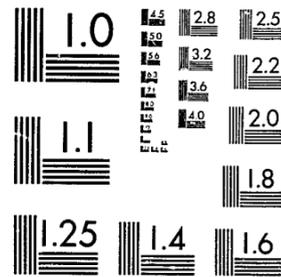


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DECEMBER 1982

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

Manuscripts (in duplicate), editorial matters, books, and communications should be addressed to FEDERAL PROBATION, Administrative Office of the United States Courts, Washington, D.C. 20544.

Subscriptions may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at an annual rate of \$9.00 (domestic) and \$11.25 (foreign). Single copies are available at \$3.50 (domestic) and \$4.40 (foreign).

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FEDERAL PROBATION QUARTERLY

Administrative Office of the United States Courts, Washington, D.C. 20544

Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME XXXXVI

DECEMBER 1982

NUMBER 4

This Issue in Brief

Shadows of Substance: Organized Crime Reconsidered.—Authors Martens and Longfellow discuss contemporary perceptions of organized crime and how they affect public policy. Arguing that organized crime is neither parasitic nor exclusively functional to the maintenance of the social order, they suggest that organized crime must be perceived as a process. At historical times, organized crime is functional and at other times it is exploitive. The authors assert that contemporary research is empirically weak, ethnically biased, and inappropriately focused by a poor data collection methodology.

Organized Crime, RICO, and the Media: What We Think We Know.—RICO was legislated to combat Mafia-style organized crime. Authors Wynn and Anderson maintain, however, that the precise Congressional target is unclear. RICO provides a formal notion of organized crime whose key is the proof of a "pattern of racketeering activity." But this means only the commission of two predicate offenses within a 10-year period. One result is a body of cases whose only common denominator is unfettered prosecutorial discretion. In addition, Federal jurisdiction and surveillance powers are greatly increased.

Adolphe Quetelet: At the Beginning.—Professor Sawyer F. Sylvester of Bates College reveals that an empirical approach to the study of crime can be found in the history of criminology as early as 1831 in the writings of the Belgian statistician, Adolphe Quetelet. In his work, *Research on the Propensity for Crime at Different Ages*, Quetelet makes use of government statistics of crime to determine the influence of such things as education, climate, race, sex, and age on the incidence of criminal behavior. He not only establishes relationships between these factors and crime but, in so doing, develops a methodology for the social sciences which is still largely valid.

Behavioral Objectives in Probation and Parole: A New Approach to Staff Accountability.—Many

probation and parole agencies have initiated programs of risk and needs assessments for clients in an effort to manage caseloads more effectively,

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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 Vehicles 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 taperecorded and transcribed interviews with 57 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 Dreas, 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, Messrs. McCarty, Steadman, 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.

87797

Not Without the Tools: The Task of Probation in the Eighties*

BY FRANKLIN H. MARSHALL AND GENNARO F. VITO, Ph.D.**

TRADITIONALLY, the role of the probation officer has been viewed as a dichotomy. Probation supervision has involved "maintaining surveillance" as well as "helping or treating" the client.¹ Probation officers were left to their own devices as to which role was most appropriate. This dilemma is likely to remain with us in the next decade as calls from several quarters point toward the need for change in the role of the probation officer. What can and should be done differently? Regardless of the type and form of suggested change, an adjustment in the role of the probation officer cannot be made without some alterations in the methods used by and in the resources available to the officer.

Historically, the role of the probation officer has been poorly defined. The greatest omission has been the lack of a firm and definitive "mission statement" for probation. Research in this area has revealed a number of different role typologies of probation officers. In each of these studies, the determining factor in the typology was the manner in which the officer viewed the client, the job itself (including the role of the community), and ultimately, the surveillance vs. counseling (treatment) dichotomy (Conrad, 1979; Ohlin, et al., 1956; Hardman, 1960; Klockars, 1972; Miles, 1965; Von Laningham, et al., 1966; Sigler and Bezanson, 1970; Tomaino, 1975; Studt, 1978).²

It is the permanency and resiliency of this dichotomy which is the heart of the debate over the proper state of the probation officer's role. Recently, the surveillance role has been emphasized. For example, Fogel and Thompson (See Gettinger, 1981) have argued that the most appropriate role for the probation officer has moved beyond that of enforcement to that of compliance: He/she is literally an officer of the court, responsible for

monitoring the offender's compliance with the conditions of release.

Perhaps, this statement is merely a recognition of what has been long suspected with regard to probation service. It is the manifest duty of the probation officer to keep the court aware of the conduct of the probationer. Here, the official charge to the officer and the directive to the client is most clear: Maintain or abide by the conditions of probation or face the consequences (i.e., violation and incarceration). The argument can be made that the protection of society was always paramount; the helping or treatment role was always secondary.

