

National Association of Probation Executives EXECUTIVE EXCHANGE

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PRESIDENT'S MESSAGE

I hope this message finds everyone in good health and prospering in this wonderful field of ours. Unfortunately good health is not to be taken for granted, which is a perfect conduit for this edition of *Executive Exchange*. This edition concentrates on mental health issues and the challenges we are confronting with our probation population. I am sure that the articles that appear in this issue will provide valuable insight on how jurisdictions are providing innovative solutions that benefit a population that is extremely volatile and require special attention.

In Westchester we have created special caseloads that are managed by officers that have developed a high level of expertise by virtue of special training and experience. We have also learned that the development of collaborative relationships with the mental health community is paramount because probation alone cannot deal with these complex issues. Additionally, because of the complexities associated with these cases many state and local jurisdictions have responded by creating specialized mental health courts. Although I believe these courts will be an effective venue to deal with these cases, I anticipate the need to support these courts will place an additional strain on probation services.



I want to take this opportunity to thank John Tuttle for being our guest editor. John recently underwent shoulder surgery, which has taken him out of the office for several weeks and has significantly altered his routine with physical therapy. I am particularly grateful to him for honoring his commitment to *Executive Exchange*. On behalf of the entire NAPE membership, we wish John a speedy recovery.

Also found in this edition of *Executive Exchange* are solicitations for our various awards — the Sam Houston State University Executive of the Year Award, George M. Keiser Award for Exceptional Leadership, William Faches Award for Exceptional Community Service, and the Arthur Neu Award for Exceptional Policy Development. If you recall in my last President's Message I emphasized the need to nominate individuals worthy of recognition for their outstanding contributions. Please take the time to nominate a deserving candidate.

Finally, I want to wish all a Happy New Year and Safe Holidays.

Rocco A. Pozzi
President

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PERSONAL AND PROFESSIONAL LESSONS LEARNED REGARDING INDIVIDUALS WITH MENTAL ILLNESS

by

John Tuttle

Growing up in a family stricken by mental illness and subsequently working with probationers and parolees for nearly three decades, I will offer suggestions as to what works (and what doesn't) with non-criminal justice clients who are mentally ill and for offenders with mental illness. In my opinion, there are effective strategies common to both populations as long as public safety is not compromised.

Family Struggling To Survive

Being the youngest of five living siblings (another sister died shortly after birth), I was spared much of the family pain that resulted from our mother's recurring state hospital commitments due to schizophrenia. The four older siblings were split up in Catholic run orphanages, but due to my young age, I remained at home being raised by our family with help from an aunt. There were various times when mom could come home (attempts at managing her illness in the community), but none were of a permanent nature. As a young child, not aware she was mentally ill, she would advise me what to do when she "was no longer around." Not knowing any better, I feared she was dying.

In the years that followed, the siblings were reunited and eventually our mother returned home for good. Stabilized on medication with case management support (which was effective) and no longer subject to shock treatments (that were not effective), she lived several "normal" decades in the community until her death at age 86.

It was as my mother was recovering that my sister (older by six years) developed similar symptoms of severe mental illness. She had been the high school homecoming queen and then taught elementary school for ten years prior to the sudden onset of schizophrenia. I can still recall visiting her as an inpatient at a New Jersey hospital when she was in a catatonic and very unmanageable state. Mental health officials who worked with my sister felt that her condition was assessed properly, however, despite repeated attempts, they were unable to develop a long term, effective treatment plan.

I vividly recall one intervention that did not work with my sister. Her condition was deteriorating in the community and she was resisting the notion of being hospitalized again. My older brother decided he would travel to her residence and strong arm her into getting inpatient help. I was reluctant to exercise this approach, but accompanied him for support. It did not go well. She resisted, he tried to force the issue and he wound up on the kitchen floor with a nosebleed. Once calm had been restored, my sister asked me to go for a brief stroll. As we talked, she stated: "I don't want people trying to run my life, constantly giving me directions. You (John) always walk beside me and are willing to listen. What do you think I should do?" It was at that point that she openly accepted the hospitalization option. The moral of this incident was to, whenever possible, "walk beside" the individual with mental illness and develop a plan that includes their input/buy in. Regrettably, my sister, her husband and

others continue to be negatively impacted by her illness. While rarely requiring hospitalization, she struggles on a daily basis to "make sense out of the gray" (engage in normal conversations, social interactions).

Lastly, concerning familial experiences, there is our nephew (son of my older sister). One of two intellectually gifted sons, he was headed toward achieving a doctorate degree until bi-polar schizophrenia derailed his plans. Without detailing his difficulties, I just want to emphasize the importance of providing quality, specialized training for police officers and social service workers. Given the many strange situations my nephew has ended up in, he could at some point have been assessed as violating the law criminally versus struggling, as he continues to do, to manage his mental illness.

Field Observations

When hired as a probation/parole officer in 1978, I had already witnessed many human misfortunes and believed in the ability to positively impact certain individual's lives. Supervising a general caseload, I soon realized that obtaining effective outcomes for mentally ill cases required a lot more time (reduced caseloads) and specialized knowledge/training.

One of the first cases referred by me for a court ordered mental health evaluation was returned with troubling assessment results stating: "Client will not be accepted into treatment because he doesn't want to participate." Getting the offender and the treatment provider to change their respective attitudes toward the mandated counseling became a lengthy, frustrating process. The most valuable lesson learned as a result of this experience is that new officers must very quickly establish cooperative relationships with mental health treatment professionals. The longer an officer takes to make these important connections, the more adversely it will impact their ability to supervise effectively.

