

Federal Probation

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Caused by Probationers and Parolees? *Richard D. Sluder*
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The Influence of Probation Recommendations on
Sentencing Decisions and Their Predictive Accuracy *Curtis Campbell*
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This Issue in Brief

ACQUISITIONS

Are Probation and Parole Officers Liable for Injuries Caused by Probationers and Parolees?—The number of offenders on probation and parole has risen; inevitably some offenders will commit other crimes during their terms of supervision. A growing concern for probation and parole officers is whether they can be held civilly liable for injuries caused by probationers and parolees under their supervision. While case law in this area is still developing, there are enough cases to indicate when an officer might be held liable. Authors Richard D. Sluder and Rolando V. del Carmen provide a categorization of decided cases and sketch a broad outline of when officer liability might ensue.

The Influence of Probation Recommendations on Sentencing Decisions and Their Predictive Accuracy.—Using data on all serious cases concluded in 1 year in an Iowa judicial district, authors Curtis Campbell, Candace McCoy, and Chimezie A.B. Osigweh, Yg. explore the disjuncture between sentencing recommendations made by the probation department and sentences actually imposed by judges. While probation personnel and the judiciary usually agreed on appropriate dispositions for first-time offenders, they strongly disagreed on recidivists' sentences. Probation officers recommended incarceration for recidivists almost twice as often as judges imposed it.

Home Confinement and the Use of Electronic Monitoring With Federal Parolees.—Authors James L. Beck, Jody Klein-Saffran, and Harold B. Wooten evaluate a recent Federal initiative examining the feasibility of electronically monitoring Federal parolees. Although technical problems were experienced with the equipment, the authors conclude that the project was an effective way of enforcing a curfew and supervising the offender in the community. The success of the project has served as a foundation for expansion of home confinement with electronic monitor-

ing in 12 Federal districts.

Twelve Steps to Sobriety: Probation Officers "Working the Program."—Working with chemically dependent offenders is indisputably a challenge of the new decade. Addiction treatment is complex and, by its very nature, engenders phi-

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The Preliminary Development of the Probation Mentor Home Program: A Community-Based Model*

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Introduction

THE DEVELOPMENT of community-based programs in the field of juvenile corrections has been encouraged not only because traditional institutionalization—fraught with predatory violence and manipulation and exploitation of inmates—may do more harm than good, but because of the serious problem of strained resources. (Krisberg et al., 1989). Problems such as these, coupled with high rates of recidivism, have overburdened correctional systems in many states and have raised important questions about the feasibility of cost-effective alternatives for addressing the problem of juvenile delinquency. The idea of using community-based corrections programs for juvenile offenders is not entirely new, however. For example, the Silverlake Field Experiment conducted by Empey and Lubeck (1971) was an attempt to break from tradition through development of a community-based strategy aimed at dealing more successfully with serious juvenile delinquents.

Alternative strategy for addressing the needs of juvenile offenders received national attention when major reforms in corrections took place in Massachusetts. Investigations of abusive practices, inadequate treatment programs, and breakdowns in management and operations prompted the Massachusetts Department of Youth Services to close juvenile training schools and develop a variety of very small secure programs, for a small percentage of violent and chronic offenders, and a large number of highly structured community-based alternatives such as group homes, forestry programs, and foster care (Krisberg et al., 1989).

The study of these Massachusetts reforms by a group of Harvard Law School researchers generated a comprehensive body of data about the process and impact of significant changes in juvenile correctional policy (Coates et al., 1978; Feld, 1977; McEwen, 1978; Miller et al., 1977; and Ohlin et al., 1978). In this research series, Miller et al.

(1977) discussed strategies that promote or hinder correctional reform. Ohlin et al. (1978) provided a detailed descriptive analytical discussion of the entire Massachusetts youth correctional reform process by explaining why and how changes occurred and the effects of these changes on significant others. Coates et al. (1978) examined the efficiency of the community-based model for delivering services to juvenile offenders. The results suggest that, with the exception of a few chronic offenders, the majority of committed delinquents can be handled appropriately in noninstitutional environments. McEwen (1978) used participant observation and survey methods to contrast 10 traditional institutional programs for youthful offenders with 13 community-based programs in order to explain the varying characteristics of inmate systems and to identify alternative methods of correctional organization that might be used to direct program development in Massachusetts. Feld (1977) investigated institutional violence in Massachusetts and the organizational forces that may promote it, examining these issues from the perspective of juvenile inmate subcultures through participant observations and survey methods. The findings appear to suggest the need for an increase in community-based programs as an alternative to violence-prone institutions.

