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## This Issue in Brief

**Public Policy and Sentencing Reform: The Politics of Corrections.**—Author Peter J. Benekos focuses on the politicalization of corrections and presents a public policy critique of correctional reform. As fear of crime and victimization have generated retributive rhetoric and get-tough crime control policies, the consequences of these policies—high incarceration rates and prison crowding—have now become their own public policy issues with critical implications for corrections. A review of one state's legislative reform efforts suggests that sentencing policies can be proposed with the get-tough rhetoric but are ostensibly more responsive to correctional needs, i.e., overcrowding and cost, than to the issues of crime, criminals, or crime control.

**The Costliest Punishment—A Corrections Administrator Contemplates the Death Penalty.**—According to author Paul W. Keve, the United States—going contrary to the general trend among nations—is maintaining its death penalty, with growing numbers of prisoners on its death rows, while at the same time showing a general reluctance actually to execute. Meanwhile, the public is mostly unaware that maintenance of the death penalty is far more costly than use of life imprisonment and has no proven deterrent effect. The author cautions that the interest in expediting executions by limiting appeals must be resisted because even with all the presumed safeguards, there are still repeated instances of wrongful convictions. He adds that the death penalty as respectful of the feelings of victim families is a defective concept because it actually puts families through prolonged anguish with the years of appeals and successive execution dates.

**The Refocused Probation Home Visit: A Subtle But Revolutionary Change.**—Home visits have historically been used in the control/law enforcement function of probation work, as well as in the treatment/service function. However, the current state of probation—dramatically affected by burgeoning caseloads, increased numbers of “difficult” clients, and emerging issues of officer safety—has made it necessary to rethink the concept of home visits. Now, many

agencies are limiting home visits to high risk cases and using such visits solely for control—an approach which may be consistent with a shift in probation practice towards a law enforcement orientation. In an article reprinted from the *Journal of Contemporary Criminal Justice*, author Charles Lindner looks at the

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- Revocation of Probation
- Mandatory Revocation for Possession of Drugs
- Imposition of Supervised Release After Revocation

# The Refocused Probation Home Visit: A Subtle But Revolutionary Change\*

BY CHARLES LINDNER

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**T**HE PROBATION home visit, long a basic tool in the supervision process, is undergoing revolutionary change. Many agencies are limiting the use of home visitation to high risk cases and/or solely for probationer control/law enforcement functions. As a result, visits only for rehabilitation/social service purposes are rapidly declining in the face of revised agency policies.

The new focus of the home visit flows from dramatic changes in the nature of probation work including a rising felony population, continually increasing workloads, and the perception of many officers that field visitation is more dangerous than ever before. All of the aforementioned influences have a chilling effect on field activities and some officers are now reluctant to make home visits. Furthermore, in order, so as to address these concomitant forces, a number of large agencies have revised their field work policies by removing broad categories of probationers from the necessity of mandated home visits.

In this paper, we plan to explore the dramatic changes occurring in the field of probation and their impact on traditional field services through the use of agency reports, revised policy directives, research statistics, and the statements of various probation administrators. While professional writings have identified the changes challenging today's practitioners, an exhaustive search of the literature fails to reveal efforts to link these changes to the reshaping of the probation home visit. Finally, we hope to raise the awareness of probation officers and administrators alike, to the potential long-term impact of changes in home visitation practices, including the possible effect on the probation officer's role.

## *Major Forces Currently Shaping Probation Supervision*

### *The Rapidly Growing Probation Workload*

Formal probation systems were developed in the United States around the turn of the century. Probation was viewed early on as an alternative to incarceration with expressed objectives which included mitigation of punishment for deserving offenders, reformation, and a reduction of the costs associated with

institutional confinement (Rothman, 1980, pp. 62-81). Intended for first time and non-violent offenders, it is unlikely that the founders of probation ever anticipated that the "alternative sentence" would eventually outstrip confinement in its popularity as a judicial disposition. Nevertheless, not only is probation today's sentence of choice, but despite the media attention received by institutional overcrowding, probation workloads are rising more rapidly than those of parole, jails, or prisons (U.S. Department of Justice, 1988, p. 104).