Decision, Decisions!

Often when I talk with supervision staff at all levels and ask them what forms the basis for their case decisions, the response, rightfully so, boils down to public safety considerations. In contemplating the vast number of these daily determinations, how often do officers and supervisors objectively put themselves in the offender's shoes? Once it has been determined that the offender is not an imminent threat to public safety, do we take into account that every decision/interaction can have life long implications? I advise staff to picture themselves as the offender and question whether the decision being made is aligned with the goal of successfully completing probation/parole.

One of my favorite sayings is, "They don't pay us for the easy ones." There are some cases that are really difficult to supervise. I will never forget the night of April 3, 1986. I was the on-call officer and responded to a 911 referral that a probationer (assigned to my caseload) was threatening to kill his elderly grandmother.

I arrived at her residence to find the offender in his car revving the engine. His car was wedged between a police cruiser and his grandmother's vehicle and he was ramming both of the other vehicles by alternating forward and reverse gears... trying to free his vehicle. When he saw me, he put the car in neutral, with the music blaring and stared into space. Knowing that the offender suffered from manic depression and that he engaged in bizarre behavior when not taking his medication (Lithium), I discussed options with the police officer. We tried to talk the offender into shutting the car down and accepting help, but that approach was unsuccessful. The police officer gave me a deadline to have the offender "give up" or else he was prepared to forcibly remove him from the car. I then demanded that the offender let me into the car to speak with him. Based on our positive prior encounters, I thought he could be convinced to seek help. He turned the music down somewhat and unlocked the passenger side door. As soon as I entered and was seated, he pulled a knife and held it between his throat and mine (in retrospect, entering the car was a bad decision). He made statements such as: "I don't know if you are good or evil, god or the devil!" and "I could make Rambo look like a girl scout!" I kept repeating to him: "Put the knife down and we will get you some help. I am going to place my hand over the knife and we will get you some help." After a few minutes (it seemed much longer), he allowed me to take the knife and he exited the car without further incident.

My reason for including the above example is to highlight the benefits of using de-escalation skills, as appropriate, in supervising offenders with mental illness. Providing staff with recurring training concerning the employment of de-escalation techniques will promote officer (and offender) safety as well as successful case outcomes.

Lessons Learned

It is no surprise that my observations concerning individuals with mental illness tend to be in alignment with evidence-based practices and the research supporting the principles of effective intervention. The need for proper assessment/diagnosis and treatment planning are obvious when reviewing the family members section and commonly used strategies such as specialized caseloads, reduced caseloads and collaborative (inter-agency and including families) case management are supported as a result of my practice/work experience.

I believe the human intervention element (approach and demeanor of the probation/parole officer or family member) may be as important as any factor and may be the most in need of further study. What percentage of officer X cases achieved successful outcomes versus officer Y (assuming other variables are controlled for)? How effective is a directive approach compared to one that promotes professional relationship/trust building?

Despite the many advancements that have occurred concerning the treatment of individuals with mental illness since my late mother's hospitalizations five decades ago, I still have a sister and nephew that are having significant difficulties coping every day and the inmate population with mental illness continues to rise. The personal and professional lessons I have learned from individuals with mental illness are that there are still more lessons to be learned.

John Tuttle is Deputy Executive Director, Pennsylvania Board of Probation and Parole, Harrisburg, Pennsylvania. He is the guest editor of this issue of *Executive Exchange*.

INFORMATION ABOUT *EXECUTIVE EXCHANGE*

Executive Exchange, the quarterly journal of the National Association of Probation Executives (NAPE), publishes articles, reports, book and periodical reviews, commentaries, and news items of interest to community corrections administrators. The contents of the articles or other materials contained in *Executive Exchange* do not reflect the endorsements, official attitudes, or positions of the Association, the Correctional Management Institute of Texas, or the George J. Beto Criminal Justice Center at Sam Houston State University unless so stated.

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IMPROVING COMMUNITY CORRECTIONS RESPONSES TO PEOPLE WITH MENTAL ILLNESSES

by

Seth Prins and Fred Osher, M.D.

With the number of individuals under local, state, and federal correctional supervision in the United States at an all time high (Glaze & Bonczar, 2006), community corrections agencies are encountering increasing numbers of people with mental illnesses — 15 percent of caseloads, by some estimates (Skeem & Loudon, 2006). Even though individuals with mental illnesses represent a minority of the total population on probation or parole caseloads, they are believed to be among the most complicated to supervise. This perception is supported by data that confirms that probation and parole revocation rates are significantly higher (as much as double) for supervisees with mental illnesses than those without mental illnesses (Porporino & Motiuk, 1995; Dauphinot, 1996).

Community corrections officers and community-based treatment providers typically agree that probation and parole agencies were not designed or equipped to provide individuals with mental illnesses with appropriate services. Across the country, officials from these systems are collaborating to develop specialized responses to increase public safety and improve outcomes for these individuals. Before reviewing key features of such specialized responses, it is important to understand some of the factors that account for the high numbers of people with mental illnesses involved with the criminal justice system generally, and some of the challenges that community corrections agencies in particular face in supervising this population.