Slightly over a decade after the Harvard research series, Krisberg et al. (1989) conducted an evaluation study of Massachusetts community-based programs and tracked a cohort of more than 800 youthful offenders admitted to and released from the Department of Youth Services between 1984-85. The findings generated from this study show that the reformed community-based model did not create an excessive crime problem; recidivism rates of youthful offenders released in 1985 were lower than rates reported in a Harvard study of youthful offenders released from Massachusetts training schools; youthful offenders, including violent and chronic offenders, committed fewer crimes under the Department of Youth Services supervision than before commit-

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ment; community-based reforms did not result in more offenders being transferred to the adult court, nor did the reforms produce an increase in out-of-state placement; and the community-based model not only balanced the concerns of public safety, but was a cost-effective approach designed to reduce juvenile delinquency. These findings justify the fact that Massachusetts continues to have one of the lowest official rates of juvenile criminality in the nation.

Previous success with community-based alternatives to address juvenile delinquency, coupled with enormous budgetary constraints, prompted officials at Allen County Juvenile Probation Department in Fort Wayne, Indiana to create a Probation Mentor Home Program for nonviolent youthful offenders. This article focuses on the planning and organizational phases of this program: how the Juvenile Probation Department went about organizing and implementing a program designed as an alternative to institutionalization to address the needs of juvenile offenders and to reduce budget constraints.

The Probation Mentor Home Program

Background

In the past decade, an increasing number of young people has appeared before the Allen Superior Court Family Relations Division in Fort Wayne, Indiana. Behaviors of these youthful offenders have ranged from antisocial "acting out," resulting in chronic status offenses, to delinquency, including drug use, theft, and shoplifting. As a result, an increased number of children have been removed from their homes and sent to out-of-county placement facilities such as Indiana United Methodist Children's Home and White's Institute.

The cost to county taxpayers for removing children from their homes has rapidly increased, reaching an alarming \$1.5 million for out-of-county placement in 1987 and nearly \$2 million in 1988. This financial strain on the Allen County budget has exceeded budgetary limits and has forced the Juvenile Probation Department to institute an electronic monitoring program to keep children in their homes so that community resources for treatment, education, vocational training, and recreation can be utilized. Unfortunately, youths who come from dysfunctional families may not have the appropriate home structure and environment that will allow the court to consider such disposition (*Probation Mentor Home Program Policy and Procedure Manual*, 1989). For this

reason, in October 1989, the court received a \$30,000 grant from the Indiana Criminal Justice Planning Agency to design a foster home program in Allen County as an alternative to placing non-violent youthful offenders in out-of-county facilities.

To assess the feasibility of developing such a program, in January 1989 two judges in the Family Relations Division of Allen Superior Court authorized the formation of an advisory committee to assist with the planning and implementation process. Specifically, the committee was to help develop procedures and policies, recruit mentor families, train families to work with delinquent children in the community, and monitor the implementation of program rules, procedures, and authorized program changes. Members of the advisory committee included the chief probation officer, assistant chief probation officer, senior special services officer, who is also the appointed program coordinator, and a probation officer, as well as representatives from the mayor's office, county auditor's office, school system, commissioner's office, foster parent's association, social service agencies, an insurance corporation, county council, law firms, and the author.

With limited information and experience, the Juvenile Probation Department, with the advisory committee, began to organize and develop the first Allen County Probation Mentor Home Program. Information about a St. Louis adolescent foster care program provided guidance. One of the committee members suggested that instead of using foster care terminology, "mentor home" was more appropriate for the type of program being established in that such concept emphasized the need for positive role models to provide proper home structures, guidance, and direction to address the needs of youths.

