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A New Approach to Organized Crime

Summary and Introduction

Traditionally, organized crime has been viewed as a parasitic and unregulated criminal enterprise that operates outside the legitimate economic system. The notion is that organized crime exists for its own sake and that it does not respond to the rule of law or to the government's efforts to control it. However, this view is increasingly being challenged by contemporary research, which suggests that organized crime is a responsive and adaptable entity that operates within the bounds of the law and is subject to the same pressures and constraints as legitimate businesses.

The main thesis of this paper is that organized crime is not an inherent evil, but rather a manifestation of human behavior that is shaped by social and economic forces. By adopting a more nuanced approach to the study of organized crime, it is possible to develop a better understanding of how these forces interact and how they contribute to the growth and decline of organized crime organizations.

Conclusion

In conclusion, the study of organized crime is a complex and ongoing field of inquiry that requires a multidisciplinary approach and a willingness to challenge traditional assumptions. Through a careful analysis of the evidence, it is possible to develop a more accurate and nuanced understanding of this phenomenon and to identify strategies for its prevention and control.
Glen Plutschak of the Maryland Division of Parole a measure of satisfaction. orally administered Self-Anchoring Striving Scale, their concerns. Each subject was asked to describe their views with 57 probationers in two New Jersey analysis of tape-recorded and transcribed interviews. John J. Gibbs of Rutgers University reports Dr. Alvin Cohn of Administration of Justice Services. By taking such programming one step further, namely by developing behaviorally anchored objectives, workers can maximize available resources in directing clients toward realistic and relevant outcomes, he states. Workers can thus be held accountable in the delivery of specific services.

The Use of "Third Sector" Organizations as Vehiclen for Community Service Under a Condition of Probation.—The increasing use of community service as a condition of probation has provided probation officers with improved opportunities to use such assignments as a way of teaching responsible citizenship as well as achieving community improvement. This article, by Deputy Chief Probation Officer Jack Cocks of the U.S. District Court in Los Angeles, reflects some of the recent developments in formalizing service programs in public benefit "third sector" organizations designed to carry out new strategies of networking.

Not Without the Tools: The Task of Probation in the Eighties.—Traditionally, the role of the probation officer has been viewed as dichotomous with supervision involving maintaining surveillance and helping the clientele. This dilemma is likely to remain with us in the next decade as the field of probation faces the challenge of stiffer sentencing policies. Authors Marshall and Vito outline some of the difficulties to be faced by probation officers and suggest some methods of dealing with them.

Inside Supervision: A Thematic Analysis of Interviews With Probationers.—This article by Dr. John J. Gibbs of Rutgers University contains an analysis of tape-recorded and transcribed interviews with 97 probationers in two New Jersey counties. The interviews were structured to elicit the clients’ perceptions of probation and to explore their concerns. Each subject was asked to describe his probation experience, and to respond to an orally administered Self-Anchoring Striving Scale, a measure of satisfaction.

Writing for the Reader.—Nancy Hoffman and Glen Plutschak of the Maryland Division of Parole and Probation discuss the pitfalls of the bureaucratic style of writing often developed by criminal justice professionals. Such writing is generally characterized by poor organization, extremely long sentences, over-used jargon and unnecessarily complex words. The results are documents which are difficult to read. The authors stress the importance of writing readable communications which are clear, concise, and to the point.

The Male Batterer: A Model Treatment Program for the Courts.—Authors Drees, Ignatov, and Brennan examine the male batterer from the perspective of court-ordered treatment. A 30-week group treatment program is described in which various aspects of domestic violence are considered, with the ultimate goal being cessation of abusive behavior. Specific steps taken regarding program development and implementation are presented and a description of additional adjunct services is also provided.

Issues in Planning Jail Mental Health Services.—One impact of deinstitutionalization of state mental hospitals noted by many authors is an increased need for mental health services in local jails. Given current fiscal constraints and community attitudes, program development in the 3,493 jails in the United States is often very difficult. In this article, Messers. McCarty, Steedman, and Morrissey assess the range and structure of mental health services in a national sample of 43 jails.