In fact, the helping role of the probation officer was a difficult one to outline, offering a direct parallel to the now-maligned "coerced cure" of rehabilitation in corrections (See Morris, 1974). With probation, the client is *not* seeking help, but comes to the officer in an adverse situation—*not* by choice but from a violation of the law. Although the probation officer may seek to induce a "desire for change" in the offender (Linden, 1975), often the only incentive available to the officer is the threat of incarceration—more of a restraint than a curative.

The major issue is what can and should be done about the surveillance vs. treatment dichotomy? Should it be reconciled? Should one role become supreme and the other be eliminated? Is it possible to retain both and use each at the most appropriate moment? To what extent is the conflict between counseling and surveillance simply a "part of the job" of the probation officer?

Often, the type of supervision style is determined by the type of offender. For example, with the white collar or organized crime offender, surveillance and monitoring the extent of the offender's compliance with the conditions of release are the most crucial aspects of supervision. The officer must attempt to maintain contact and increase communication ties with law enforcement

*An earlier version of this article was presented at the "Future of Probation" panel of the American Society of Criminology meeting in Washington, D.C., November 13, 1981. The views expressed do not necessarily reflect nor enjoy the support of the U.S. District Court of the Eastern District of Pennsylvania.

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¹Throughout this article, the term "probation officer" is utilized. It is meant to designate both probation and parole officers. Many of the dilemmas facing probation also relate to parole. In fact, the only true difference between the two is the legal status of the client.

²This debate, however, is but one source of the probation officer's role conflict. For example, authors such as Blumberg (1987) have denounced "civil service malaise" as another source of the professional schizophrenia which probation officers generally face.

agencies who are also interested in the client while insuring that the offender complies with the conditions of probation. As McCleary (1978) aptly pointed out with regard to parole supervision, "client typing" is no stranger to a service bureaucracy. In his words, "the long run goals of the bureaucracy amount to rehabilitating those parolees who are amenable to rehabilitation while simultaneously protecting society from those who are not." The probation officer makes the same type of decision on a case by case basis.

In order for the probation officer to meet the requirements of the surveillance role, changes must be made in the probation process. The conditions of release must be made in a more specific fashion; they should be "tailormade" to fit the individual case wherever possible. These tailormade conditions should be arrived at through consultation between the client, the officer, the judge and even the victim. The presentence investigation plays a major role in this process as the primary source of background information in each case. As suggested by Scott (1978), the conditions of probation should become something of a legal contract between the client and court. The certainty, clarity and specificity of the conditions of release should prove to be beneficial to both the client, who will now know without question what is expected of him/her, and the officer, who now has a firm basis upon which a surveillance role can be established. If surveillance is to become the dominant role, then the days of the traditional, general conditions of release are numbered.

On the other hand, if the probation officer is to follow the helping or treatment role, the officer must have better control of the resources which can facilitate this movement. Making use of available resources is one of the key concepts behind the community resource management team (CRMT—a technique which is currently being adopted by probation departments (see Wood, 1978).

It is our contention, however, that the CRMT approach does not go far enough. Probation departments need to contract for community services to assure the quality of service provided by social service agencies to probationers. This tactic would

give the probation department some measure of financial control over the services provided by others to its clients. If the department contracts for services and these services are not delivered, finances can be withdrawn or withheld. Control of the purse strings will give probation departments a voice in terms of the type, manner and, most importantly, the quality of services provided by social service agencies for the probationer (See Linquist, 1980). This type of financial control could prevent what some officers consider "Social Service Rip-Offs" of their clients: The services are not delivered by the agency in question and the probation department is prevented from taking action by a sea of bureaucratic red tape. The proposed method should also be effective in these times of budget retrenchment when both probation departments and social service agencies face a reduction in available funds. Fiscal accountability could lead to greater efficiency in services provided for probationers.

Perhaps, the eighties will be the time when the functions and purpose of the surveillance vs. treatment roles are recognized as separate and appropriate functions. An example of this type of approach is the Federal Probation System's Supervision Monograph. Scheduled for release in 1982, this monograph is designed to assist the probation officer, and ultimately the system, through the adoption of a workable format of supervision. The method provides for the initial classification of the case which will set the parameters of client contact as well as determining the initial supervision plan. This plan, however, is subject to periodic review (i.e., every 6 months) by the officer and his/her supervisors. The assumption is that the supervision plan will be implemented and adhered to. The plan consists of the identification of client problems, and setting of objectives to solve these problems and the establishment of a supervision plan to meet the objectives. Hopefully, the achievement of the objective will alleviate or eliminate the client's problem.³

In California, a similar method of supervision has been developed.⁴ As described by Gettinger (1981: 34-35), this "New Model" is characterized by:

(1) The use of a Risk Assessment Scale to assign parolees to different types of supervision. A needs score is also assigned.

(2) Different styles of supervision. Any client with a score of 7.5 or above is considered a "control" case. A parolee with a score of 5 to 7.5 is also a control case, unless his/her needs are above 7.5, in which case it will be handled as a service case.