The chairman of the advisory committee suggested subcommittees be formed to address a variety of issues, including financial and legal considerations, school issues, foster parent and natural parent concerns, research and evaluation, and recruitment and selection. In order to minimize any problems that might occur, the charge to each subcommittee was to write down thoughts and suggestions about how to address each of these issues. For example, an immediate concern was whether or not there was authority for juvenile court under Indiana law to establish and operate foster homes for delinquent children. The legal subcommittee reported that the court does have the authority to establish, have licensed, operate, secure funds for, and place delinquent

children in a shelter care facility, including foster homes. Other subcommittees addressed other concerns that needed discussion.

Implementation

In September 1989, the final draft of the *Probation Mentor Home Program Policy and Procedure Manual* was completed and approved by judges within the Family Relations Division of Allen Superior Court, the chief probation officer, and the advisory committee. The 102-page document includes information related to program development, purpose or philosophy, objectives, the referral process, mentor parent qualifications, the mentor home recruitment and selection process, roles and responsibilities, supervision practices, training, financial and emergency procedures, education, monitoring and evaluation, and other special policies. Upon acceptance of the manual, the advisory committee was dissolved. Subsequently, however, the author and other members of the committee accepted invitations to become members of a permanent Probation Mentor Home Advisory Board to monitor overall program operation.

On January 8, 1990, the program was officially announced to the general public and thus officially implemented. One phase of this process was on-going recruitment of mentor parents. Although recruitment was already occurring, a video was created and aired on a local television station. The voice message in the 30-second video states:

By the time many children are 12 years old they're already under the jurisdiction of the Allen Superior Court. They don't belong in institutions. But right now there's not much choice. That's why we're asking you to open your home to a troubled young person. . .for six months. It's called the Mentor Home Program. Many times all juvenile offenders really need is a little time with a good family. So please give them six months. . .before we have to.

The visual message in the video is as follows:

"You'll have training and a support team."
 "Six-month commitment."
 "\$25 per diem a day."
 "Not adoption or foster home care."

The closing graphic is the Allen County Juvenile Probation Department's telephone number. This recruitment strategy, along with newspaper articles, pamphlets, newsletters, notices to churches, and public speaking engagements, generated numerous responses from families interested in becoming mentor parents.

Purpose and Goals

After extensive discussion, considerable planning, and minor delays, the program was developed, and the purpose, goals and objectives, and roles and responsibilities of participants were set

in motion. It was decided that the purpose of the Probation Mentor Program was to provide short-term foster care for adolescents, ages 10-17, with delinquent or acting out behaviors. Therefore, adolescents considered for this program were to include youths who were currently institutionalized, recently adjudicated offenders, and youths with potential delinquency problems who were at risk of institutionalization.

Based on the program philosophy developed by the Juvenile Probation Department and reviewed by the advisory committee, the program was designed to remove the juvenile from the home for one school semester with a goal to reintegrate the youth back into the home. The mentor family and the natural family work as a team to promote stabilization of the natural family and return of the youth to natural parents. Throughout the entire process, members of the natural family are involved through both their personal participation and financial support, a strategy designed to deter the youth from engaging in further delinquent acts. In order to accomplish these tasks, effective coordination efforts between the Juvenile Probation Department, mentor parents, natural parents, and the school system are necessary (*Probation Mentor Home Program Policy and Procedure Manual*, 1989). According to Coates et al. (1978), systematic work with the school system is vital, especially if correctional officials are truly concerned with the juvenile's total situation, including school performance and the juvenile's relationship with school officials. In their analysis of factors influencing reintegration, they found that youths who positively described school experiences were more likely to stay out of trouble than youths who recalled negative experiences.

The final decision was made by the advisory committee that the program goals and objectives for the targeted population would be to 1) provide the opportunity for youths to remain in the community to utilize community resources to address and reduce behavioral problems and, therefore, avoid institutionalization; 2) provide a home atmosphere through which problem solving and individualized treatment planning can be undertaken by the juvenile, the natural parent(s), the mentor family, and the probation department to reduce the possibility of further behavioral problems once the juvenile returns home; 3) increase involvement of the natural family to address behavioral problems which caused out-of-home placement; 4) return the juvenile to the natural parent within one school semester; 5) reduce the potential for future referrals to the court and,

therefore, reduce the recidivism rate; and 6) provide cost-effective placement other than institutional placement, group homes, or detention centers (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

Roles and Responsibilities

The roles and responsibilities of the youth, natural family, mentor family, probation department, mentor home coordinator, and mentor home probation officer are critical in the development and implementation of appropriate placement and services designed to address individual needs of juveniles with behavioral problems.

