisons have at least one child (Glaze & Maruschak, 2008), female offenders are likely to have primary caretaking responsibilities for minor children who complicate travel (Covington, 2002). Consequently, women involved in the criminal justice system experience a greater and usually unrecognized need for dependable and affordable transportation than men, low-income women, and the elderly.

Previous research has found that access to dependable transportation, in low-income populations, has been linked to several favorable outcomes. When women do own cars, they live in better neighborhoods—ones with lower poverty rates and fewer health risks (Pendall et al., 2014). In fact, owning a car is more important to getting, and maintaining, employment than one's education or work experience (Lichtenwalter, Koeske, & Sales, 2006). Therefore, it's not surprisingly that a 2014 Urban Institute Study (Pendall et al., 2014) recommends that low-income women need greater access to cars.

Access to public transit is also important for labor participation. In two large U.S. cities, Sanchez (1999) found that people who lived closer to a bus or subway stop had significantly higher rates of labor participation. Living closer to better transportation is important because it improves access to medical services and social programs (Cvitkovich & Wister, 2001). Individuals with worse transportation access report increased levels of stress, reduced labor productivity, lower employee performance, and absenteeism (Cox, Griffiths, & Rial-Gonzalez, 2000; Gottholmseder, Nowotny, Pruckner, & Theurl, 2009; Jacobson et al., 1996). In short, employment and health outcomes are better for those with better access to transportation.

Looking specifically at offender populations, previous research has highlighted the prevalence of transportation disadvantage as well as its problematic outcomes (Northcutt Bohmert, 2016, 2014; Northcutt Bohmert & DeMaris, forthcoming). In one Midwestern state sample, 57.4 percent of women offenders (210 of 366) were transportation-disadvantaged (Northcutt Bohmert, 2014). In follow-up interviews (n=75), women identified the common problems with transportation: cost, access, reliability, and safety (Northcutt Bohmert, 2016). The majority of the women in the sample (80.9 percent) earned less than $10,000 per year, or just $192 per week. In fact, 20 percent of women reported that the cost of transportation was a problem for them. Sixty-eight percent of women did not own or lease their own vehicles. Among those who did have cars, 32 percent reported car problems such as their car breaking down frequently. Buses providing limited or inadequate service were a problem reported by 22.7 percent of women. And 12 percent of women in the sample reported in the in-depth interviews that safety concerns were a problem. In turn, transportation problems turned into missed supervision appointments, work, a medical appointment, mental health appointment, or a supervision-related appointment (e.g., a court date). Women with less access to transportation had a higher incidence of supervision violations, arrest, and convictions, and experienced these events more rapidly than women with higher levels of transportation access,

although the results were not statistically significant (Northcutt Bohmert, 2014).

Thus, there is a demonstrated need to examine ways to increase female offenders' access to dependable transportation. This article describes the agentic strategies women use to increase their access to transportation and proposes changes to existing supervision practices and criminal justice policies that may increase individuals' access to dependable transportation.

Methods

Sample

The study uses data from female offenders (n=366) who were surveyed across one Midwestern state, four times over three years (Morash, Kashy, Northcutt Bohmert, Cobbina, & Smith, 2015; Northcutt Bohmert, 2016), from 2011 to 2014. The 16 counties from which offenders were sampled encompassed 68.5 percent of the 2011 state population, all major population centers (e.g., Detroit, Grand Rapids), and a mix of rural and suburban areas.

Women were recruited from 73 parole and probation agents' caseloads. Interviews occurred after two, five, and eight months of supervision had passed. An impressive 94.3 percent of women (n=379) participated in the third wave of interviews. Because 12 of them were institutionalized (i.e., in jail, prison, or inpatient substance abuse treatment) and one woman was too physically ill to leave her home, the sample for this study is restricted to the 366 women who could appropriately answer questions about transportation access. Follow-up interviews were conducted with a subgroup of 75 women to capture female offenders' additional needs. Thematic analysis was applied to these interviews.

Measures

In-depth interviews were used to capture women's insights and experiences regarding adaptive strategies they use to increase transportation access. Women were asked, "Thinking about the ways you arrange transportation, now or in the past, what is hard or easy about it?" Women were also asked (1) what strategies they used to avoid missing important appointments, as well as (2) whether their strategies for arranging transportation were stressful or easy to use, and (3) whether these actions placed them in danger or a difficult situation. This line of inquiry was helpful in highlighting both strategies that work for women and those that do not.

Results

Sixty-eight of the seventy-five women interviewed each reported using up to six adaptive strategies to increase their access to dependable transportation. Grouping the types of strategies women use, there were nine main strategies women used to increase access to transportation:

- Planning in advance was the most common strategy women utilized (52 percent). Women reported leaving early for appointments, arranging rides ahead of time with people or agencies, and/or using a planner to stay organized.
- Building extensive support networks (28 percent), such as having several people ready as backups, was the next most common route. Research shows social support is key for women but also less expected than for men.
- Women relied on several modes of transportation (28 percent), for example, planning for a ride but also having a bus pass available for appointments.
- Women chose to live close to where they needed to travel (26.7 percent).
- One in five women relied exclusively on romantic partners (18.7 percent) and avoided asking others for help.
- One in five women drove illegally (18.7 percent).
- Some women traded goods and services (13.3 percent) such as childcare, food stamps, hairstyling, companionship or other non-taxable employment for rides.
- Another strategy was limiting travel (8 percent) or limiting range of travel.
- Finally, some turned to panhandling or working other odd jobs to pay for transportation (6.7 percent), including plasma donation, posting advertisements on Craigslist, or other activities that can be counted as taxable employment.

Most women interviewed were determined to "get where they needed to go" to avoid technical violations. To do so, many women would employ more than one of the above strategies at a time, in case one failed, as was too often the case. For example, a common combination of strategies was for women who arranged for several people to be available to take them places (32 narratives) to also use multiple modes of transportation (14 of those 32 narratives). One woman explained that she, "Just called ahead of time and let, you know, whoever was going to know what time I had to be there. And if not, if that failed, ride the bus." Despite using several strategies, women still encountered transportation problems. Sometimes a ride would not show up. Sometimes a bus would run late. Despite women's best efforts, they would still have negative outcomes.