³The need for surveillance under this method is determined by the Risk Prediction Scale (RPS-80) for persons on probation and the Salient Factor Score for persons on parole (See Eaglin and Lombardi, 1981). In addition, the probation officer is required to identify "supervision problems": circumstances which limit the offender's ability or desire to function within the requirements of probation and which are directly linked to supervision outcome. Problems can be identified in the areas of: family/marital relationships, education, employment, financial, health (physical and/or emotional), residential stability and established antisocial lifestyle.

⁴Wisconsin has also developed its own method of probation and parole classification (See Baird, 1981). However, the specific techniques used by this system were not available at this writing.

(3) Minimum supervision. Any case that scores below 3.75 in both risks and needs is put into a separate caseload with few reports required and services provided only on request.

(4) Specialization of agents by styles of supervision. "Control" agents do not handle problems outside of their specialities.

(5) Specific direction by supervisors. They tell an agent exactly what actions to take on each case and how many hours per month they are to devote to it.

This method of supervision constitutes an attempt to balance the conflicting needs of treatment and surveillance by splitting them permanently according to the needs of the client and the expertise of the officer.

The establishment of a clearly defined method of supervision has long been neglected and, as a result, decisions of this sort have been left to some arbitrary, subjective (and often unconscious) non-system of the individual officers. While in many instances this "nonsystem" sufficed to prevent probation from collapsing from the absence of a mission statement, the future of probation supervision requires that a standard format be developed.

Hopefully, the Federal Supervision Monograph will be one of the tools which can be used to forge what has been the "missing link" in supervision and the delivery of services to the client. This task can be accomplished by formalizing what is expected of the officer by defining how cases should be classified and then to formulate supervision plans in a systematic fashion. As a result, the client will also have a clear idea of what is expected of him/her and what services will be provided during the period of supervision. This method will also serve to eliminate areas which have been pushed aside in the past because the officer did not have the necessary tools to handle certain supervision issues.

For example, a number of new modes of supervision for "low risk" probationers have been developed and are being utilized across the country. Already beginning to take form are specialized sentencing provisions including public services as a part of the sentence or as a special condition of probation (See Nelson, Ohmart and Harlow, 1978).

⁵Preliminary findings from the evaluation of the Administrative Caseload Project reveal the following information. During the first 2 years of the project, 190 cases were admitted to the project and 82 cases were rejected. During this period, 93 of the accepted cases were terminated from supervision. Of this group, only 4 were unsatisfactorily terminated: 1 due to a new conviction, 1 on a technical violation, 1 due to a failure to report, and 1 on a program guideline violation. Although these findings are limited, it would appear that low risk cases do exist and that they can be handled in an effectively different fashion.

⁶As Meeker (1975: 21) has indicated, this Act provides for the civil commitment of narcotic addicts to the Surgeon General of the United States at a U.S. Public Service Hospital or a private facility under contract. Aftercare supervision is provided for by the Federal Probation System and in most metropolitan districts, one or more teams of probation officers specialize in handling such cases.

Additionally, minimum supervision caseloads are in operation for certain types of low risk clients. Such a method has been developed in the U.S. Probation Office in Philadelphia. The Administrative Caseload Project was designed under the assumption that 15 to 20 percent of the general caseload in the district had no need for routine assistance or personal contact with the probation officer. The establishment of such a caseload, handled by one officer, would reduce the caseload of other officers and thus enable them to devote more time to and provide more innovative services for the remaining clients.⁵ Of course, the essential idea behind such minimum supervision models is the attempt to deal with the pressures caused by large caseloads. However, if such methods are found to be effective, the question would remain as to why these persons should be placed on probation at all (see Allen, Parks and Carlson, 1980). Perhaps, the future will bring a new type of sanction or sentence for low risk cases.

On the other hand, efforts to identify those clients who need special attention are also being developed. The criteria for identifying and the tools for serving the drug/alcohol abusing offender have been in use at the Federal level for some time (i.e., The Narcotic Addict Rehabilitation Act of 1966 and the Contract Services for Drug Dependent Federal Offenders Act of 1978, P.L. 95-537).⁶ Now, the concept of supervision is being altered to focus upon other types of special service clients and their particular needs. The organized crime and white collar offenders are being targeted by probation officers. The distinction between the problems of the client, the establishment of objectives to meet these needs and the development of supervision plans must be balanced by the realization that these "other types" of offenders must be dealt with aggressively. Tools like strict surveillance must be available to the probation officer. For example, close contact with law enforcement agencies should be recognized and maintained as a legitimate focus of supervision for these sophisticated "other" offenders. Traditionally, the probation officer has not enjoyed or cultivated the necessary close working relationship with law enforcement agencies for this type of offender.

In sum, it would appear that the helping vs. surveillance dichotomy is likely to remain with us for some time. Recent developments suggest that surveillance is likely to become the primary emphasis for certain types of clients who constitute a demonstrable risk to society. However, if a shift is to occur in the role of the probation officer, the mechanisms listed in this article should aid in the

development of a more facilitative type of probation supervision.

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