The unprecedented rise in probation caseloads has been extensively reported upon in the recent literature (Byrne, 1988, p. 1; Champion, 1988; Jacobs, n.d., p. 2). The universality of this phenomenon for the field of probation is reflected from coast to coast. The chief probation officer of Los Angeles County reported that two-member teams supervise as many as 2,000 cases, although "the ratio is considerably lower for the most dangerous offenders" (Labaton, 1990, p. A1). Similarly, the former New York City Commissioner of Probation stated that he hoped that additional funds would allow him to reduce "average caseloads from 225 to 150" (Smyley, 1989, p. 36). Moreover, the Federal probation system, traditionally better funded and higher paying than local departments, is also suffering the ravages of excessive workloads (Labaton, 1990, p. A1). Similar problems are even common to comparatively wealthy suburban agencies. Nassau County, New York, for example, experienced an increase of 25.3 percent in the mean number of active cases per officer in their regular caseloads over a 7-year period ending in 1988 (Irish, 1989, p. 104).

Increased probation workloads are attributable, at least in part, to the overcrowding of correctional institutions. Currently, probation serves as the most expeditious means of diverting large numbers of offenders from incarceration. Although walls of iron and concrete make institutional accommodations finite, no such physical barriers protect probation agencies from excessive caseloads. Similarly, financial constraints resulting from the twin ravages of inflation and budgetary shortfalls, contribute to higher probation caseloads (Petersilia, 1985, pp. 4-5). Other factors include the increased supervision needs of a more difficult clientele and staff shortages resulting from problems in recruitment and retention (Guynes, 1988, p. 6).

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Excessive workloads may contribute to a decline in probation's role in providing community protection (Byrne, 1988, p. 1) and to a reduced credibility as the quality of supervision diminishes. We may have already "watered probation down so much that it is widely regarded as providing no punishment or control" (Jacobs, n.d., p. 2).

#### *A More Difficult Probationer Clientele*

There is substantial evidence to demonstrate that probation caseloads are increasingly more difficult to manage due to the increased numbers of probationers classified as higher risk and hence more likely to violate the conditions of probation (Guynes, 1988; Champion, 1988). Today's caseloads tend to be populated with greater numbers of felons, substance abusers, and violent offenders than ever before. Were it not for institutional crowding, many of these offenders would, with a high degree of certainty, have been incarcerated.

Most striking, at least in terms of the public's perception, is the rapidly rising number of felons under probation supervision. During the early years of probation, for example, the number of felony cases under supervision in New York State was rarely over 10 percent of the overall probationer population. The New York State Probation Commission reported that over a 14-year period ending on September 30, 1921, approximately nine percent were convicted of felonies (1923, pp. 11-12). Recent New York State statistics graphically illustrate not only the contrast with the early years of probation, but also the rapid movement towards a predominantly felony probation system:

In 1984, 47% of cases under supervision were for felony convictions. By the end of the first quarter of 1989, the felony population had increased to 54%. Increases, both overall and in felony percentages, were dramatic in New York City. By 1989, the total probation population had increased by 53% and felony cases represented 70% of the total. (Seymour et al., 1989, p. 2)

Other jurisdictions report similar increases in the number of felony cases placed under probation supervision. In California, in 1983, 70 percent of convicted felons were placed on probation (Petersilia, 1985, p. 2).