Policies and Practices that Improve Dependable Transportation

Access to dependable transportation, a cornerstone piece of successful reentry, can be increased through changes to current policy and practice. For some women the use of these strategies was not enough to overcome social structural deficits. For example, the scheduling of random drug screens, exactly because they are random, makes it difficult to plan ahead to arrange a ride, borrow a vehicle, or use the bus (due to the location of the screening center). For women in these situations, the requirements of supervision voided many of the common transportation strategies. This information is important for agents and agencies to understand to better assist their clients, or at least make them aware of the transportation problems facing their clients.

Changes in the system are needed. The first target for intervention can be the women themselves. The findings of this study regarding which strategies work best for women to increase their access can be shared with women offenders new to supervision or who struggle with transportation problems. The results of previous studies (Cornacchione et al., 2016) show that supervision agents provide a lot of advice to female offenders and that, in turn, female offenders remember this advice and employ it. Advice regarding how to increase transportation access is a promising intervention.

The next target for intervention is community supervision officers and their policies. Most of the women in this study seemed to have understanding agents who did not penalize them for their transportation problems. However, there were women who went to jail when a ride fell through. The information provided here, especially on strategies women use to overcome transportation deprivation, could be incorporated into professional training and shared with women offenders to help them surmount their transportation obstacles. Cognizant of the limitations placed on community supervision officers with high caseloads and few resources at their disposal, there are several promising recommendations:

- When possible, implement practices that minimize travel for women such as using

phone reporting for low-risk supervision clients.
- Share prosocial strategies with women who struggle with transportation to help them increase their access to dependable transportation.
- Be lenient with clients who have transportation deficits but are otherwise exceling.
- Consider scheduling clients with transportation problems for easier travel times such as when buses run more frequently or when children are in school. Alternatively, where possible, have agents travel to clients.
- Be judicious about the amount of, and distance to, locations women must travel for appointments.
- Consider funding clients with Uber accounts, providing bicycles, or prioritizing housing in areas with better transportation access or safer walking routes.

Communities are also a fruitful place for intervention. Public transit authorities should study how their current services, and especially reductions in their services, impact female offenders and other low-income populations; they should also consider the safety concerns raised in this study as well. Community members can advocate for better bus routes and schedules, vote for elected officials who support reductions in harsh sentencing, and encourage the use of gender-specific approaches to correctional programming.

Finally, the front end of the system is also an important area to target for changes in policy and practice. Judges could recommend shorter, less intensive forms of probation and parole, recognizing that risk assessment tools typically overclassify women into higher risk levels (Hannah-Moffat, 1999)—this exacerbates transportation problems by requiring more programming.

Criminal justice administrators could develop and use risk and needs instruments that assess items related to transportation. Ideally, these instruments would be developed on female populations as well. Transportation is a stable enough construct that an instrument administered semi-annually should provide valuable information to supervision agents and other professionals (e.g., healthcare providers) relative to women's needs and ability to attend required appointments.

Conclusion

The role of dependable transportation for female offenders is probably the least explored facet of reentry needs (housing, employment, health care). This article is the first to both present strategies women can use to address transportation problems as well as offer suggestions for policy and practice. The study's results suggest that women use many successful strategies such as planning in advance or utilizing several modes of transportation, yet their situation remains tenuous.

The present study improves on existing research in several important ways. It uses a longitudinal design and a large sample of women from both rural and urban populations. It lays the initial groundwork for establishing transportation access as a problem for female offenders. The use of both quantitative and qualitative methodologies strengthened the study by making it possible to flesh out complex topics, such as agency, with in-depth interviews (n=75). Future research should utilize experimental designs that provide enhanced transportation services to offenders to isolate the effect of transportation.

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JUVENILE FOCUS

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Deaths in Custody

The Bureau of Justice Statistics reports on inmate death records from each of the nation's 50 state prison systems and approximately 2,800 local jail jurisdictions. Between 2003 and 2014, BJS also collected data on persons who died while in the process of arrest. Death records include information on decedent personal characteristics (age, race or Hispanic origin, and sex), decedent criminal background (legal status, offense type, and time served), and the death itself (date, time, location, and cause of death, as well as information on the autopsy and medical treatment provided for any illness or disease).

Data collections covering these populations were developed in annual phases: Annual collection of individual death records from local jail facilities began in 2000, followed by a separate collection for state prison facilities in 2001. Collection of state juvenile correctional agencies began in 2002 but was discontinued in 2006, and collection of arrest-related death records began in 2003. Datasets are produced in an annual format.

Local Law Enforcement Agencies Census

Presents the results of the Census of State and Local Law Enforcement Agencies, which is conducted every four years and covers approximately 18,000 law enforcement agencies nationwide. This report includes the number of state and local law enforcement agencies as of September 2008 and the number of sworn and civilian employees. Breakdowns are presented for general purpose agencies, including local police departments, sheriffs' offices, and primary state law enforcement agencies. The report also provides data for agencies that serve special jurisdictions "such as parks, college campuses, airports, or transit systems" or that have special enforcement responsibilities pertaining to laws in areas such as natural resources, alcohol, or gaming.

Highlights:

- State and local law enforcement agencies employed about 1,133,000 persons on a full-time basis in 2008, including 765,000 sworn personnel.
- About half (49%) of all agencies employed fewer than 10 full-time officers. Nearly two-thirds (64%) of sworn personnel worked for agencies that employed 100 or more officers.
- From 2004 to 2008, state and local law enforcement agencies added about 9,500 more full-time sworn personnel than during the previous 4-year period.

Correctional Populations

Correctional Populations in the United States, 2014. This report presents statistics on persons supervised by adult correctional systems in the United States at yearend 2014, including offenders supervised in the community on probation or parole and those incarcerated in state or federal prison or local jail. The report describes the size and change in the total correctional population during 2014. It details the downward trend in the correctional population and correctional supervision rate since 2007. It also examines the impact of changes in the community supervision and incarcerated populations on the total correctional population in recent years. Findings cover the variation in the size and composition of the total correctional population by jurisdiction at yearend 2014. Appendix tables provide statistics on other correctional populations and jurisdiction-level estimates of the total correctional population by correctional status and sex for select years.