Victim Offender Reconciliation: An Incarceration Substitute?—Howard Zehr and Mark Umbreit describe the Victim Offender Reconciliation Program (VORP) operated by PACT in Indiana. The program allows for a face-to-face meeting between victim and offender in which facts and feelings are discussed and a restitution contract agreed upon. Trained community volunteers serve as mediators. VORP can serve as a partial or total substitute for jail or prison incarceration. Eighty-six percent of all cases represent felony offenses, with burglary and theft being the most common.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.
The Use of "Third Sector" Organizations as Vehicles for Community Service Under a Condition of Probation

By Jack Cocks, D.P.A.
Deputy Chief Probation Officer, U.S. District Court, Los Angeles, California

California's Proposition 13 created a climate of consternation about actual and proposed cutbacks in public revenues, particularly in terms of the damaging effects of taxpayer revolt on criminal justice agencies and custodial facilities. Proposition 13 was followed by passage of a new determinate sentencing law causing prisoners to serve terms of fixed duration and reducing the amount of parole services upon release. At the same time these fiscal restrictions and economics drastically reduced funds for prison alternatives. Without regard to these factors, however, the California State Legislature every year since Proposition 13 passed has enacted new laws that have increased the number of prison terms or extended their duration. The result is that the State is, at an accelerating rate, imprisoning more people, for longer periods, in increasingly inadequate institutions.

On the national scene, since the announcements and budget proposals for significant cuts in the rate of Federal spending, both public and voluntary organizations have been concerned with the need to clarify the implications and to gauge their ability or inability to compensate for the cuts. A recent study by the Urban Institute estimates that the proposed Federal budgets would make direct cuts in income to voluntary organizations of $4.767 billion in fiscal 1982, $9.802 billion in 1983, and $12.677 billion in 1984, for a total of $27.3 billion. Even so, this total is only approximately one-fifth of the grand total when proposed cuts in Federal governmental services are included. Since state and local governments are also cutting funds going to voluntary organizations to perform public services, the direct cutbacks to voluntary organizations are likely to be considerably higher.

The problems of voluntary organizations will be further compounded by an almost certain increase in expectations for service and an anticipated decrease in their personal, corporate or foundation donations and grants. The significance of these awesome external forces is not lost on correctional administrators. Traditional budgets for community probation or parole services have not included sums for income assistance, social services, education or health; rather, staff members are told to "use the local network." In addition, the curtailment of government expenditures also has assaulted basic probation and parole services, with reductions in staff complements and with higher caseloads the inevitable consequence. Correctional managers today are faced with growing uncertainties about their traditional roles and services yet they must operate in an environment where fewer staff members must be increasingly accountable and "efficient." The great challenge to the correctional administrator is to find and use those old or new organizational, administrative or programmatic strategies which will get the job done at the lowest possible cost, and with maximum efficiency and effectiveness.

It is the purpose of this article to present a descriptive overview of the development and implementation of two new strategies by the U.S. Probation Office for the United States Court, Central District of California, Los Angeles. Before the presentation, however, it appears useful to develop perspective and context by reviewing the characteristics of the environment in which they were developed. Accordingly, the next section will review "third sector" and public benefit organizations. The section following that will deal with community service by offenders and will identify elements of social reparations administered as conditions of probation. The two new strategies will then be presented, followed by a section on probation and community advocacy. A brief section on implications for policy will conclude the article.

Third Sector and Public Benefit Organizations

According to Ginzberg and Vojta, a review of the structural transformation of our domestic
FEDERAL PROBATION

COMMUNITY SERVICE UNDER A CONDITION OF PROBATION

Economy during the past 50 years shows a five-fold growth in the United States gross national product, expressed in constant dollars of purchasing power. The annual dollar charge without allowance for inflation was from $100 billion in 1929 to $2,400 billion in 1980.

The profound changes in the structure of the economy that accomplished this growth are reflected in the distribution of the labor force and the gross national product. The data show that the provision of services has displaced the production of goods as the country's principal economic activity. Since much of this service activity is conducted by the Government and by private non-profit institutions, a vast non-profit sector, encompassing Government and non-profit institutions, emerges.

These authors further suggest that the actual dimensions of the Government sector can be compared only by counting the people employed on the public payroll plus the people in the private as well as the non-for-profit sector who are employed because of Government purchases from or grants to private and non-profit enterprises.

When the contribution of the private non-profit sector is added to that of Government, the non-profit sector accounts for more than a third of the total employment and nearly a third of the gross national product.