Why are there so many people with mental illnesses on community corrections caseloads? — Understanding the problem

The overrepresentation of people with mental illnesses in the criminal justice system is well documented (Ditton, 1999; National GAINS Center, 2004). Prevalence estimates of serious mental illness in jails range from 7 to 16 percent, or rates four times higher for men and eight times higher for women than rates found in the general population (Teplin, et al., 1996). A number of key factors contribute to this phenomenon.

Individuals with mental illnesses come into frequent contact with law enforcement. Three-quarters of jail inmates with mental illnesses have co-occurring substance use disorders (Abram & Teplin, 1991), and overall arrests for drug-related offenses have skyrocketed since 1980 (Bureau of Justice Statistics, 2005). Nearly one-third of people who experience homelessness suffer from serious mental illnesses (New Freedom Commission on Mental Health, 2004), and homelessness is a particularly visible circumstance; these individuals are frequently arrested on misdemeanor charges for behaviors that are symptomatic of their untreated mental illnesses.

While incarcerated, people with mental illnesses tend to have longer lengths of stay and are less likely to receive probation and parole than other offenders with similar charges (Pennsylvania Board of Probation and Parole, 2007). Limited access to over-burdened community-based treatment and other services increases delays in release from jail and prison to the community (Steadman & Naples, 2005). Upon release, individuals with mental illnesses have higher rates of recidivism (Council of State Governments, 2007). Once in the community, limited availability of evidence-based practices among community-based treatment providers limits individuals' chances for successful treatment outcomes (Osher & Steadman, 2007).

Why is community corrections supervision of people with mental illnesses so complex? — Key challenges

The factors that explain the large numbers of people with mental illnesses under community corrections supervision also contribute to the complexities of supervising this population. Their mental illnesses and associated co-occurring conditions (e.g. homelessness and substance use disorders) require broad and comprehensive strategies. In addition to their frequent contact with law enforcement, courts, and corrections, individuals with mental illnesses often rely on acute mental health services and other emergency health care services in the community. Their needs require multiple agencies to coordinate resources and responses.

While research has yet to pinpoint all of the reasons why individuals with mental illnesses under traditional community corrections supervision are more likely to have their probation or parole revoked than individuals without mental illnesses (Skeem & Loudon, 2006), this occurrence is widely understood to be related to a number of key challenges that make it difficult for this population to successfully reintegrate into the community.

Individuals with mental illnesses transitioning from incarceration to the community often have few financial or social supports, and often lack vocational skills and transportation. Many were receiving Medicaid and other forms of public assistance at the time of their arrest. These public benefits are rarely reinstated immediately upon release, and as a result, many have no way to pay for their medication and treatment. Without access to necessary treatment and supports, they are vulnerable to clinical decompensation, which in turn may make it difficult for them to comply with the conditions of their release. For example, the evidence-based treatment for individuals with co-occurring mental illnesses and substance use disorders is an integrated approach that combines medica-

Gender issues related to supervision

During the past two decades there has been rapid growth in the number and proportion of women entering the criminal justice system in the United States. Women now represent 7 percent of the prison population and 11 percent of the jail population, due largely to an increase in arrests for drug-related crime (Beck & Karberg, 2001). Two-thirds of incarcerated women are indigent minorities, with black and Hispanic/Latina women representing the largest minority groups. Relative to their male counterparts, women who are incarcerated have a range of unique risk factors that require treatment and other service needs, including greater physical and mental health problems, more frequent history of trauma and physical/sexual abuse, less education, and lower income and job supports. In addition, approximately 70 percent of women who are incarcerated are primary caretakers for children, and often experience feelings of guilt, shame, and incompetence due to their inability to care for children while incarcerated, and anxiety due to separation from their families (Hill, 2002).

tion, counseling, self-help, and group sessions. Without insurance to purchase medications or gain access to integrated dual disorder treatment, the ability to remain clean and sober is greatly diminished and rates of technical violations are likely to go up.

Even those individuals with resources to obtain treatment need assistance in making the transition from the structured jail or prison environment to the community, where they encounter complex rules, long waiting lists, and other barriers to mental health services. Their capacity to organize their multiple appointments, prioritize competing commitments, and comply with their supervision conditions may be significantly impaired. Frequently, they need someone to provide case management functions.

What can be done to improve outcomes for people with mental illnesses under community corrections supervision?

— Specialized responses

Community corrections supervision of individuals with mental illnesses is complicated by many of the factors outlined above, and for the individuals with mental illnesses under such supervision, overcoming these obstacles without support is nearly impossible. Probation and parole officers themselves have been presented with a difficult situation; their caseloads sometimes reach into the hundreds, and as a result, they have neither the resources nor the time to collaborate with community-based treatment providers, monitor individuals' compliance with treatment, or observe potentially harmful/dangerous behavior (Council of State Governments, 2002).

Recognizing these issues, the Council of State Governments Justice Center's 2002 *Consensus Project Report* — the culmination of an unprecedented national, two-year effort to develop recommendations for policymakers and criminal justice and mental health professionals working to improve the criminal justice system's response to people with mental illness — recommends assigning small, specialized caseloads of individuals with mental illnesses to community corrections officers who have received relevant training. Under these circumstances, community corrections officers will be more likely to develop collaborative relationships with community-based treatment and other service providers, revise treatment plans, and employ intermediate sanctions in lieu of revoking individuals' probation or parole (Council of State Governments, 2002).