Highlights:

- Adult correctional systems supervised an estimated 6,851,000 persons at yearend 2014, about 52,200 fewer offenders than at yearend 2013.
- About 1 in 36 adults (or 2.8% of adults in the United States) was under some form of correctional supervision at yearend 2014, the lowest rate since 1996.
- The correctional population has declined by an annual average of 1.0% since 2007.
- The community supervision population (down 1.0%) continued to decline during 2014, accounting for all of the decrease in the correctional population.
- The incarcerated population (up 1,900) slightly increased during 2014.

Deaths in Custody

- Status: Active
- Frequency: Annually starting in 2000 for jails; 2001 for state prisons; and 2003 for deaths in the process of arrest
- Latest data available: 2013
- Collects inmate death records from each of the nation's 50 state prison systems and approximately 2,800 local jail jurisdictions. Between 2003 and 2014, BJS also collected data on persons who died while in the process of arrest.
- Death records include information on decedent personal characteristics (age, race or Hispanic origin, and sex), decedent criminal background (legal status, offense type, and time served), and the death itself (date, time, location, and cause of death, as well as information on the autopsy and medical treatment provided for any illness or disease).
- Data collections covering these populations were developed in annual phases: Annual collection of individual death records from local jail facilities began in 2000, followed by a separate collection for state prison facilities in 2001. Collection of state juvenile correctional agencies began

in 2002 but was discontinued in 2006, and collection of arrest-related death records began in 2003. Datasets are produced in an annual format.

Law Enforcement Data

This report describes and compares three law enforcement employment data sources: 1) the FBI's Uniform Crime Reporting (UCR) Program, 2) the Census Bureau's Annual Survey of Public Employment and Payroll (ASPEP), and 3) the Bureau of Justice Statistics' Census of State and Local Law Enforcement Agencies (CSLLEA). The three sources provide information about the nature and scope of law enforcement employment in the United States. The sources use different definitions and vary in their periodicity and levels of coverage. This report provides recommended uses for the data sources.

Federal Police

A federal law enforcement agency is an organizational unit, or subunit, of the federal government with the principle functions of prevention, detection, and investigation of crime and the apprehension of alleged offenders. Examples of federal law enforcement agencies include the U.S. Customs and Border Protection, Federal Bureau of Investigation (FBI), the Secret Service, and the Bureau of Alcohol, Tobacco and Firearms (ATF). The Bureau of Justice Programs (BJS) has surveyed federal law enforcement agencies seven times since 1993. The 2008 Census of Federal Law Enforcement Officers (FLEO) included agencies that employed full-time officers with federal arrest authority who were also authorized (but not necessarily required) to carry firearms while on duty. The officer counts exclude officers in the U.S. Armed Forces (Army, Navy, Air Force, Marines, and Coast Guard), the Central Intelligence Agency (CIA), and the Transportation Security Administration's Federal Air Marshals. Findings are based on the 2008 Census of Federal Law and can be found at https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4372

Child Exploitation

The PROTECT Our Children Act of 2008 requires that the Attorney General develop and implement a National Strategy for Child Exploitation Prevention and Interdiction (National Strategy). The first National Strategy was published in 2010. The 2016 National Strategy, available at https://www.justice.gov/psc/file/842411/download, builds on that work.

The National Strategy is developed from discussions by members of an inter-agency working group convened by the National Coordinator for Child Exploitation Prevention and Interdiction at the Department of Justice (DOJ, or the Department). The National Strategy first discusses the work of federal law enforcement agencies and prosecutors since 2010, as well as other agencies and offices that support victims, provide grants to state, local, and tribal governments and non-profit partners, and educate the public about the dangers of child exploitation and the work of the non-governmental National Center for Missing & Exploited Children (NCMEC). Second, it updates the threat assessment in the 2010 National Strategy. Third, it lays out plans for continuing the fight against child exploitation in four key areas: investigations and prosecutions; outreach and education; victim services; and policy initiatives. Fourth, the National Strategy has a section dedicated solely to child exploitation in Indian Country, as the issues there are often unique. Finally, a series of appendices include statistics on federal prosecutions; detailed tables of information on the Internet Crimes Against Children Task Force Program (ICAC program) funded by DOJ; research on child exploitation funded by DOJ; a summary of the survey on which the threat assessment is based; and the text of DOJ legislative proposals. Throughout the National Strategy case studies are included as examples of child exploitation prosecutions brought by DOJ.

Incarceration Data

With 2.3 million Americans behind bars, the criminal justice system is larger than ever. Its growing tentacles have caught almost every demographic subset of our country. The U.S. has less than five percent of the world's population, yet incarcerates nearly a quarter of the world's prisoners, also causing hidden economic and societal costs. The Brennan Center for Justice at New York University's School of Law seeks to reduce mass incarceration through policy and legal reforms to create a more rational system that protects public safety and communities. The Center seeks to eliminate the criminalization of minor behavior, reform selective enforcement policies, institute a proportional system of punishment, and hold all actors in the criminal justice system accountable by ensuring that government dollars are spent on effective, evidence-based programs. For more information, visit the Brennan Center website at https://www.brennancenter.org/issues/justice-all.

Crime Rate

Overall crime rates in America's 30 largest cities were nearly identical from 2014 to 2015, according to an analysis of final 2015 numbers by the Brennan Center for Justice. Crime declined over that time period by 0.1 percent. The data show that crime rates remain at historic lows nationally, despite recent upticks in a handful of cities. The authors of this report looked at changes in crime and murder from 2014 to 2015, using data through Dec. 31, 2015, and examined economic factors in Chicago, Baltimore, and Washington, D.C., that could explain why murder rates are up in those cities. Of the 30 cities studied, the three areas accounted for more than half of the increase in murders last year.

