

It's O.K., Supervision Enthusiasts:

You Can Come Home Now! *Harold B. Wooten*

**A Challenge Answered:
Perception of the Pro**

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U.S. Department of Justice
National Institute of Justice

**Private Enterprise in Ins
A Call for Caution ..**

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*F. Travis III
Latessa, Jr.
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**Impact of a Job Trainin
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This Issue in Brief

It's O.K. Supervision Enthusiasts: You Can Come Home Now!—Author Harold B. Wooten asserts that probation systems have lost interest in supervision of offenders; instead, trendy practices which are best described as elaborate monitoring mechanisms have taken the day. But, the author contends, before we rally the supervision loyalists, we should first admit that changing self-defeating behavior of offenders has never been significantly reinforced as a value in probation. The author cites historical reasons for this failure, identifies current barriers to effective supervision of offenders, and offers recommendations to various participants in the process to address effective supervision of offenders.

A Challenge Answered: Changes in the Perception of the Probation Task.—Author Richard Gray responds to the point of view expressed in this issue's article by Harold B. Wooten. Do probation officers actually help probationers or are they primarily paper pushers or law enforcers? According to the author, past experience and current job orientation have caused a change in probation officers' perspective of their job. The author discusses the sociology of knowledge in addressing shifts in task-related perspectives.

Private Enterprise and Institutional Corrections: A Call for Caution.—The current crisis of overcrowding in American prisons and jails, coupled with reduced resources available for corrections, has led to the development of innovative responses to the problems of institutional corrections. One such innovation which has been proposed and is receiving increasing support is the idea of "privatizing" institutional corrections. Authors Lawrence F. Travis III, Edward J. Latessa, Jr., and Gennaro F. Vito examine the movement to contract with private firms for the construction and operation of prisons and jails. Focusing on legal, cost, and accountability issues in such contracting, the authors conclude with a call for caution in the movement to employ private companies for the provision of this governmental service.

Impact of a Job Training Program on CETA-Qualified Offenders.—In this article, author Dennis B. Anderson reports on research—conducted in an industrial

midwestern city during 1984—of a job training program for CETA-qualified probationers. Controlling for self-selection and risk factors, the study compared these pro-

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It's O.K., Supervision Enthusiasts: You Can Come Home Now!

BY HAROLD B. WOOTEN

Regional Probation Administrator, Administrative Office of the United States Courts

INTEREST IN supervision of offenders which focuses on changing self-defeating behavior has all but vanished in probation systems. If you plan to attend a conference on corrections, don't expect a seminar on innovative treatment modalities. Instead, be prepared for trendy topics such as house arrest—featuring electronic gadgetry, the latest models of canister guns and bullet-proof vests, etc.—or new surveillance kits which could include inflatable hedges, binoculars, fake eyeglasses, nose, and mustache. These seminars could award participants an "I take a bite out of criminals" patch signifying the wearer has taken a get-tough position on crime, presumably in concert with an "increasingly concerned public interest" in harsher punishment. This conservative flare is a natural for administrators because of its political expediency in light of budgets in retrenchment coupled with an increased volume of work and less prison space. This writer asserts that one faction of the correctional community—the probation system—is playing a poorly veiled version of "I've Got a Secret," and he believes that that secret, left unexamined, will come back to haunt us when all the glitter of the gadgetry pales. Simply put, we have failed miserably to critically examine how well we have done, or can do, in helping offenders change their self-defeating behavior, and by our failure to discuss this issue, we have been less than candid. But that's not the problem: The problem is that changing self-defeating behavior is not now, nor has it ever been, significantly reinforced as a value in the probation system. While new probation officers continue to come into the system, "to work with people," that systemic value loses ground synergistically to each new surveillance project, to the favored production of presentence investigation reports, and to a flood of paperwork demands.

We have gone beyond that mythical crossroad, i.e., the classical role conflict in the probation officer function between counselor and law enforcement monitor. We have chosen the latter, the one more traveled, although it is an enterprise we are poorly equipped to excel in. For those who came into the system to help change lives, as Dorothy put it in "The Wizard of Oz," "Oh Toto, I don't believe this is Kansas."