Policymakers, community corrections officers, and service providers, though, are right to point out that the success of specialized caseloads, or any diversion initiative, depends on the answer to the question, "Linkage or diversion to what?" If mandated treatments and services are not available in the community, or are not evidence-based, the likelihood of successful treatment outcomes and community reintegration is limited. The *Consensus Project Report* also recommends that specialized community corrections officers work closely with mental health administrators and providers to ensure that individuals can access the services that are identified in the terms of their release (Council of State Governments, 2002).

Community corrections agencies have been aware of these issues for years and have taken the lead in developing specialized responses to address the needs of people with mental illnesses under their supervision. Skeem and colleagues (Skeem & Loudon, 2006) conducted a national survey of 137 probation agencies that were known to have at least one specialized caseload in an attempt to identify the common features of these efforts. Look-

ing at 66 of those agencies with more than a single specialized caseload (agencies with "mixed" caseloads and agencies that had only a single specialized caseload were excluded), Skeem et al. (2006) identified five key features associated with such programs. While the survey did not evaluate the success of these specialized responses, many of the key features that emerged are in line with the recommendations in the *Consensus Project Report*. While these common features have been identified among existing specialized probation responses, research has yet to confirm which, if any, are critical to successful programs. The following features provide guidance to agencies considering a specialized response while awaiting the results of field research.

1. Caseloads exclusively comprise individuals with mental illnesses. When officers who supervise individuals with mental illnesses supervise only this type of individual, the capacity to develop specialized expertise is enhanced. Mixed caseloads that include individuals without mental illnesses more closely resemble informal strategies for supervising difficult cases, and tend to dilute the resources available for individuals with mental illnesses.

2. The size of specialized caseloads is substantially reduced. The average specialized caseload comprises roughly 45 individuals, or one-third the size of traditional caseloads. Smaller caseloads allow community corrections officers to engage in the sorts of activities recommended in the *Consensus Project Report*, like developing collaborative relationships with community-based providers, revising treatment plans, employing intermediate sanctions, and closely monitoring individuals' behavior in the community.

3. Officers on specialized caseloads receive substantial and sustained training on mental health issues. Agencies with specialized caseloads provide training after officers are hired, as opposed to hiring officers who have already received training. Agencies also tend to hire experienced officers with interest in or experience with mental health issues, rather than officers who already have relevant masters' degrees. The prototypic agency provides 20 to 40 hours of training per year to specialized officers.

4. Officers on specialized caseloads collaborate extensively with community-based providers, integrating internal and external resources. Community corrections officers and community-based treatment providers work together as a team. Officers attend staffings with treatment provider case managers, assist in obtaining federal benefits, and conduct field supervision, rather than monitor individuals remotely from a centralized location.

5. Officers on specialized caseloads use problem-solving strategies. Community corrections officers promote treatment compliance by working with individuals to identify obstacles and with case managers to revise treatment plans and medications. When individuals do not comply with the terms of their release, specialized officers employ graduated punitive measures only after initial strategies fail, and use jail only as an absolute last resort.

Where do we go from here? — Resources for community corrections agencies

Effective community corrections supervision of individuals with mental illnesses is critical to public safety and public health. Across the country, community corrections agencies and community-based treatment providers are collaborating to implement innovative strategies with many of the key features summarized above. The true success of these strategies has yet to be measured, but will no doubt include reductions in recidivism and meaningful community integration for this population.

Executive Exchange

The Justice Center has developed a number of useful materials for agencies interested in working with community-based treatment providers to improve the response to individuals with mental illnesses. Please visit the Justice Center's Criminal Justice/Mental Health Consensus Project website at consensusproject.org/issue-areas/corrections/ for more information.

The National GAINS Center (gainscenter.samhsa.gov) has also developed valuable information on this issue, including fact sheets on evidence-based practices in criminal justice settings.

The federal government also supports collaborative efforts between community corrections agencies and community-based treatment providers through the Justice and Mental Health Collaboration Program (JMHC), a grant program administered by the Bureau of Justice Assistance, U.S. Department of Justice. The program provides funding for jurisdictions to plan, implement, or expand programs that improve access to effective treatment for people with mental illnesses involved with the criminal justice system. Twenty-seven grantees received funding in 2006, and another 26 grantees were announced in September 2007. Information about the JMHC and updates on future funding opportunities are available at consensusproject.org/jmhcp/info/.

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ENHANCED REENTRY PLANNING FOR THE SERIOUSLY MENTALLY ILL INMATES IN PENNSYLVANIA

by

John R. Tuttle, Clarissa McNitt, and Sherry A. Tate

Introduction

Mike (a fictitious name) is a 30-year-old male who suffers from bipolar disorder, drug induced psychoses, and mood disorder. In prison since August 2002, he has been denied parole several times prior to November 2006 because of poor institutional conduct, history of substance abuse, homicidal thoughts, and a fascination with death. In May 2007, he was able to be paroled to a halfway house after completing appropriate programming for dual diagnosis, batterer's intervention, and cognitive behavioral changes. Approximately three weeks after moving into the halfway house, he obtained an apartment, where he currently lives under parole supervision.

The circumstances surrounding Mike's situation represent the challenges facing corrections and parole agencies today as individuals with mental illness continue to be prevalent in our criminal justice system. In Pennsylvania, the number of state prisoners with mental illness is increasing significantly. According to the Department of Corrections (DOC), the number of offenders with a mental health illness grew 47% since 2000, and there was a 30% increase of offenders with serious mental illness. Currently, approximately 18% of inmates have some degree of mental illness and 4% are diagnosed with a serious mental illness.