Among the updated findings:

- Crime overall in the 30 largest cities in 2015 remained the same as in 2014, decreasing by 0.1 percent. Two-thirds of cities saw drops in crime, which were offset mostly by an increase in Los Angeles (12.7 percent). Nationally, crime remains at all-time lows.
- Violent crime rose slightly, by 3.1 percent. This result was primarily caused by increasing violence in Los Angeles (25.2 percent), Baltimore (19.2 percent), and Charlotte (15.9 percent). Notably, aggravated assaults in Los Angeles account for more than half of the national rise in violent crime.
- The 2015 murder rate rose by 13.2 percent in the 30 largest cities, with 19 cities seeing increases and 6 decreases. However, in absolute terms, murder rates are so low that a small numerical increase can lead to a large percentage change.
- Final data confirm that three cities (Baltimore, Chicago, and Washington, D.C.) account for more than half (244) of the national increase in murders. While this suggests cause for concern in some cities, murder rates vary widely from year to year, and there is little evidence of a national coming wave in violent crime. These serious increases seem to be localized, rather than part of a national pandemic, suggesting that community conditions remain the major factor. Notably, these three cities all seem to have falling populations, higher poverty rates, and higher unemployment than the national average. This implies that economic deterioration of

these cities could be a contributor to murder increases. Access the report at https://www.brennancenter.org/press-release/crime-rates-remain-historic-lows-final-2015-numbers-show.

Mental Illness Deinstitutionalization

During the second half of the 20th century, the United States embarked on a movement to deinstitutionalize individuals with mental illness, and this initiative resulted in the rapid decline of available psychiatric beds. In 1955, there was one psychiatric bed in public hospitals for every 300 people. By 2004, there was one bed per 3,000 people and correctional facilities were housing three times more people with serious mental illness than hospitals (Torrey et al., 2010). Ironically, New York actually closed a State psychiatric hospital only to re-open the same set of buildings as a correctional facility to serve inmates with several mental illnesses (Torrey et al., 2010).

While advocates for deinstitutionalization believed that community-based agencies could provide counseling and medication monitoring for those in need, funding for such agencies did not materialize (Slate & Johnson, 2008). The lack of available community assistance has left many individuals with mental illness and their families with no place to turn to for assistance. As symptoms worsen, individuals may become too difficult to manage at home, and they may also become problematic to community residents and business owners. The tendency of mentally ill individuals to "self-medicate" with illicit drugs and alcohol only exacerbates the situation. The result is that the police are forced to become involved, and when an arrest is warranted, persons with mental illness are brought to jail

Findings are based on data from a number of sources, including the National Crime Victimization Survey (NCVS), School Crime Supplement to the NCVS, Youth Risk Behavior Survey, School Survey on Crime and Safety, and School and Staffing Survey.

School Crime and Safety

The Bureau of Justice Statistics, in collaboration with the National Center for Education Statistics (NCES), has released "Indicators of School Crime and Safety: 2015." This annual report provides the most recent data on school crime and student safety. The indicators in this report are based on a variety of data sources, including national surveys of students, teachers, principals, and postsecondary institutions. Topics covered include victimization at school, teacher injury, bullying and cyberbullying, school conditions, fights, weapons, availability and student use of drugs and alcohol, student perceptions of personal safety at school, and crime at postsecondary institutions. This year's report also includes a spotlight section on juveniles in residential placement facilities based on data collected by OJJDP. For more information, access http://www.bjs.gov/index.cfm?ty=tp&tid=974

Evidence-Based Juvenile Programs

The Model Programs Guide (MPG) provides policymakers and practitioners with valuable information about evidence-based juvenile justice and youth prevention, intervention, and reentry programs and practices. The new iGuides (short for Implementation Guides) expand on this by providing MPG users with information on 10 steps that should be taken in the pre-implementation stage (that is, before identifying or implementing an evidence-based program or practice).

The 10 steps are based on the research literature about successful implementation efforts and applied to common problems in juvenile justice and related fields. The iGuides offer communities tips and action-oriented recommendations to better understand the problems they are facing, identify the best solutions, and lay the groundwork to help promote successful implementation of those solutions. One of the many benefits of the iGuides is the variety of information that can be used by anyone at any point in this process.

National Youth Gang Survey

This fact sheet presents an overview of the nation's gang problem. Since 1996, the National Gang Center's National Youth Gang Survey has collected data annually from a large representative sample of local law enforcement agencies. The sample consists of two groups: police departments in cities with more than 50,000 residents along with suburban county police and sheriffs' departments, and a random sample of police departments in cities with populations between 2,500 and 50,000 along with rural county sheriffs' departments. Survey findings show that, in 2012, gangs were active in slightly less than 30 percent of the jurisdictions (the lowest point in nearly a decade), attributed partly to the decline in the prevalence rates of gang activity in smaller cities. Nearly 30 percent of responding law enforcement agencies reported gang activity for 2012, concentrated mostly in urban areas. Gang-related homicides increased overall nationally, partly on account of increased reporting by agencies. For more information, access https://www.nationalgangcenter.gov/Survey-Analysis.

Youth Victims of Violence

OJJDP recently introduced a Data Snapshot series on its Statistical Briefing Book to disseminate current research and statistical information about youth in the juvenile justice system. Each one-page Snapshot focuses on a specific topic and highlights policy-relevant findings. The latest Data Snapshot focuses on the characteristics of youth victims of violence and domestic violence using data that the FBI's National Incident-Based Reporting System (NIBRS) collected. The information presented in this Data Snapshot is based on "Easy Access to NIBRS Victims," one in a series of data analysis and dissemination tools available through the Statistical Briefing Book. Developed by the National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges, the Statistical Briefing Book offers easy online access to statistics on a variety of juvenile justice topics.