Our concern here is with the development and emergence of some of these organizations—particularly community corrections organizations—which are called "third sector" and which combine elements and resources from both Government and the private or non-for-profit sectors. While evidence of such combinations can be identified in our history going back more than 100 years, the growth of these activities, for example, gave some 131 million acres of public lands plus substantial loan guarantees to the railroad industry, it is only after about 10 years that the Government has undertaken to secure the institutionalization of certain presumably desirable "quasi-public" services through the creation of public corporations, loan guarantees, direct subsidies, tax services through the creation of public institutions, and loan guarantees, direct subsidies, tax services through the creation of public institutions.

One of the fastest growing developments in community corrections which has become increasingly evident—yet escapes the notice of Government purchasers—is the growing use by the courts of conditions of probation requiring the use of reparation services and community service conditions. The conditions cause probation services to develop increasing reliance on non-commercial or other community entities with community agencies and service groups. Further, the conditions seem to fit neatly into the "justice" model of dealing with some offenders and seem to suggest the ongoing concern of the courts that private sector offenders (while-collar or corporate) be dealt with in a manner that will assure remedial (or non-repetitive) action in recompense for offenses against the general public welfare.

For purposes of definition, restitution is that condition of probation which requires payment of damages or other action to "...make the victim whole where identifiable individual and the amount of damages to him may objectively be ascertained. A summary of the conceptual and legal basis may be reviewed in a symposium report developed by Galaway and Hudson.

A review of the discretionary authority of Federal Courts in the fixing of probation conditions may be found in the analysis by Inlay and Glaseheen, although this article is not particularly helpful in obtaining a clear definition of "reparation." Another summary of out-of-ordinary conditions of probation does illustrate the use of the term "restitution" and "reparations" as broadly synonymous as interpreted in an appellate case in the 16th Circuit in 1976. In the Cline Retail Li­quor Dealers Trade Association, et al. v. United States, et al., the lower court overturned the trial judge's imposition of a condition that the dealers "pay certain sums as restitution and reparation," to a local council on alcoholism, on the basis that the Federal Probation Act makes "no provision for the payment of any community repurpation." The reviewing court pointed out that the restitution clause of that act specifically restricts the payment of restitution solely to "...aggravated parties for actual damages or loss caused by the offense for which conviction was had." This narrow construction is not applicable in the 10th Circuit, is currently being considered in a 9th Circuit case.

In contrast to the references in the literature regarding restitution, which permit a definition of "reparation" to be hard to locate. Although direct statutory authority exists in a number of cases, including Federal Probation law, clarification of legislative intent concerning the term is sparse. In addition, case law is similarly characterized by a paucity of trial court or appellate rulings. The Federal law permits one of five explicit conditions of probation to include "...require the defendant to make payment of money or to provide a service, or both, to the benefit of the community." The definition and purposes of community service by offenders can be found in the literature beginning about the time of the Vietnam conflict when a number of Federal judges who granted probation to Selective Service Act violators mandated that they perform "volunteer" work at some non-profit or public institution. In 1975 an Arizona Federal judge ordered daily executive convicted of price fixing "to serve the poor in charity dining halls in lieu of prison" and required their corporations "to contribute milk to charity in lieu of fines." Performance of the gratuity was merely "suggested" by the trial court, not mandated by probation. In another case, a judge deferred his final sentencing decision for 6 months with the admonishment that the court would consider their charity work to be a mitigating circumstance at sentence time.
FEDERAL PROBATION

Also in 1975 eight Federal judges in the Central District of California required several most pack- ing corporate pay sums of money in addition to substantial fines or as remission to ordered fines, to establish a remedial vocational training and job placement program in the most cutting to be approved and conducted by the Probation Office. Several corporate officers or owners were also re- quired to complete several hundred hours of community service in support of the training program. (Report of these cases and subsequent develop- ment is in the section of this article “Indus- try—Corrections—Interface.”)

In such situations, Chief Judge Bailey Brown set forth a number of reasons for his use of community service as a condition of probation.20 He saw the additional tasks as include: a therapeutic effect on the offender “since this would make him stone for his misled in a concrete and constructive way”; needed valuable services would be received by the involved public and charitable agencies; the im- position of the requirement of work pay without would make probation more acceptable to the public in that the public would be more likely to feel that justice had been done; the probation of- ficer would “have an additional handle” on the probationer through reports from the designated agency; and some additional persons could justifiably be placed on probation through the existence of such a program thereby avoiding the costs and other disadvantages of incarceration. plante probation projects a memorandum legal opinion the General Council of the Administrative Office of the United States Courts which concluded as follows:

(1) The imposition of a special condition of work the offender would not violate the constitutional or statutory considerations that the probationer provided that the condition was reasonably related to the rehabilitation of the probationer and to the protec- tion of the public and that the probationer had reasonable notice of what was expected of him.