Ironically, while the underpinnings of the medical model have fallen into disfavor—the identification of the malady with speculation as to etiology and treatment—

the Federal Probation System and many state and local systems have developed classification systems, which determine who needs attention and who doesn't in terms of a likelihood of a supervision failure based on actuarial devices. The Federal classification system, implemented in early 1981, has gone a long way (on paper) to respond to the criticism leveled by the General Accounting Office in 1977, "that (U.S.) probation officers are supervising (low risk) minimum offenders above the standard but are still deficient in supervising (high risk) maximum and medium risk cases." If that criticism were accurate, the classification system, grounded on validated prediction devices, has potentially boosted uniformity of supervision attention. At the core of any supervision system is the determination of what constitutes a problem. *Publication 106, The Supervision Process*, published in 1983 by the Probation Division of the Administrative Office of the United States Courts, narrowly defines as a problem, ". . . those circumstances which limit the offender's ability or desire to function within the requirements of probation or parole and which the probation officer can reasonably anticipate are directly linked to supervision outcome." Clarity then has emerged in probation as to what problems should get supervision attention, and the probation officer should no longer be accused of trying to do "too much to too many."

Has the classification system actually altered the probation officer's supervision activity? Absent a definitive study in this area, the perception of many reviewers of supervision case files is that it has not; instead, it may be the case that an institutionalized leveling phenomenon has developed in the past 5 years which has continued to round off distinctions between attention given high risk and low risk offenders. If these distinctions have been ignored, then problems "directly linked to supervision outcome" have been ignored, and it follows that supervision of offenders is being conducted in a manner that barely scratches the surface. If perception of reviewers is accurate, why is this allowed to continue?

A historical perspective is helpful in answering this question. Prior to a significant allocation of additional probation officers by Congress in the mid-1970's, Federal supervision caseloads were excessively high in number. Indeed, one was satisfied with brief monthly visits in a ritual called "monthly report day" (not unlike herding

cattle into the barn) which was the primary method of seeing offenders. Not a whole lot of behavior was changed in this setting. When months passed without contact, probation officers cringed with the anxiety of what a search would uncover—new arrests which had not been reported promptly to the court or Parole Commission, absconders with a trail which had long since grown cold, or the discovery of an offender deep into the excesses of drugs or alcohol. The net result was that those who needed little or no problem-solving skills of a probation officer received cursory attention, and those in greatest need of crisis intervention, counseling, or wholesome escapes from disastrous lifestyles, received none—at least in part because they didn't appear in the probation office on a "report day."

Generally, presentence investigation reports, relied on so heavily by judges to reach difficult sentencing decisions, have been well prepared in Federal probation. With increased prosecution of white collar and organized crime offenders in the past decade, these reports have become more detailed and complex. Additionally, improved disclosure requirements have caused the document to be written with more precision and objectivity. The reliance on the report for postconviction decisions by the Federal Bureau of Prisons and U.S. Parole Commission, such as designation of a prison or release date, has made this *the* critical document in the criminal justice system. Perhaps as a fallout to the pace of the Speedy Trial Act of 1974, frequently courts want presentence reports completed in short turnaround periods, such as 15-20 days. If we accept the assumption that changing self-defeating behavior of offenders is difficult, we must also accept that supervision is time-consuming and that problems are immediate, necessitating blocks of time to be set aside in the near future for planned appointments, field visits, etc. Court-ordered short due dates for a constant supply of presentence investigation reports generate a "dog chasing his tail" routine. Such practices are widespread and incompatible with sound supervision practices.

Along with the influx of more probation officers in the mid-1970's came a large allocation of mid-level managers to supervise the activities of probation officers. By and large, upward mobility to mid-level management positions had previously been based on seniority. Supervisors, then, were usually heir apparent chief probation officers who focused on administrative matters and editing presentence investigation reports. Perhaps because of the sheer volume, for the first time, promotions to the new supervisory positions were not based solely on seniority. It is my observation that selected supervisors seemed to fit the mold of well organized workers who, either by choice or practice, had little expertise in the supervision of offenders. Most had been good

presentence report writers. Not surprisingly, they tend not to reinforce the significance of supervision.