Aging of the State Prison Population, 1993–2013

The Bureau of Justice Statistics has produced a report that discusses factors that have contributed to the growing number of older offenders in state prison, and examines changes in the sex, race, current offense, and sentencing characteristics of these offenders over time. It also describes how more prison admissions and longer lengths of stay contribute to the aging of the prison population and result in the growing numbers of offenders who are "aging in" to the older age cohorts. Data are from the Bureau of Justice Statistics' National Corrections Reporting Program, National Prisoner Statistics program, and Survey of Inmates in State Correctional Facilities (1991 and 2004) and from the FBI's Uniform Crime Reporting program. More information is available by accessing http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5602

Highlights:

- The number of prisoners age 55 or older sentenced to more than 1 year in state prison increased 400 percent between 1993 and 2013, from 26,300 (3 percent of the total state prison population) in 1993 to 131,500 (10 percent of the total

population) in 2013.

- The imprisonment rate for prisoners age 55 or older sentenced to more than 1 year in state prison increased from 49 per 100,000 U.S. residents of the same age in 1993 to 154 per 100,000 in 2013.
- Between 1993 and 2013, more than 65 percent of prisoners age 55 or older were serving time in state prison for violent offenses, compared to a maximum of 58 percent for other age groups sentenced for violent offenses.
- At yearend 1993, 2003, and 2013, at least 27 percent of state prisoners age 55 or older were sentenced for sexual assault, including rape.
- More than four times as many prisoners age 55 or older were admitted to state prisons in 2013 (25,700) than in 1993 (6,300).

Youth Commitments

Between 2003 and 2013 (the most recent data available), the rate of youth committed to juvenile facilities after an adjudication of delinquency fell by 47 percent. (See Sickmund, Sladky, Kang, & Puzzanchera, 2015.) "Easy Access to the Census of Juveniles in Residential Placement." Every state witnessed a drop in its commitment rate, including 19 states where the commitment rates fell by more than half. The District of Columbia's commitment rate increased during these ten years. Despite this remarkable achievement, the racial disparities endemic to the juvenile justice system did not improve over these same 10 years. Youth of color remain far more likely to be committed than white youth. Between 2003 and 2013, the racial gap between black and white youth in secure commitment increased by 15 percent.

- Both white youth and youth of color attained substantially lower commitment rates over these 10 years. For white juveniles, the rate fell by 51 percent (140 to 69 per 100,000); for black juveniles, it fell 43 percent (519 to 294 per 100,000). The combined effect was to increase the commitment disparity over the decade. The commitment rate for Hispanic juveniles fell by 52 percent (230 to 111), and the commitment rate for American Indian juveniles by 28 percent (354 to 254).
- As of 2013, black juveniles were more than four times as likely to be committed as white juveniles, American Indian juveniles were more than three times as likely, and Hispanic juveniles were 61 percent more likely.

Jailing the Poor

- According to a report by the Vera Institute for Justice, there are more than 3,000 local jails in America, holding more than 730,000 people on any given day.
- The Vera Institute's report documents that there are almost 12 million admissions to local jails each year, representing about 9 million people. Most of those jailed, states Nancy Fishman of the Vera Institute, are being held for low-level offenses, such as drug misdemeanors, traffic offenses, or nonviolent property crimes. And, she adds, the majority are poor.
- Fishman notes that most of the people in jail are pretrial, which means that they have not yet been convicted of anything. "They are legally innocent," she says. "One of the great travesties, frankly, of jail admissions right now is that we have people sitting in jail for long periods simply because they can't afford to pay [bail]."

Evidence-Based Practices in Juvenile Justice

The National Center for Juvenile Justice (NCJJ) has released a new case study on evidence-based policies, programs, and practices in juvenile justice. This case study details how three states established evidence-based practice support centers to promote research-informed juvenile justice systems through training and technical assistance, data collection and analysis, and stakeholder involvement. This is the second in a new series of case studies supporting themes explored on NCJJ's Juvenile Justice Geography, Policy, Practice, and Statistics (JJGPS) website.

Publications

A new policy brief delves into the troubling increase in racial disparities among youth committed in the juvenile justice system, even as juvenile commitments overall have declined substantially. In *Racial Disparities in Youth Commitments and Arrests*, Josh Rovner reviews state-by-state disparities in commitments and the likely impact of growing racial disparities in arrests. As of 2013, the commitment rate for African American youth was four times higher than for white youth, an increase of 15 percent over ten years.

Nicole D. Porter has published an article, "Unfinished Project of Civil Rights in the Era of Mass Incarceration and the Movement for Black Lives," in the *Wake Forest Journal of Law & Policy* that discusses the collateral impacts of justice involvement on communities of color and how current social movements are challenging mass incarceration. She has also co-authored an op-ed commentary in the Wilmington, Delaware, *News Journal*, "Delaware can lead the way in sentencing reform," which supports reform of the state's "three strikes" laws.

Twenty years ago, Congress adopted the felony drug ban, which imposes a lifetime restriction on welfare and food stamp benefits for anyone convicted of a drug felony. In his commentary, "How the Felony Drug Ban Keeps Thousands of Americans Hungry," published on TalkPoverty, Jeremy Haile explains why post-incarceration punishments are ineffective and may be counterproductive to public safety. A study by The Sentencing Project found that the ban subjects an estimated 180,000 women in the 12 most impacted states to a lifetime ban on welfare benefits.

Criminal History

A report prepared by SEARCH under a cooperative agreement with BJS presents findings from the 2014 Survey of State Criminal History Information Systems, which has been used since 1989 to collect the nation's most complete, comprehensive, and relevant data on the number and status of state-maintained criminal history records and on the increasing number of operations and services involving noncriminal justice background checks provided by the state repositories.

Background Checks

A report prepared by SEARCH and the National Center for State Courts under a cooperative agreement with BJS provides an overview of legislation (National Instant Criminal Background Check System Improvement Amendments Act) and reporting mechanisms for mental health information, the challenges states face in reporting, strategies implemented to overcome these challenges, and data that illustrate the improvements accomplished during the previous decade.

Juvenile Court Age

During the last decade, advocates and policymakers in Connecticut and Illinois won contentious battles to keep young offenders in juvenile court until they turned 18 years old. Now, supporters of those efforts want to go even further, saying a wave of research into adolescent brain development makes the case for treating young adults differently from

mature adults. Lawmakers in both states are considering legislation that would raise the age of juvenile jurisdiction through age 20. The move would bring young adults into a system some say is better equipped to rehabilitate them—and comes with fewer collateral consequences, such as trouble finding employment, that often accompany a criminal record.