Not only has probation work been made more difficult by a felony offender population, but caseload studies also reflect similar increases in other categories of "difficult" probationers. Substance abusers, for example, an especially difficult category to manage, are being placed on probation in unprecedented numbers. Smyley, when Commissioner of New York City Department of Probation, reflected the concern of many of the larger urban probation departments when he estimated that between 9,000 and 13,000 crack abusers were under the supervision of his agency. He noted that "together with heroin, alcohol, and other forms of substance abuse, as much as 40% of our

population may be afflicted by one or more forms of chemical dependency" (1989, p. 34). In a nationwide study of probation/parole personnel, it was reported that "at least three-fourths of the respondents believe offenders' supervision needs are greater now than in the past. Thus, not only are the numbers larger, the offenders are also a more difficult group to manage" (Guynes, 1988, p. 8). An important clue to understanding today's probationer population, may be found in an agency report which noted that in 1988, "one-third of the offenders (33%) sentenced to probation and under supervision were actually recommended for incarceration" (Irish, 1989, p. 41). A remarkably similar finding was made by Petersilia who noted that in two counties in California, the probation presentence investigation "had recommended prison for 31% of the offenders who got probation" (1985, p. 5). Although the examples cited are limited, further research is clearly needed to determine whether traditional criteria used to determine suitability for probation supervision has largely given way to the exigencies of overcrowded institutions. It may be that the degree of consistency between probation presentence recommendations and court sentences is on the decline (Petersilia, 1985, p. 5).

#### *Street Safety Concerns*

Street safety concerns of probation officers assigned to high crime areas may also be a factor contributing to the reshaping of the home visit. Whether real or perceived, many officers consider field work to be more dangerous than ever. They cite the increased numbers of felons in the probationer population, crime rates which have increased over the long term, the drug epidemic and in particular the violence of crack abusers, and the high risk environments which they visit. Faced with these concerns, many officers are reluctant to perform field activities. Illustrative was an unsuccessful lawsuit brought by a probation officers union, attempting to ban home visits on drug abuse caseloads (Serant, 1989, p. 49). Several recent studies have explored the officer safety issue. Parsonage (1990) examined the victimization experienced by Pennsylvania probation and parole workers, including clerical staff and parole board members, in the line of duty. Based on 1,834 responses, he concluded that:

Victimization . . . is extensive and pervasive. While rates are highest for those involved in the direct supervision of cases, workers occupying other roles also experience appreciable levels of victimization in the line of duty. (Parsonage, 1990, pp. 7-11)

A survey was recently completed in New York State of probation staff regarding the safety issue. Based on 2,172 responses from probation staffs, it was concluded that:

A majority of respondents see the field as becoming increasingly risky. The probationers are seen as more serious and more dangerous, posing more of a threat to the safety of staff.

The majority (57%) of the respondents doing field work indicated that their personal safety had a negative impact on their going into the field on a routine basis.

Asked if they had ever perceived a risk to their safety in the course of their duties, a large majority (77%) of line officers indicated they had. Risk was seen as higher in the field than in the office and seldom seen as being present off duty. (Ely, 1989, pp. 1-2)

Whether the heightened probation officer fears of field work are supported by realistic considerations or are more reflective of irrational perceptions, these concerns have had a chilling effect upon field activities. As a former field officer, I would guess that some officers covertly reduce the frequency of field visits, and/or ignore visits to more dangerous sites. Moreover, at least in part because of the street safety issue, some probation agencies have officially reduced the number of mandated visits. By contrast, less threatening and more pleasant homes are overvisited to comply with field time requirements and statistical reporting. Finally, revised agency policies designed to increase officer safety, such as team visitation, further reduces the numbers of visits which can be physically made by officers.

### *Organizational Changes Within Probation*

The future of probation field visits will be influenced not only by the external changes already noted, including larger and more difficult caseloads coupled with heightened officer safety concerns, but by internal changes within probation agencies. Internal organizational changes are generally designed to maintain and stabilize the organization with the necessary accommodations to respond to external pressures. Important internal changes within probation in recent years include the increased use of probationer classification systems and the integration of non-traditional models of probationer supervision. The balance of this paper will focus on these internal changes and their impact on field policies.