Within the Pennsylvania Board of Probation and Parole (PBPP), offenders with mental illness usually achieve parole at lower rates than individuals without mental illness. This is partly because of barriers they face, such as a lack of community housing, coordination of services, and family resources, an inability to complete required programming or to communicate effectively during the parole interview, and due to previous failures on supervision. Further, offenders with mental illness or dual diagnosis pose particular challenges because of the complexity of their emotional and physical problems, and compliance with conditions of release can prove difficult. Limited research suggests that they are more likely to be re-incarcerated after release compared to those with no record of mental illness.

Such was the case with Mike. He needed a specialized response, as Prins and Osher point out in "Improving Community Corrections Responses to People with Mental Illness." He was serving his state prison sentence in the Forensic Treatment Center (FTC) at the State Correctional Institution at Waymart (SCI-Waymart). Through a pilot program for seriously mentally ill inmates aimed at developing a comprehensive reentry plan several months prior to release, he was able to obtain the needed services. The "integrated approach" of working with counselors, the psychiatric staff, PBPP reentry staff, and the field parole agent, enabled Mike to become compliant with his medication, complete programming, and when paroled to a community corrections center he completed an in-patient drug and alcohol program.

The pilot project came about through the efforts of former parole board member Sean Ryan who recognized the need to focus on post-release case management for mentally ill offenders. During his years of conducting parole interviews, Ryan noticed

that the recurring lack of proposed stable living arrangements was a major contributing factor to lower parole rates for seriously mentally ill inmates, as compared to inmates who were not mentally ill. A portion of inmates would end up "maxing out" in prison versus being reintegrated back into communities in a structured, supervised manner.

Collaboration and Partnership

In the fall of 2005, Ryan facilitated a meeting between staff from the PBPP and the DOC to develop an improved reentry process for seriously mentally ill inmates in the forensic treatment unit since these offenders place the greatest demands on the DOC's mental health services. As a result of this meeting, it was agreed to develop a pilot program, with the Department of Public Welfare's Office of Mental Health and Substance Abuse Services (OMHSAS) as a partner agency, to address the specific needs of these inmates. The goal of the pilot program was to assure that offenders with serious mental health needs have adequate transitional planning and connection to ongoing, timely and targeted services upon return to the community through a multi-agency planning model.

The agencies mentioned above comprise the Steering Committee for the Enhanced Reentry Services for Offenders with Mental Illness project. Ryan left the Board in 2006 and his position on the committee was filled by Board member Jeffrey Imboden, a former county probation officer who specialized in supervising offenders with mental health disorders. According to Imboden, "It was very clear to the committee that the best outcomes for these individuals and for public safety are realized by putting them on parole rather than letting them max out of prison. Staff recognized that these individuals were receiving necessary treatment and medication, and, at this point, their conditions have reached the best that they are going to be within the institution."

The project began with a focus on inmates that have been designated as seriously mentally ill who are scheduled to max out of prison unless approved transitional plans can be developed. By DOC definition, a serious mental illness is a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or cope with the ordinary demands of life. The DOC's forensic treatment unit at SCI-Waymart is a 120-bed psychiatric hospital licensed by OMHSAS that provides long-term inpatient psychiatric treatment and accepts inmates from all 27 state prisons. The pilot project builds on the interdisciplinary services provided by the Psychiatric Review Team (PRT), which classifies offenders according to their mental illness or history of mental illness. The main eligibility criteria for the program is that the offender must have need for extensive multiple resources upon release. One class of offenders included in the program have a psychiatric diagnosis, are rated as seriously mentally ill, are followed more closely by the psychiatric staff in the DOC and require a review of their individual treatment plan at least every 120 days. The PRT rates this group of offenders with

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a “stability rating” of D, the highest rating. Another category of offenders included in the program have a psychiatric diagnosis, are presently receiving mental health treatment, most likely are compliant with medication and symptoms are in remission. The PRT follows each case and reviews each inmate’s individual treatment plan at least annually. The PRT rates this group of offenders with a “stability rating” of C.

The Pilot Project

The program began with 16 offenders that were currently housed in the forensic treatment unit who were either previously denied parole or were going to max out of the system. As part of this pilot, the importance of continuity of care and continuity of medications cannot be overstated. Their mental illness and, in many instances, associated co-occurring conditions require broad and comprehensive strategies. Services for individuals with mental health illness and mental retardation are administered by county mental health / mental retardation offices, with oversight by the state. Through Medical Assistance, the costs for these services are paid for either through a managed care organization or the traditional fee-for-service system. Drug and alcohol abuse services and programs are administered through county program offices called Single County Authorities, with oversight by the Department of Health (DOH). These offices can assist with application for public benefits and ensure that the services that are a condition of parole can be accessed.

To ensure that this continuity of care was put in place, the steering committee incorporated communication with the county mental health administrators. Given the demand on local resources and the existence of waiting lists, it is important to make the connection with the county prior to the offender’s release and to provide support to the community-based treatment provider. Each month, all of the state partners would meet to discuss the issues regarding these offenders. Individual conference calls would then be held with each county mental health administrator from the county where the offender wishes to return. Whether the release is through parole or an expiration of their maximum sentence, this process benefits public safety and should lead to the best outcomes for the offender. The process ensures that the offender is connected to the services that are required as part of his release. If appropriate, the offender can be a part of this meeting via videoconference where he has the opportunity to discuss where he would like to live and what he sees as his needs.