Juvenile Drug Courts

The University of Arizona Southwest Institute for Research on Women has published findings from a 4-year cross-site evaluation of the Juvenile Drug Court and Reclaiming Futures project to improve juvenile drug courts. The Juvenile Drug Courts/Reclaiming Futures initiative integrates the Juvenile Drug Court: Strategies in Practice and the Reclaiming Futures models to rehabilitate nonviolent, substance-abusing youth. OJJDP funded this evaluation through an interagency agreement with the Library of Congress. A key finding of the evaluation: Youth with high levels of criminal behavior and substance use involved in the Juvenile Drug Courts/Reclaiming Futures programs had better outcomes than those in non-Reclaiming Futures juvenile drug courts and intensive outpatient treatment programs. The study also provides an economic and implementation analysis as important considerations for potential replication.

Native Americans in the Justice System

The overrepresentation of Native Americans in the criminal justice system is a nationally underreported story, according to a recent article in Nieman Reports. Native Americans have been admitted to prison at over four times the rate for whites, according to the National Council on Crime and Delinquency. A 2014 report by the Centers for Disease Control found that police kill Native Americans at almost the same rate as African Americans. Through this underreporting, "news media are communicating that Native Americans are not a vital part of the national conversation on race," says researcher Christopher Josey. A new report by the Council of State Governments' Justice Center reveals that Native Americans make up just seven percent of Montana's population, yet account for nearly 20 percent of arrests. Montana's sentencing commission will reconvene this summer to analyze successful prison diversion efforts by other states, in order to reduce both racial disparities and the prison population.

Juveniles in Residential Placement

OJJDP has released "Juveniles in Residential Placement, 2013." The bulletin presents information from the 2013 Census of Juveniles in Residential Placement, a biennial survey of public and private juvenile residential facilities that the U.S. Census Bureau conducted and OJJDP sponsored. The data indicates that the number of juveniles held in residential placement as a result of an offense has declined 48 percent since 1997. Racial and ethnic minority youth accounted for 68 percent of youth in residential placement in 2013, with black males making up the largest share. The national detention rate for black youth was nearly 6 times the rate for white youth, and their commitment rate was more than 4 times the rate for white youth.

Racial Disparities in Sex Offender Registration

In "Punishing Sex: Sex Offenders and the Missing Punitive Turn in Sexuality Studies," published in Law and Social Inquiry, Trevor Hoppe demonstrates that like the rest of the criminal justice system, sex offender registration across the country disproportionately affects black men. About two-thirds of the approximately 750,000 Americans who are registered sex offenders are white men. But using data made publicly available on state websites and by organizations such as Parents for Megan's Law, Hoppe reveals that within this large and growing population, the sex offender registration rate for blacks is twice that of whites. He notes: "Roughly one out of every 119 black men living in the forty-nine states analyzed were registered sex offenders—nearly 1 percent of all black men." While Hoppe does not address the degree to which these disparities are produced by differences in behavior or criminal justice processing, he notes that the growth in sex offender registration rates, which are frequently for life, is occurring despite modest reductions in the overall correctional population.

Color of Justice

The Color of Justice: Racial and Ethnic Disparity in State Prisons, authored by Ashley Nellis, finds that African Americans are incarcerated in state prisons across the country at more than five times the rate of whites. New Jersey tops the nation in terms of disparity in its incarceration rates, with a black/white ratio of more than 12 to 1. Wisconsin, Iowa, Minnesota, and Vermont follow closely behind, incarcerating African Americans at more than 10 times the rate of whites. Even states with the lowest black incarceration rates report higher figures than states with the highest white incarceration rates.

Hispanics are incarcerated nationally in state facilities at a rate that is 1.4 times the rate for non-Hispanic whites, but at a much higher rate in Massachusetts (4.3), Connecticut (3.9), Pennsylvania (3.3), and New York (3.1). In raw numbers, Hispanic incarceration is highest in border and southwestern states. The report identifies three contributors to racial and ethnic disparities in imprisonment: criminal justice policies and practices, implicit bias, and structural disadvantages.

Sheriff's Personnel

An estimated 3,012 sheriffs' offices employed 352,000 full-time sworn and civilian personnel who perform a variety of law enforcement, jail, and court-related duties nationwide. This total included 189,000 sworn officers (those with general arrest powers) and 163,000 nonsworn or civilian employees. Growth among full-time civilian employees had outpaced growth among sworn personnel from 1993 to 2007. However, that trend reversed between 2007 and 2013, when the number of full-time sworn officers increased by 16,700 (up 10 percent) and the number of civilian employees decreased by 11,100 (down 6 percent). This report presents data on persons employed by the nation's sheriffs' offices and employment trends from 1993 to 2013. Data are from the Bureau of Justice Statistics' (BJS) Law Enforcement Management and Administrative Statistics (LEMAS) survey. BJS conducts the survey periodically among a nationally representative sample of general purpose state and local law enforcement agencies.

Study Highlights

During 2013, sheriffs' offices accounted for a fifth (20 percent) of the nation's 15,400 general purpose state and local law enforcement agencies.

- Sheriffs' offices employed about a third (34 percent) of all full-time general purpose law enforcement personnel during 2013.
- About 189,000 (54 percent) full-time sheriffs' office employees were sworn officers, making up about a quarter (26 percent) of all full-time general purpose law enforcement personnel in 2013.
- Between 2007 and 2013, the number of full-time sworn personnel in sheriffs'

offices increased by 10 percent, while civilian personnel decreased by 6 percent.
- In 2013, about 14 percent of full-time sworn officers in sheriffs' offices were female compared to 12 percent in 2007.
- Nationally, about 12 percent of first-line supervisors in sheriffs' offices were female in 2013.
- From 2007 to 2013, minority personnel among full-time officers in sheriffs' offices increased by more than 7,000 (up 22 percent), from 32,700 to 40,100 officers.
- For the first time, Hispanic or Latino officers made up the largest minority group (11 percent) of full-time sworn officers employed by sheriffs' offices in 2013.
- Full-time sworn officers who were Asian, Native Hawaiian, or Other Pacific Islanders; or American Indian or Alaska Natives increased from 1.1 percent in 1993 to 2.0 percent in 2013.