In the latter 1970's, with more manpower and therefore a reduced number of presentence investigation reports and supervision cases per officer, came interest in programs and projects intended to address the problems of offenders. Typically, offices engaged in employment placement activities, community service projects, and alcohol and drug abuse programs. They also utilized volunteers, ran GED programs, and conducted group treatment programs, among others. Some of these projects have lived on, but most have been practically disbanded. The tragic flaw of management was the failure to design evaluative techniques and capture data so that comparative outcomes could be measured. Informal, self-serving evaluations typified by "everyone likes the employment placement project," proved to be an Achilles heel. After community resources began to dry up in light of a downwardly spiraling economy, commitment to innovative projects had no foundation to justify a sustained commitment of resources.

Yet another intervening variable affecting supervision of offenders was the bombardment of various information systems, for all practical reasons unrelated to each other, and the concomitant demand for data, collected by probation officers. This generated new and less than exciting paperwork demands. Worse still, insufficient efforts were made to convince probation officers that the data collected would come back in a form that would make their jobs easier. Clearly administrators had acted in a nearsighted fashion. Irrespective of whether the data were intended to be the probation system's contribution to determinate sentencing guidelines, this tunnel vision version of "hard data drive out soft," has made a caricature of the "more is better" mentality. In short, *more data collection* has meant *less* time for supervision of offenders, since presentence investigation reports are grounded by judicial due dates. To highlight then, while the importance of changing lives of offenders is held up to be a system value, nonetheless the following factors have acted together to reduce its practical significance:

- a history of cursory supervision of offenders;
- a promotional system which has been based on seniority or presentence investigation report writing—but not on supervision of offenders;
- unnecessarily short due dates for completion of presentence investigation reports;
- a flirtation with innovative supervision programs but an abject failure to meaningfully evaluate them;
- a drying up of community resources;
- a renewed public outcry for tougher sentences;
- an avalanche of information systems and the inherent data collection requirements;

- a swing toward law enforcement tactics in the supervision of offenders such as electronic surveillance, or house arrest; and
- in spite of a classification system which differentiates levels of supervision activity based on risk of recidivism, a "leveling phenomenon" has tended to render minimal contact rates between probation officers and offenders.

Given the relative low value placed on changing serious self-defeating problems of offenders, is there a legitimate reason to change field supervision practices? If so, what must be done by whom? Finally, who would benefit by altering our system's value for supervision of offenders?

Clearly the statutory obligation for probation officers to engage in meaningful supervision efforts is spelled out in title 18, section 3655, *Duties of Probation Officers*,

He shall keep informed concerning the conduct and condition of each probationer under his supervision and shall report thereon to the court placing such person on probation.

He shall use all suitable methods, not inconsistent with the conditions imposed by the court, to aid probationers and to bring about improvements in their conduct and condition.

Secondly, *Publication 106, The Supervision Process*, endorsed by the Committee on the Administration of the Probation System of the United States Judicial Conference, states unequivocally in its opening statement, "supervision of offenders released on probation or parole is the principal responsibility of the Federal Probation System." These standards and guidelines are prima facie evidence of legitimate justification to raise the importance of supervision of offenders.

What then must be done by whom? While the problem is complex, the remedy may not be difficult, only bold: *Administrators* must stop the incessant drive for probation officers to collect data. Policies should be developed which accomplish the following:

- reduce existing data collection demands by combining information systems;
- ensure no new data collection forms are generated which do not reduce existing demands; and
- hire technicians to input the data.