Outcomes

This project exemplifies the recommendation from the Joint State Government Advisory Committee on Geriatric and Seriously Ill Inmates report that prison in-reach is imperative in order to put a model of treatment in place before an individual is released. As a result of the pilot, we are pleased to report that six inmates have been paroled, who without the efforts of this project would have maxed out without all of the proper connections to services; three additional inmates have been granted parole pending the completion of their reentry plan; and three inmates maxed out of their prison sentence, but we were able to work with the county mental health staff to ensure appropriate transition planning.

The project has expanded to a total of 30 offenders from 16 counties and the committee has developed several recommen-

dations for improvement to the system for seriously mentally ill offenders reentering society. As recommended by the committee, we are in the planning stages of expanding this effort to the mental health units (MHU) in five state prisons. The MHU’s are small inpatient psychiatric treatment centers licensed by the Health Department.

As a result of the work completed during the pilot project we have developed a draft protocol for reentry planning and parole supervision of mentally ill or cognitively impaired offenders that is currently under review. As part of the proposed protocol, the key elements of reentry planning include:

- Communication and coordination among DOC, PBPP, OMHSAS/DPW and County Mental Health Administrators. This can be accomplished through the creation of Enhanced Mental Health Reentry Committees within the five institutions that have mental health units.
- Eligibility criteria is to include offenders with a serious mental illness, those offenders who have a psychiatric diagnosis and are receiving treatment, and those offenders who have experienced cognitive impairment such as traumatic brain injury, dementia and significant mental retardation.
- Target population is identified by members of the Parole Board, the Mental Health Units and other specialized units within DOC, and PRT staff at other institutions and submitted to the Licensed Psychologist Director on the Enhanced Mental Health Reentry Committee.
- A subcommittee of the Enhanced Mental Health Reentry Committee identifies those offenders who require extensive health care with multiple systems upon release at or before 24 months prior to release and mental health offenders who were likely to max out, but now have a reentry plan for the Parole Board to re-interview.
- The Licensed Psychologist Manager at the institutions with mental health units will be responsible for convening regional multi-agency teams to address transitional plans for identified inmates.
- For offenders with mental illness and /or with co-occurring disorders, engage the mental health program administrator in the county / community where the offender will be released at least 12 months prior to release.
- Psychiatrists / psychologists should provide an updated evaluation immediately prior to the parole hearing and parole should reach out to the psychologists prior to the hearing if they have questions.
- The psychologist or social worker should be available to participate in the parole hearing for severely mentally ill inmates if requested by the parole board member.
- The creation of a Mental Health Reentry Group at each facility with a mental health unit. This support group for offenders with mental illness will discuss their concerns with release, where they would like to live, whether or not they have family and friends for support, the importance of diet and exercise, understanding their medications, managing emotions and whether or not they have the ability to obtain or maintain a job.

As part of the proposed protocol, key elements of parole supervision include:

- Establish specialized caseloads for parole agents who will work with offenders with mental illness.

- Provide mental health training for institutional and field parole agents.
- Involve the parole agent who will supervise the offender in the transitional reentry planning process as soon as possible, preferably at least three months prior to release. Agent should have in-depth knowledge of offender, community treatment providers and offender's support system.
- Address offenders' co-occurring substance abuse needs and any other special needs and have those issues addressed concurrently with mental health treatment.
- Develop supervision plans that are consistent with the re-entry plan.
- Ensure the parole agent, the offender, county mental health, and the community provider have their reentry plan in hand at the point of release, and the offender has necessary medication or ways to access medication.
- Ensure parole agent and community providers have a working relationship so a continuum of care will result.
- Develop responses to parole condition violations that take into consideration the mental health needs of the offender, such as a consult with a community mental health case-worker, when appropriate.

At the PBPP we have already begun moving beyond traditional community corrections supervision to a comprehensive strategy to address all of the needs of these individuals. Last year, our parole agents were provided training by the Department of Public Welfare (DPW) regarding how to effectively work with individuals who have a diagnosis of mental illness. The training included how to facilitate collaboration with county

mental health programs, focusing on locating and accessing community mental health services. In addition, we have been working closely with DPW to educate our agents about the new behavioral health contracts to ensure that we are making the appropriate connections to services for these individuals. Across the commonwealth, we have developed mental health caseloads in each of our districts and improved relationships with mental health service providers.

During confinement, both the PBPP and the DOC are focusing more on preparation for re-entry and the importance of post-release case management that connects the mentally ill offender with community-based support services. Public safety is improved when these offenders have a period of supervision after incarceration where case management and intensive supervision can help them to stabilize in the community. Ultimately, proper treatment and supervision should help individuals such as Mike and others to live safely and successfully in the community and prevent their return to prison.

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ORGANIZATIONAL DEVELOPMENT CONCEPTS APPLIED TO COMPSTAT-BASED PERFORMANCE MEASUREMENT SYSTEMS

by

John Evangelista, John Corrigan, and William Geoghegan

This is the third article in a three-part series about developing and using a performance measurement and accountability system at a community corrections agency.

Abstract

CompStat-style performance measurement system projects can be viewed within the context of an organizational development (OD) framework to facilitate planning and implementation. The principles that drive an OD project, which focuses on the alignment between an organization's business practices and an optimal work environment, could be effective in establishing a CompStat program at a community corrections agency. The action research and intervention stages typically utilized in OD initiatives are consistent with the type of planning and project management used by public safety agencies that have successfully implemented CompStat programs. The New York City Department of Probation's STARS performance measurement system

is assessed relative to traditional OD concepts for the purpose of giving executives planning a CompStat-based program a workable implementation strategy.