Crime and Incarceration Rates

A new Brennan Center analysis shows that 27 states reduced the rates of both crime and imprisonment over the last ten years. Nationally, imprisonment dropped 7 percent and crime dropped 23 percent from 2006 to 2014, the most recent year of data. Some states that had the largest drops in their prison populations also experienced the largest reductions in crime. For instance, South Carolina reduced its prison population by 18 percent, while violent crime dropped 38 percent, the largest fall off in the country. Populous states, such as California, Texas, New York, and New Jersey all reduced their prison populations by more than twice the national average, while crime in these states fell by a minimum of 15 percent. In two states, North Dakota and New Hampshire, both the imprisonment rate and the crime rate increased.

Research Roundup

A Bureau of Justice Statistics study revealed that the number of prisoners age 55 or older increased 400 percent between 1993 and 2013. The major contributing factors to the aging prison population were an increase in admissions of older defendants and inmates serving longer sentences, especially for violent crimes.

A recent article in *Social Science & Medicine* studied the relationship between stop-question-and-frisk policing, psychological distress, and gender in New York City. The authors found that men, but not women, experienced more severe psychological stress and anxiety when they lived in neighborhoods with higher rates of stop-and-frisk policing.

The Vera Institute of Justice released a report on trends in state sentencing and corrections laws. It found that an astonishing 46 states had reformed aspects of sentencing and corrections through legislation, executive orders, and ballot initiatives in 2014 and 2015 alone. These policy changes were focused on expanding diversion programs; supporting reentry into the community after release from prison; and reducing prison populations through sentencing reforms and reducing revocations to prison from parole.

PREA Reports

This report describes BJS's activities during 2015 and 2016 to collect data and report on the incidence and effects of sexual victimization in correctional facilities, which included—
- analyzing administrative records of sexual victimization in juvenile correctional facilities based on the Survey of Sexual Victimization.
- collecting data on incidents that occurred in adult and juvenile facilities during 2014.
- conducting further analyses of previous inmate and youth self-report surveys to provide a more comprehensive understanding of facility- and individual-level indicators of sexual victimization.

This report meets the requirements of the Prison Rape Elimination Act of 2003 (PREA) (P.L. 108-79) to report on BJS's activities for the preceding calendar year by June 30 of each year.

Solitary Confinement Harms Children

Solitary confinement is well known to harm previously healthy adults, placing any prisoner at risk of grave psychological damage. Children, who have special developmental needs, are even more vulnerable to the harms of prolonged isolation.

Although room confinement remains a staple in most juvenile facilities, it is a sanction that can have deadly consequences. More than 50 percent of all youths' suicides in juvenile facilities occurred while young people were isolated alone in their rooms and more than 60 percent of young people who committed suicide in custody had a history of being held in isolation.
- **Psychological Damage:** Mental health experts agree that long-term solitary confinement is psychologically harmful for adults—especially those with pre-existing mental illness, and the effects on children are even greater due to their unique developmental needs.
- **Increased Suicide Rates:** A tragic consequence of the solitary confinement of youth is the increased risk of suicide and self-harm, including cutting and other acts of self-mutilation. According to research published by the Department of Justice, more than 50 percent of all youth suicides in juvenile facilities occurred while young people were isolated alone in their rooms, and that more than 60 percent of young people who committed suicide in custody had a history of being held in isolation.
- **Denial of Education and Rehabilitation:** Access to regular meaningful exercise, to reading and writing materials, and to adequate mental health care—the very activities that could help troubled youth grow into healthy and productive citizens—is hampered when youth are confined in isolation. Failure to provide appropriate programming for youth including access to legal services hampers their ability to grow and develop normally and to contribute to society upon their release.
- **Stunted Development:** Young people's brains and bodies are developing, placing youth at risk of physical and psychological harm when healthy development is impeded. Children have a special need for social stimulation and since many children in the juvenile justice system have disabilities or histories of trauma and abuse, solitary confinement can be all the more harmful to the child's future ability to lead a productive life. Youth also need exercise and activity to support growing muscles and bones.

YOUR BOOKSHELF ON REVIEW

Subsidizing the Criminal Justice System—The Costs of Being Poor

A Pound of Flesh: Monetary Sanctions as Punishment for the Poor.

By Alexes Harris. New York: Russell Sage Foundation, 2016. 236 pp. $29.95 (paperback).

Reviewed by Todd Jermstad
Belton, Texas

Much has been written about the structure and nature of the modern criminal justice system in this country. A significant focus has been placed on the phenomenon of mass incarceration, which has made the United States an outlier in Western countries, indeed the world.[1] Researchers in turn have examined this phenomenon through the lens of class, income, and above all race. Most of the efforts for criminal justice reform over the last decade have dealt with diverting persons from incarceration to a lesser form of control.[2] What has not been considered until fairly recently are the consequences of the burdens that have been placed on defendants subject to this lessor form of "punishment," i.e., community supervision and monetary penalties. In *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*, Dr. Alexes Harris, an associate professor in the Department of Sociology at the University of Washington, examines the effects of the imposition of various fines, fees, and costs on poor defendants.

Dr. Harris's central thesis is that the imposition of fines and fees creates a two-tiered system of punishment: one in favor of those with financial means and one for those who are poor. She states that her book is about a contemporary form of social control that is imposed by court systems in the form of monetary sanctions and disproportionately punishes the poor. She argues that the imposition of monetary sanctions on the poor creates a permanent punishment. Thus she advances the notion that our twenty-first century criminal justice system results not just in a criminal conviction and the related societal stigma but also in financial debt, constant surveillance, and related punishment incurred by monetary sanctions.