Readers will note that this presentation has not addressed the state or local approaches to com- munity service, nor the many similar court refer- ral, diversion, pretrial intervention or pretrial ser- vices programs. Those interested in such informa- tion, or in initiating similar programs, are advised to review the publication Community Service by Off- enders prepared by the National Council on Crime and Delinquency and published in 1975 to contrast with the American Bar Association’s BASICS (Bar Association Support to Improve Correctional Services) Program.

COMMUNITY SERVICE UNDER A CONDITION OF PROBATION

The section following includes a historical and anecdotal presentation of the two strategies evolv- ing in the United States Probation Office in Los Angeles and Baltimore, the actual and potential resources of restitution, reparation, and communi- ty service into two service delivery models cur- rently viewed as “third sector” agencies.

SERVICE DELIVERY MODELS

The events and activities briefly chronicled here probably justify some historical development as far as this space allows. However, for the introduc- tion of organizational and programmatic concepts, the presentation should suffice.

Industry—Corrections—Interface

In 1978 two of the United States probation of- ficers who had much to do with the creation and development described ICI as a “new horizon for ex-offender employment.” The description which follows is largely adapted from their paper.26

ICI Projects was established November 1975, as a charitable non-profit organization to assist the Probation Of- fice of the United States District Court in various projects throughout the country. In February 1977, 32 people participated in a pilot project at the United States Probation Office in Los Angeles which included the proba- tioner’s farm to the American Bar Association’s BASICS (Bar Association Support to Improve Correctional Services) Program.

On November 17, 1975, ICI Projects launched a four-month pilot project in six Federal offenders began training in meat packing. One of the probationers’ tasks was to package meat into such diverse products as sausage. The backdrop for this early effort was the United States Probation Office for placement in the project which included an extensive skills training program, practical knowledge of the industry, coupled with on-site counseling and casework by the judicial and community corrections staff. The results of this project were subsequently published in the United States Probation Office for placement in this pilot project. Referencing data from the United States Probation Offices and forms provided to allow them to track demographic data and summarize criminal history, employ- ment background, and case problems. Upon receipt of refer- rals, probation case files were reviewed. In order to attain and maintain stability in the training programs and to supply services to indigents who may be most likely to benefit from a career opportunity, the following exclusionary selection factors were used:

1. Recent or current substance abuse.
2. An inability to work because of physical or mental disability.
3. Significant criminal records in another state.
4. Significant marketable skills in another trade.

By the end of the pilot project, most of the offenders gained sufficient ability and confidence in performing in small and medium size meat cutting. The description which follows is largely adapted from their paper.26

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to suggest policy and articulate program characteristics which ICI could do while the ICI operation would devote its energies and efforts toward the pursuit of these goals. It should not be assumed that this partnership was foreordained; rather, both parties had substantial latitude and freedom generally not obtainable if the partners had been operating separately.

In short, the realization that the ICI operation did not lend itself to a vehicle for the utilization of the increasing number of white collar offenders being placed on probation with conditions of community service to be performed. The next section of this article will reflect the expansion steps set in motion by this realization. The non-traditional, broad based social organization with broad purposes to serve the community in an innovative and non-traditional manner.

Foundation for People, Inc.

Less than 6 months ago, almost a year of developmental work, including the involvement of an "Industries Advisory Board" of four white collar offenders, the Foundation for People, Inc., was incorporated. Some of the conceptual work is described by a United States probation officer who first worked with the ICI program and subsequently broadened his concerns to encompass a more general application of community service orders to improve the sentencing alternatives available to the Court as well as to provide additional resources to meet a variety of probation and community service needs.