#### *The Increased Use of Probationer Classification Systems*

The use of probationer classification systems has become more popular in recent years. Caseloads are less likely to be viewed as undifferentiated numbers of probationers. Instead, they are categorized according to critical offender characteristics. Among other purposes, case classification systems are used as a guide to the probationer's perceived level of risk and/or need for services. "While various names are used to differentiate the levels of supervision, most are essentially restatements of the traditional Maximum/Me-

dium/Minimum supervision classes" (Nelson et al., 1978, p. 19).

Offender classification may occur within a caseload, thereby placing all probationers into identifiable groups. Or, a particular caseload may contain only a single category of probationers. Intensive probation supervision programs are illustrative in that the entire caseload consists of high-risk probationers. Supervision standards, including the frequency and nature of officer/probationer contacts, are determined according to levels of classification.

The increased use of case classification systems is viewed as an organizational adaptation to the larger and more difficult caseloads characteristic of today's probation. Case classification systems allow, through the individualization of probationers, variations between supervisees as to the intensity of control and/or the degree of provided services. The selective distribution of scarce probation resources may be the key to probation survival. The high expenditure of resources necessary to the intensive supervision of high risk cases can only be achieved by the conservation of resources achieved through the minimal supervision of low-risk cases.

Organizational survival requires more intensive supervision for the rapidly increasing felony probation; it required practice concepts clearly different from traditional supervision and with a distinctively new identity. The subsequent creation of intensive probation models, made legitimate by concepts of differential supervision, make the supervision of today's higher risk population feasible. In effect, this is made possible by permitting more intensive supervision at one end of the probationer spectrum and minimizing the supervision at the low risk end.

The increased use of case classification systems has also influenced home visitation practices in probation. Consistent with the differential levels of supervision underlying probationer classification models, home visits are increasingly prioritized. In many agencies, they are generally limited to cases in the high-risk category. As a result, some probation departments no longer require visits to the homes of low-risk probationers, unless there is a failure to report or other violation of the conditions of probation (N.Y.C. Department of Probation, 1988, pp. 4.1-4.3). By limiting home visits to high-risk cases, agencies are able to supervise larger and more difficult workloads.

#### *The Use of Non-traditional Probation Supervision Programs*

The probation home visit has additionally been re-focused through the emergence of non-traditional probation supervision programs. These programs are primarily alternatives to incarceration strategies and

include house arrest, with or without electronic monitoring, remands to halfway houses in lieu of incarceration, and day care supervision. These programs may be under the control of a probation agency, or as in many jurisdictions, under the direction of organizations other than probation. Common characteristics of these programs include more intensive supervision than typical of traditional probation programs and that they are especially appropriate to higher risk offenders. In addition, these programs are intended to reduce institutional crowding, a goal which is often unmet.

These programs have additionally influenced the probation home visit. Probation officer field activities, as part of these programs, are basically control oriented and intended to serve surveillance functions of the supervision process. Both house arrest and halfway house placement are designed to be physically more restrictive than traditional probation, and home visits are accordingly made to monitor offender compliance. Consistent with the goals of these programs, home visits would rarely be made for solely rehabilitation purposes, but limited to control functions.

#### *The Refocused Probation Home Visit*

Today's home visitation practices represent a major break from the past. For many years the prevailing philosophy was that every probationer should be visited at home. As stated by Chute, then Secretary of the National Probation Association, probationers should be seen through office/home visits "at least every week, and better oftener" (1922, p. 7). Early probation officials considered home visits to be one of the keys to quality supervision (N.Y.S. Probation Commission, 1918, p. 67). In addition, home visits were generally viewed as serving the dual functions of probation: protection of the community through the rehabilitation of the offender. Accordingly, home visits were made for either surveillance or rehabilitation purposes, and often in combination. In fulfillment of the rehabilitation goal information was gathered, contact was made with significant others, social service referrals evaluated, and supportive counseling provided. Many believed that the home visit was especially conducive to the rehabilitation goal because the informality of the setting was less coercive than an office visit.