Youth. The study of Massachusetts community-based corrections programs for juvenile offenders prompted Coates et al. (1978) to address the issue of youth responsibility. They argued that whenever possible juvenile offenders should be encouraged to take responsibility for their own actions, including what happens to them while in correctional placement. They believe that participation in the decision-making process, at least to some degree, reduces feelings of alienation and gives each youth some sense of control over his or her own destiny.

It was decided by the advisory committee, chief probation officer, and coordinator of the Probation Mentor Home Program that court-ordered juvenile offenders under the jurisdiction of Allen County Juvenile Probation Department have the right and responsibility to actively participate in all stages of the mentor home placement process. Participation from youths involves the development, modification, and monitoring of placement goals and objectives, coupled with the expectation that the youths continue a positive relationship with natural parents. However, consideration of the existing parental relationship determines level of interaction. It is realized that invaluable assistance can be provided by them to identify needs and develop an effective plan to address those needs (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

Natural Family. "Given the belief that family problems contribute so much to delinquency, it is surprising that natural parents are so frequently ignored in the treatment process" (Coates et al., 1978). Systematic work with natural families was urged when Coates, Miller, and Ohlin discovered that there was a lack of attention paid to natural families by programs. Their research of Massachusetts reforms revealed that parents sought information related to their children and treatment programs from research staff because they

were not receiving information from program officials.

The natural parents play a critical role in the successful implementation of the Probation Mentor Home Program. Unlike previously, the natural parent's role is as equally important as the youth's, the mentor family's, and the probation department's. Historically, the natural parent's role was not a major issue because of out-of-county institutional placement for delinquents. For example, many natural parents did not have transportation for visitation when youths were ordered into placement several miles from home, nor were natural parents involved in the treatment decision-making process. Under this program, however, the natural family must be involved in all phases of the treatment process; participate in case planning; consult with the probation department; interact with the child while he or she is in mentor placement; and participate in any other activities needed to create a positive return of the youth to the home (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

Mentor Family. Considerable time and effort were put into establishing the roles and responsibilities of the mentor family. After much discussion, it was decided that the primary responsibility of mentor parents is to provide the necessary support and assistance to juveniles placed in their homes. In addition to providing basic care and shelter and a secure physical setting where the youth can learn to develop appropriate social skills and achieve psychological well-being, the main responsibility of mentor parenting is to help the child develop to his or her best potential in order to function well in society (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

It is realized that input from mentor parents is critical to the successful operation of the program. Consequently, the mentor parents' responsibilities to the court are very important. These requirements are as follows: to serve juveniles whose custody has been court ordered; maintain adequate logs detailing daily activity in the life of the juvenile; obtain medical and dental care for the youth by using financial resources of the court; provide access to the youth for court personnel; comply with treatment plan; submit a monthly report of behavior and performance; submit Unusual Incident Reports within 24 hours; maintain the home in accordance with Indiana State Licensing Standards; attend training; and follow the program policies and procedures speci-

fied in the Mentor Parent Manual (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

Juvenile Probation Department. The predominant role of the Juvenile Probation Department is to provide the youth and mentor parent(s) with the support and assistance needed in order to maintain placement and achieve goals and objectives. For example, the juvenile probation department is responsible to the mentor parent(s) for providing information; referrals of youths to homes; supervision and support; coordinating regular training sessions; and 24-hour accessibility for assistance. Additionally, the probation department is responsible to the court for the development, implementation, and monitoring of the mentor home program as well as the development and maintenance of the program's credibility with official agencies within the community (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

Mentor Home Coordinator. The mentor home coordinator is responsible for a variety of activities related to the court, mentor parent(s), natural parent(s), and the youth. The mentor home coordinator acts as advocate to the mentor parent(s) by providing them with the support and resources necessary to maintain placements, such as quality training, developing groups, and mediating disputes between the mentor parents and youth. In addition to these activities, the mentor home coordinator is directly responsible to the court for specific duties such as recruiting, completing home studies, processing mentor parents for state licensing, reviewing suitability of juveniles to be placed, determining appropriate foster care placement, obtaining referrals, providing regular contact with mentor parent(s), exploring treatment options designed to modify the behavior of youth, providing 24-hour accessibility, and maintaining administrative responsibilities (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