Chief Probation Officers and Supervising Probation Officers should insure that:

- the performance evaluation process (and therefore promotions) includes significant weight for supervision of offenders of the type intended to change self-defeating behavior;
- successful outcome of difficult supervision cases is fed back to the sentencing judge, who usually hears only of failures by way of violation of probation;
- critical evaluation techniques for supervision projects are useful enough to determine if the project actually affects the lives of offenders or the community well-being;

- judges are petitioned to have a standing policy of 30 days for completion of presentence investigation reports to assure an appropriate allotment of time to engage in supervision in a systematic fashion;
- archaic practices such as "report day" are abandoned for more creative exchanges in the community; and
- mid-level supervisors who are not adroit with supervision practices are provided indepth training.

Probation Officers should focus on the following:

- Openly discuss barriers which restrict creative supervision practices; and
- Effective supervision of offenders is difficult work which often depletes one's physical and emotional energies. Support groups should be initiated to explore the challenge of working with this population, utilizing consultants as guides.

The benefits of this heightened value of supervision of offenders are numerous. Probation officers who are talented in helping change self-defeating behavior of offenders can generally negotiate well under a range of circumstances and are similarly adept at effective problem-solving in management positions. This group makes profound the tautological statement, "a problem solver is a problem solver." Experience suggests they are less prone to resort to authoritarian tactics with staff and tend to use positive reinforcement and negotiated positions with colleagues and subordinates rather than negative reinforcement. As managers they also tend to raise staff morale since "problem solvers" find value in the views of each participant in the resolution of problems.

Savings to the government is admittedly a nebulous issue in that it is nearly impossible to determine actual savings to the taxpayer due to shifts in organizational values—in this case that probation officers can positively alter the lives of offenders. Nonetheless, as of this writing, Federal prisons are overcrowded by over 30 percent, with an average daily cost of \$36.50 to incarcerate one Federal inmate. This cost provides reason in and of itself to question whether alternatives to incarceration are fully explored at the time of sentencing. The palatability of a proposed alternative to prison should not rest on alleged economic benefits or reduction of prison overcrowding, but on the confidence the court has that the probation officer will be intimately involved in supervision of the offender to accomplish desired outcome, such as completion of community service orders, cessation of alcohol abuse, or payment of restitution. If prison overcrowding is reduced as a byproduct, all the better.

Effective supervision which focuses on providing new alternatives to a cyclical pattern of self-defeating behavior can offer resolution to crises which lead to violation of probation and parole. In the statistical year ending June

30, 1985, 27,001 Federal probationers and parolees were removed from supervision. Of that group 5,772 were for *violation* of probation and parole. Most strikingly, 3,944 of the violated group, or 68 percent, were not violated for involvement in or conviction of a new major offense; rather, the violations rested on convictions of minor offenses such as disorderly conduct, petty theft, traffic violations, or for technical violations of the conditions of supervision.

Data are not available which identify how many of this 3,944 violated group actually were incarcerated and for how long. Hypothetically, if 50 percent (1,972) of this group of 3,944 violators were not violated, but instead kept out of prison because of effective problem-solving supervision for a period of 6 months, with the current population of 36,368, prison overcrowding would be reduced during that period by approximately *5 percent*. Although the writer would not argue *actual* costs savings, there would be a potential reduction in prison costs of \$12,956,040.

The real "savings" of an aggressive supervision program is measured in the dignity realized by an offender who has pulled himself up by his bootstraps. Probation

officers are not miracle workers: we accept there are certain offenders beyond our intervention. Similarly, there are those who don't need our assistance. Yet between these perimeters there is certainly a group, as they used to say in psychiatric parlance, who are "Patient Ready," i.e., with whom we can seize the moment and provide alternatives to self-defeating behavior. It is difficult to find a probation officer who does not believe even the worst of the lot has some chance to change his life. Most importantly, stabilized and productive offenders positively affect the mental, physical, and economic well-being of their families and the community in which they live. These savings are measured in hundreds of millions of dollars and human misery.

Until we truly raise the value of intensive supervision directed to changing self-defeating behavior of offenders, it is time to openly admit as a profession that we have evolved into performing primarily two tasks: producing presentence investigation reports and minimally monitoring offenders on supervision to the court and parole commission. Ironically, while meandering into this posture we collect more data reporting our activities with offenders while we practically do less to actually change their self-defeating behavior.