In contrast, the type of home visit that we see emerging is primarily risk driven and basically intended to serve probation's control or law enforcement function. Except in unusual situations, visits which serve rehabilitation purposes may become obsolete. In the New York City Department of Probation, for example, probationers are assigned to one of four supervision categories, based upon the individual's likelihood

of failure on probation (1988). Standards of supervision vary, with controls most intense for the high risk category. Agency policy requires that officers assigned to a general supervision caseload complete 28 field visits a month. By definition, field visits include home visits, probationer contacts outside of the home, or collateral visits. The mandated 28 visits are governed by the following priorities:

1. Initial home visits to all newly sentenced probation cases in Level I.
2. Follow up visits on Level I cases in which the probationer fails to report after the probation officer receives a notice of rearrest.
3. Follow up visits on Level I cases in which the probationer has failed to report.
4. Field visits as required by the needs and circumstances of any case, regardless of the level of supervision. (N.Y.C. Department of Probation, 1988, p. 4.2)

An analysis of the field visitation policy cited above indicates that home visits will generally be restricted to high-risk cases. Low-risk cases will usually not be visited except for alleged violations of the conditions of probation or failures to report. Although agency policy permits visits to low-risk cases on a needs basis, time constraints and work pressures are likely to insure the rarity of visits to low-risk cases solely for social service purposes.

This redirection of probation resources serves a number of probation's more powerful constituencies. Consistent with agency goals, this policy insures that resources formerly expended on field services for low-risk cases are instead redirected to high-risk cases. The goals of the criminal justice system are served through attempts to control the institutional population. The role of defense counsel is made easier by the greater opportunity to place larger numbers of their felony clients on probation in lieu of incarceration. In addition, promises of more intensive supervision through the concentration of resources on high-risk cases, allows the judiciary to be more secure in placing repeat and/or violent offenders on probation. Similarly, a usually negative public image of probation may be improved through intensive supervision programs and other special activities geared to law enforcement/control functions.

Differential patterns of supervision also exist in the United States Probation Office which employs a two-tier classification system consisting of high and low activity cases. Although a low activity case only requires a single personal contact a quarter, high activity cases require a minimum of one personal contact a month (Administrative Office of the United States Courts, 1983, p. 10). Obviously, here too, the expenditure of resources through the use of visitation is concentrated on high-risk cases.

### *Policy Considerations*

Historically, probation (like parole) is unique among law enforcement agencies in that it has a dual responsibility for control and social service functions for the same offender. Neither a social worker nor a police officer, the probation officer is nevertheless called upon to perform functions of both. The dual and sometimes conflicting responsibility has troubled probation officers from the time of the very creation of probation services (Flexner & Baldwin, 1914, pp. 98-99; Eliot, 1914, pp. 32-33; N.Y.S. Probation Commission, 1918, pp. 66-67; N.Y.S. Probation Commission, 1920, pp. 165-166), to this day. The maintenance of so delicate a balance between sometimes conflicting roles is especially difficult and is likely to be influenced by the value system of the individual officer, association with one's colleagues, supervisory pressures, agency policies, and judicial and community attitudes.

Recent events in the criminal justice field may already have contributed to a shift in the delicate balance, moving probation more towards a law enforcement orientation (Petersilia, 1988, p. 3; Byrne, 1988, p. 1; Harlow, 1984, pp. 376-377). The tarnished credibility of correctional treatment effectiveness resulting from the research of Martinson and others may have caused some to deemphasize rehabilitation efforts (Wilson & Herrnstein, 1985, pp. 377-380; Walker, 1985, pp. 167-170). Similarly, enhanced surveillance resulting from the hi-technology explosion within probation agencies, including the use of electronic monitoring devices, sophisticated drug and alcohol field testing kits, and computerized notifications of new probationer arrests may further contribute towards a greater emphasis of the law enforcement function of probation (Moran & Lindner, 1985). Other influences, including larger caseloads and more difficult populations may further this trend as agency administrators emphasize control functions through the development of more restrictive and cautious policy directives.