Introduction

Organizational development (OD) is an established and growing professional discipline that is frequently used to plan and implement new business practices at large-scale organizations. OD initiatives can target specific operational processes, administrative functions, or system-wide change within an organization. It is thus useful to review the applicability of OD as a tool for establishing a CompStat-based performance measurement system.

Chief executives who are planning to develop a performance measurement system have many formal tools, methodologies, and professional disciplines at their disposal. The utility of OD as a planning and project management mechanism must therefore be weighed against available time, resources, and the operating environment to see if it is a viable option relative to other avail-

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able methods. This paper will attempt to describe OD theory and practice in the context of established CompStat programs, with a main focus on the STARS program at the New York City Department of Probation.

History / Background of OD

A brief overview of the history and basic concepts of organizational development is necessary for this exercise. The online *Encyclopedia of Business* defines organizational development as:

An ongoing, systematic process to implement effective change in an organization. Organizational development is known as both a field of applied behavioral science focused on understanding and managing organizational change and as a field of scientific study and inquiry. It is interdisciplinary in nature and draws on sociology, psychology, and theories of motivation, learning, and personality.

The OD practitioner focuses on process, relationships, and interactions within an organization rather than pursuing change from a problem-based perspective. The key to success involves finding the areas where current behavioral patterns prevent the organization from moving toward desired long-term goals.

According to Beckhard (1969) there are several characteristics that OD projects share. They include:

- A long-term orientation (usually at least one year in duration);
- A focus on collaborative management;
- Recognition that each organization is unique;
- Emphasis on the value of teamwork; and
- Relies on a “change agent” to attain desired goals.

An OD project is usually identified by two main elements: planning and intervention. It is beyond the scope of this paper to describe each type of formal intervention method used by OD practitioners; scholarly research in this area indicates a total of 13 major families of OD implementation strategies (French & Bell, 1994). For the purpose of efficiently launching a CompStat program at a public safety agency, the action research model is useful. It is straightforward, simple to explain and put into practice, and it can incorporate development of a strategic plan.

The initial phase in the action research model involves fact finding, interviewing responsible parties within staff, management and executive ranks, and data collection (Umstat, 1996). The sequence of activities in this stage:

- Diagnosis;
- Feedback;
- Discussion; and
- Develop a Plan of Action.

In large, system-wide projects, multiple feedback stages are often used to refine the OD practitioner’s knowledge of the systemic issues facing an organization.

The intervention stage of an OD project builds on the evidence gathered during action research, and sets a plan in motion. The primary goal is to develop a system that creates alignment between the agency’s resources and its main business objectives. It

must have an “open design” that responds to evolving needs of the agency once performance gaps have been identified.

OD and CompStat

The applicability of OD methods in developing a CompStat system should be viewed relative to existing performance measurement and accountability programs. Research on successful CompStat programs at police departments in the United States has identified seven core elements of CompStat (Willis, Mastrofski, Weisburd, and Greenspan, 2003):

1. Mission clarification
2. Internal accountability
3. Geographic organization of operational command
4. Data-driven identification of problems and assessment of problem-solving efforts
5. Organizational flexibility
6. Innovative problem-solving tactics
7. External information exchange

Each of these elements is consistent with the types of outcomes obtained from the action research phase of large-scale OD projects, and they would all be relevant to a system-wide change initiative at a large criminal justice agency.

Using OD methods to launch a CompStat program may actually give a community corrections agency a competitive advantage in relation to leadership style during the developmental stage of the project. The original CompStat program at the New York City Police Department and other criminal justice agencies that followed in New York utilized a very authoritarian approach toward planning and implementation, telling managers in effect that it was “either CompStat or the door.” While this approach may appeal in a traditional, conceptual sense to executives in a criminal justice agency, the practical reality of managing a large, complex probation or parole department in an era of constantly decreasing resources almost demands a more collaborative approach. Some attrition should be expected in the initial stage of a CompStat implementation, but a mass exodus of experienced managers is counter-productive and even harmful from a public safety perspective. Showing managers that the agency values its human resources highly will ease the transition; OD methods should assist in this effort due to their emphasis on the human dynamics associated with organizational change.

Specific to operating a CompStat program in a community corrections setting, the New York City Department of Probation’s STARS program is a useful reference. STARS was developed in 2001 by a working group of probation employees, using established CompStat programs at the City Police and Correction Departments as a model. Adapting the existing CompStat programs to a community corrections setting required a project plan that included each step in the classic OD action research model:

- Diagnosis;
- Feedback;
- Discussion; and
- Action.

While OD was not the basis for the original STARS design, the planning process mirrored OD practices in many ways. In addition, OD principles related to the “before and after” aspects of

organizational interaction and alignment could be applied to the developmental stage of STARS. Beyond the normal obstacles associated with a data-driven reengineering project such as CompStat, the working group encountered resistance from colleagues that was related to interpersonal interaction, information exchange, and departmental hierarchy. Skepticism about instituting new business processes had less to do with technical complexity and operational change, and more with a static, inflexible operating environment. During indicator development meetings, terms such as “chaos,” “lack of control,” “paralysis,” “upward delegation,” and “passive-aggressive behavior” were used to describe interaction at the Department throughout the chain of command. This is consistent with standard OD theory about effective action research practices, which teach the OD practitioner to identify signs of bad organizational fit prior to implementing change.