We are proposing the establishment of a Community Service Program and/or Agency, which would help develop, monitor, assess, and evaluate those social service assignments arising out of Federal Court Ordered Community Service. The ICI model, the United States Probation, and the community in a new and vital fashion. The program is intended by design primarily for white collar offenders who do not communify as criminals, who are prescribed with community service to serve the community in a meaningful capacity and as an alternative to incarceration. The ICI model would be available to any entity, for-profit or non-profit, which seeks to contract to provide such a service. The foundation for People, Inc., was organized as a non-profit public benefit corporation "...to provide for the betterment of the community by developing, employing opportunities, information and referral services to individuals who are on probation for the commission of offenses of violation of Federal laws or to Private Industry or to State government. The foundation has held its organizational meeting and has elected a 13-member board of directors made up of representatives from Federal and State agencies to design the program.

Proband and Community Advocacy

The development of non-traditional private agencies or narrowly defined public benefit corporations can present a professional dilemma to many correctional practitioners who have been trained and conditioned to an entirely different receptive audience. The position of the probationer's performance, will become a pivotal and important feature of the community service program and will be carefully evaluated through the program's own efforts as well as social science measures provided by the Court. The foundation for People, Inc., was organized as a non-profit public benefit corporation "...to provide for the betterment of the community by developing, employing opportunities, information and referral services to individuals who are on probation for the commission of offenses of violation of Federal laws or to Private Industry or to State government. The foundation has held its organizational meeting and has elected a 13-member board of directors made up of representatives from Federal and State agencies to design the program.

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Community Service Under a Condition of Probation

The following proposal is for approval by the Court and to become a part of the conditions of probation. It is not a departure but rather a project which will be documented, credible, and a project which will be a part of the measurement and also provide a source for the client's performance. The foundation for People, Inc., was organized as a non-profit public benefit corporation "...to provide for the betterment of the community by developing, employing opportunities, information and referral services to individuals who are on probation for the commission of offenses of violation of Federal laws or to Private Industry or to State government. The foundation has held its organizational meeting and has elected a 13-member board of directors made up of representatives from Federal and State agencies to design the program.

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tion Service a coordinating program known as CAPE (Community Alliance Program for Ex-offenders). Now operating in Philadelphia, Portland, and San Jose, the emphasis is to utilize and coordinate the resources of CETA title VII with the capabilities of existing community-based organizations to provide ex-offenders with employment assessment, job training and/or job development and placement services.29

(4) Look for joint ventures or "trade-off" relationships with other correctional agencies. For example, at the urging of United States Probation, ICI Projects opened its intake to State Corrections, Youth Authority and local probation officers in 1978. This year, both state agencies are using budgeted funds to solicit proposals for the kind of services ICI has been providing. To the degree ICI is successful in competing for such monies, the United States Probation sustaining efforts may permit expansion of the number to be served or allow diversion of funds to meet other competing needs.

Implications for Policy

National manpower policy now seems to treat ex-offenders as part of a broader group of structurally unemployed or disadvantaged persons. Except for the Targeted Job Tax Credit program, ex-offenders are not seen as a target group of persons with unique problems. CETA regulations and instructions still use the same criteria for program evaluation of community-based organizations specializing in service to ex-offenders as are applied to those serving more heterogeneous groups. The National Alliance of Business has dropped its focus on target groups, including the ex-offender, and appears to be on the verge of withdrawing the


organizational and financial support for the CAPE program. These indicators, joined with austerity budgets, cuts in aid and assistance, and a contemporary political thrust toward greater punishment and more incarceration surely will maintain a climate in which criminal violence will continue to fester.

The local correctional administrator is hardly in a position to address these widening national economic and social gaps. His challenges, aided perhaps by the "Voluntary Initiative Program" of the national administration, will include finding useful answers in his community to the following (and similar) questions:

(1) How can we develop and maintain a vital and visible range of activities and cooperative efforts directed toward solving the specific problems faced by ex-offenders?

(2) How can we motivate private sector companies, including those directed as a condition of probation to perform community services, into honest responsiveness while avoiding the impression of "buying off" their obligations and influences?

(3) How can concepts of business efficiency and expertise be combined with the public interest to solve the problems of employment, housing, health and others associated with the stigma and status of the criminal?

(4) How can labor intensive and semiskilled industries, together with organized labor, be solicited for a more compassionate and responsible role in meeting the employment needs of the probationer or parolee?

(5) How can we find ways to accelerate the establishment or expansion of programs designed to strengthen volunteering, as well as individual, foundation or corporate giving, in order to strengthen public/private partnerships and coalitions?

DON'T ask the employer to give your referral any special consideration, but request that he give him the same consideration as any other qualified applicant who is not an ex-offender.

— DENNIS W. NEWKIRK