This book is divided into seven chapters, along with a preface and a methodological appendix. While Dr. Harris references some secondary sources and other scholars' research studies, her primary focus is examining the sentencing practices, operation, monitoring, and enforcement of legal financial obligations (LFOs) in five counties in the State of Washington. Based on her original research in these five counties, she has determined that monetary sanctions have become inherently localized, with extreme variability in the sentencing, monitoring, and sanctioning of legal debtors.

Monetary sanctions have long been a part of sentences in the criminal justice system throughout the United States. Nevertheless, the author notes that LFOs ballooned in the early 1990s, when states began to formally codify their financial penalties. Moreover, with the expansion of monetary sanctions, a new bureaucratic area of the criminal justice system has emerged with its own costs and priorities that may or may not be aligned with other aspects of the system. These LFOs include restitution for victims; fines, fees and costs; surcharges,[3] and interest on unpaid debt obligations.[4] LFOs even include an annual collection fee for the efforts of court officials to collect these court-imposed costs. This does not even include the supervision fees assessed for the supervision of offenders on probation. Some of these LFOs are statutorily mandated and some are within the discretion of the court or even the clerk charged with monitoring and enforcing the collection of LFOs.

In hindsight, it should not be too surprising that with the increased reliance on incarceration and its ancillary growth in community corrections over the last several decades, the traditional resources utilized by the courts in processing, adjudicating, and monitoring an augmented number of defendants have become strained. In addition, during the same time that the phenomenon of mass incarceration and mass supervision occurred, the public developed an aversion to tax increases even as the demand for government services expanded. Hence, as Dr. Harris notes, legislatures across the country have resorted to an increase in LFOs, including novel forms of penalties such as surcharges, interest, and annual collection fees in order to fund court operations.

Dr. Harris notes that this growth in the assessment of LFOs has had a detrimental effect on poor defendants, and especially on minority groups. For example, the assessment of interest on unpaid fines and fees has caused the overall unpaid obligations to the courts to increase to the point that an impoverished defendant cannot possibly pay all the obligations owed to the court, and this debt is converted to a lifetime monetary sanction. This means that a defendant is continually under surveillance, constantly brought before a court, and faces the ongoing imposition of sanctions, including time in jail. The author argues that because they cannot be held fully accountable for their offending when they are unable to pay, the poor experience a "permanent punishment."

Dr. Harris explains that despite United States Supreme Court holdings that state a defendant cannot be incarcerated for a failure to pay fines, fees, or costs without a showing

[1] It has been widely observed that while the United States has 5 percent of the world population, it incarcerates 25 percent of all inmates in the world.

[2] While mass incarceration in the United States has been widely observed, what has not been widely noted is that the United States has seven times as many probationers being supervised on community corrections than in other Western countries.

[3] Washington State has a practice of imposing a surcharge on assessed fines, that is: a fine upon a fine.

[4] Washington State assesses a 12 percent interest rate on LFOs that are delinquent. Considering that the current interest rate in the United States is less than 1 percent, it would be hard to argue that the statutory interest rate is not usurious.

of "willfulness" to do so,[5] no court decision has actually defined the term "willfulness" and the definition of this term has been left to the interpretation of various courts. Moreover, even though legislatures have authorized the imposition of LFOs, they have left it to the courts to determine whether a defendant has the means to make payments and when and under what circumstances discretionary LFOs can be imposed. The result: The assessment of LFOs and enforcement of collections vary widely not only from one jurisdiction to the next but even from one court to another within the same jurisdiction.

The author further questions the cost effectiveness of monitoring poor defendants and enforcing the collection of LFOs. Her research shows that the contrast between average sentences and the average payment amount per year is bleak and suggests that unpaid LFOs go largely unpaid. She concludes that the total amount of money collected for LFOs does not pay for both the initial costs of processing and convicting defendants and the additional costs of monitoring them for payment and sanctioning them for nonpayment. At best, the system may only be paying for itself. Moreover, she notes that even when a priority is set on recovering restitution for the victim before all other fees are collected, the reality is that collecting revenue for general criminal justice practices competes with the commitment to collect money for victim restitution.

One implication this book raises is whether this situation that creates undue financial burdens on the poor is based on inherent American values or whether policy and law makers have inadvertently pursued steps in the criminal justice system that have an adverse impact on certain racial and ethnic groups, classes of people, and the economically stressed. The author argues that the American values of personal responsibility, meritocracy, and paternalism have led to the system of monetary sanctions. However, another reason may be more mundane if not equally troubling: Policy and law makers have very little understanding of race, class, and poverty in our country and do not fathom how the adoption of policies or legislative enactments will have a disparate impact on certain groups of people in our society. Other researchers have observed the clear correlation of race, ethnicity, class, and income levels and mass incarceration; however, further research needs to amass more empirical data to better grasp how and why these circumstances exist in our criminal justice system.

Finally, the author raises the question of the purpose of punishment and the disparate treatment of the affluent and poor in the criminal justice system. Dr. Harris notes that a study of defendants in 15 states found that monetary sanctions result in long-term cycles of debt, that nonpayment regularly results in reincarceration, and that legal debt negatively affects debtors' chances for successfully reintegrating into society. Considering that our criminal justice system relies on mass incarceration and even diverting offenders to lesser "punishments" carries serious collateral consequences and heavy financial penalties, it is difficult to argue that any part of our existing system forwards the goal of rehabilitation. Moreover, even for those who maintain that the criminal justice system should further interests other than rehabilitation, it is hard to argue that this system is cost effective, promotes safety, does not encourage more crime, and does not further the impoverishment of our most vulnerable citizens.

A Pound of Flesh: Monetary Sanctions as Punishment for the Poor questions the premise that our criminal justice system is fair and equitable for all. It further questions whether the criminal justice is rational and effective. As Dr. Harris notes, more research needs to be conducted on the impact of LFOs and the poor. Although there may be differences in the assessment and collection of LFOs in states other than Washington, it is hard to envision that the adverse consequences for the poor and the societal costs would be appreciably different in other states. While it is hard to foresee when states will wean themselves from the money generated through the criminal justice system, one can hope that steps will be taken to diminish the harm to the poor.

[5] See *Bearden v. Georgia*, 461 U. s. 660, 103 S. Ct. 2064 (1983).

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