These changes may result in substantial changes within the field of probation. As probation moves to a more control oriented model, the dual role of probation officers may become obsolete. Probation might be better served, for example, through bifurcated officer roles, with some serving solely as control officers and others providing social services. Accordingly, control oriented officers could offer overall supervision, but provide team supervision in combination with a social service specialist on an as needed basis.

Another possible variation would be to hire less qualified, and lower paid, surveillance officers to work as a team with probation officers. Surveillance officers could relieve probation staff of many control oriented aspects of supervision including community contacts, verification of aspects of the conditions of probation,

and numerous ministerial tasks. Surveillance officers, for example, would be especially appropriate in monitoring probationers subject to house arrest, a task wasteful of the time and energies of more highly trained probation officers. The pairing of a probation officer and a surveillance officer(s) would lower costs of supervision, allow probation officers to make more efficient use of their skills, and help ameliorate serious problems of staff recruitment facing many probation agencies (Guynes, 1988, pp. 6-7). A precursor of this model is used by the State of Georgia in its Intensive Supervision Program (Erwin & Bennett, 1987, p. 2).

If probation officers continue to make home visits, issues of staff safety will become increasingly important. As offenders with more serious legal records are placed on probation in lieu of overcrowded jails and prisons, and home visits are increasingly restricted to high risk cases, field work is likely to be perceived as especially hazardous. These concerns would certainly be exacerbated were one or more officers to be seriously injured in the performance of field work duties and the incidents to receive national publicity. Issues of probation officer victimization are already contributing to a renewed interest in the arming of probation officers (Holden, 1989, pp. 6-8; Jones & Robinson, 1989; Brown, 1990). There is a definite trend, at least in the Federal system, permitting qualified officers to carry firearms. A firearms training program was developed by the Probation Division in 1987, and currently, "approximately 65 percent of the probation districts permit officers to be armed" (Brown, 1990, p. 25). In recent years, there has been frequent presentations of staff safety workshops at professional conferences, and a number of probation agencies have mandated staff safety training programs (N.Y.C. Probation Department, 1989; Leathery, n.d.). In addition, some agencies have revised field work policies to enhance officer safety (N.Y.C. Probation Department, 1989), and/or permit the use of body armor, two-way radios, or the use of guns (Brown, 1990, p. 24).

Agency administrators will be challenged to develop innovative policies designed to increase the safety of officers performing field work assignments. Many of these policies will have negative financial implications, as in the case of team visitation, which while increasing officer safety, reduces the number of visits which can be made. Similarly, probation agencies may experience heightened costs through more flexible time schedules, which allow increased overtime to encourage early morning visitation and off-hour visitation. Some agencies have already adopted policies which provide special units of probation officers, who are usually volunteers, to make field visits to more dangerous sites or for the execution of warrants. These officers, who are excused from ordinary caseload su-

pervision, make these special visits in lieu of the assigned probation officer (N.Y.C. Department of Probation, 1985). There may be a time when all field work is performed by specialized units of probation officers, specially trained and perhaps rewarded with financial incentives, for full-time field activities.

Finally, there is concern that the restructuring of home visitation policies, increasingly designed to emphasize control oriented functions, may further the demise of probation's rehabilitative role. We have noted, for example, that home visits are now often prioritized for high-risk cases in which the surveillance component of supervision is emphasized. Similarly, house arrest is a highly restrictive form of community supervision which is basically concerned with offender surveillance and public protection. As noted by Petersilia, "As probation officers focus more heavily on surveillance of offenders, human contact is reduced and the potential for helping offenders is diminished" (1988, p. 3).

The new probation home visit may be consistent with an overall shift in probation practice towards a law enforcement orientation. Traditional home visits for rehabilitative and social service purposes may soon be obsolete.

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