Mentor Home Probation Officer. The mentor home coordinator and the mentor home probation officer maintain the support and resource system for the mentor parents once they accept the responsibility to assist the youth. The probation mentor officer is responsible for assisting with mentor parent training; dealing with potential problems regarding placement; developing a treatment plan for the youth and natural parents; maintaining contact with the mentor parent and juvenile; developing group meetings with juveniles; maintaining a log of contacts; maintaining

24-hour availability; and ensuring compliance with court orders placed on the youth. All of these responsibilities can only be carried out after placement has been court-ordered (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

The Program Thus Far

The Probation Mentor Home Program was placed into operation by first complying with the criteria for juveniles to be referred to the program. The criteria established by Allen County Juvenile Probation Department and approved by the advisory committee called for a targeted population consisting of non-violent juvenile offenders 10-17 years of age who participate in an educational program or at least maintain part-time employment, and who demonstrate the need for placement other than with their natural families (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

Once the identification, referral, recruitment and selection of mentor parents, training, screening, and preplacement processes are complete, the full development and operation of the Probation Mentor Home Program is expected to have a caseload of 25. However, this process will not take place automatically. To avoid any unnecessary difficulties, placement will be a gradual process. Within the first year, 50 percent (12) of the mentor homes are expected to be in operation. By the second year of operation placement is expected to expand to at least 75 percent (19); and in the third year the program is expected to be at 100 percent capacity (25). (*Probation Mentor Home Program Policy and Procedure Manual*, 1989).

At this point, the Allen County Juvenile Probation Department has been allocated \$300,000 by county council to implement program goals and objectives with the expectation that at least 10 juveniles are placed in mentor homes by the end of 1990. In June 1990 seven mentor homes were ready for placement. The first juvenile entered placement on June 8, 1990. By July 1990 four juveniles were court-ordered for placement. However, due to delays in processing, these youths did not enter mentor homes until August 1990.

Delays

During the planning and initial implementation phase of this program, the Juvenile Probation Department experienced minor delays. At the May 8, 1989 meeting the advisory committee received a work plan which included target dates

to complete certain tasks. Although most of the tasks were completed within a reasonable time period, a few objectives were not met until a much later date. For example, the biggest delay was with the licensing procedure. In order to have the first child placed in a mentor home by the targeted date of January 10, 1990, the licensing process was expected to be completed before December 1989. Since the Allen County Department of Public Welfare was utilized as the licensing agent, the director of that program was invited to the April 30, 1990 board meeting to discuss problems related to licensing and time delays. Members of the board were assured that scheduling problems would be resolved as soon as possible. Consequently, mentor homes were not licensed until May 1990.

As expected, this delay caused other delays. For example, instead of January, the first child was not placed in a mentor home until June 1990. This dilemma also prevented the program from being evaluated as scheduled. As a result, if no other delays occur, the evaluation report will be finalized in December 1990.

Cost Effectiveness

At a cost of \$25 per day to mentor parents, this new probation mentor home community-based model is not expected to place a substantially higher cost burden on Allen County taxpayers. A similar alternative to institutionalization was implemented by the St. Louis County Juvenile Court in St. Louis, Missouri, and was proven to be cost effective. For instance, in 1987 the average cost of care for the Adolescent Foster Care Program was \$9.48 per day, while institutional placement paid by St. Louis County Juvenile Court was an average of \$31.97 per day. Not only

was the program cost-effective, but statistics compiled by St. Louis County Juvenile Court indicate that 76 percent of the youth were able to return home or live independently with no further court action (Hiley, 1987). These figures show that community-based programs are the most economical to operate, especially since it cost Allen County an average of \$60 per day for institutional placement of juvenile offenders.

In conclusion, the Probation Mentor Home Program was established without major difficulties. Although this program has not reached full implementation, the researcher is optimistic about program outcome.

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