Further, OD’s reliance on a “change agent” to implement a plan corresponded closely to the working group’s structure, specifically the individual who was selected as the STARS project manager. Serving from a staff position within the executive ranks, rather than a line manager, the STARS project manager was given carte blanche on all planning functions, had sign-off responsibilities on major project tasks and milestones, was a direct report to the Commissioner, and was the responsible party for all City Hall deadlines and deliverables. This ensured that change was attainable, could be pursued without internal obstacles, and that stalemates could be attacked with impartiality.

Finally, OD was a good framework for large-scale change based on the Department’s need to approach CompStat development literally from scratch. Determining the agency’s mission, goals, and objectives, and building key indicators associated with those goals and objectives, required structure similar to that found in the OD action research model. The OD emphasis on feedback was key to developing a CompStat program that was dynamic and attuned to employees’ needs. At the time, STARS deployment was actually considered an opportunity to quickly create a strategic plan for the Department without the impediments that had hampered two previous strategic planning initiatives. Both were classic examples of “binder projects” where the only deliverable was a lengthy written plan, assembled by a large committee, which was never implemented.

OD and Long-term CompStat Implementation

Once designed and implemented, CompStat programs should be measured against standard OD concepts of “organizational fit” and alignment. The best project plan and implementation team cannot guarantee long-term success of a performance measurement and accountability system, particularly if the system does not have built-in mechanisms for adapting to change and the need to evolve.

By now the CompStat principles of flexibility, adaptation, and continuous improvement are well known. Even in an environment where performance measurement and data-driven decision-making have been institutionalized, however, stasis can occur if a formal review mechanism doesn’t exist. In this vein, it is worthwhile to look at the desirable long-term goals of implementing CompStat in a community corrections setting.

Based on the Department’s original project plan in 2001, and reinforced by follow-up research on the CompStat programs at the City Police and Correction Departments, the following areas were deemed crucial for the long-term success of STARS:

- Training;
- Management development;
- Case review; and
- On-going development of evidence-based practices.

The training component represents what the organization considers important. If a performance-based approach is considered integral to the operation’s existence the entire curriculum will need to reflect this belief. Once an organization has honestly accepted the CompStat approach, a thorough review needs to be performed of the existing training curriculum to ensure that it is aligned with this focus.

From an OD perspective, significant change can only occur when an organization structures its overall training strategy to match its mission, values, goals and objectives. In addition, business practices will continue to evolve when CompStat is implemented effectively, and training is the primary tool for instilling the new methods and practices. Finally, reviewing the training unit, curriculum and practices is a method of discovering the organization’s values, and whether those values are in line with a performance-based mode of operation. This is an effective way to review the alignment concept central to OD initiatives.

Training serves as a foundation to ongoing management development. The key management functions are analysis, planning, implementation, control and feedback. Successful long-term CompStat implementation requires that an organization develop a sufficient number of managers that can competently perform these functions. This needs to be the case both for day-to-day activities and within the sphere of project management. A competent manager must know how to support current, ongoing operations and also manage new and evolving initiatives. This is particularly important if new evidence-based practices need to be integrated into the workplace.

It should never be assumed that a good case manager is a good staff manager. The skill set that is required for business process monitoring, and material / staff supervision needs to be recognized as separate and in need of development. The field of community corrections has lagged behind in this realization. As a result, unknowing, frustrated organizations over-develop their policies and procedures so that no one needs to think independently. This stymies true management development, and is antithetical to the classic OD concept of organizational fit. We need to develop managers that think independently and solve problems themselves. CompStat is a tool that can facilitate problem solving once managers have been groomed for individual accountability and for routine, quantitative performance reviews of their operation.

The ultimate effectiveness of CompStat from a business process standpoint rests on asking two key questions: “What has been successful?” and “What needs to be improved?” In order to answer these questions case reviews must be performed at all levels in the organization. Success needs to be identified so it can be celebrated and replicated. Failures need to be identified expeditiously, analyzed and corrective action needs to be put in place. These are opportunities for learning, not just by the practitioners involved but also by the entire organization. These “post mortem” reviews of real-life cases need to be ongoing. At the command level, CompStat cannot be effective without them, even when statistical data is backing up decision-making. By definition, a CompStat program will provide performance indicators, but case reviews are business processes “in the flesh.”

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While the value of pursuing performance measurement and accountability is undeniable, there could be a negative, long-term side effect associated with the move to data-driven decision making in a criminal justice setting. The OD practitioner would warn against de-valuing intuition and experience as parts of the managerial skill set in an environment where analyzing data becomes the primary focus of running a command, i.e., letting the numbers manage you instead of using data to enhance the decision-making process.

To improve chances for long-term success, a CompStat system in a community corrections environment must incorporate the shift toward evidence-based practices in our profession. This is a significant challenge for your CompStat team and line managers, particularly if EBP is not already integrated into your agency's standard operating procedures. The process generally requires sorting through significant amounts of research and practical knowledge about EBP in our field, while attempting to get your own CompStat system running, and then incorporating the best of what is available and practical for your operating environment. The OD action research model can be valuable in synthesizing the information needed to make good operational decisions about including EBP into your business practices.

A final word about EBP: the term "Evidence-Based Practices" has recently been overused within the community corrections field. It has been treated as if it is a new concept and approach. Those who remember "Management by Objectives," or even more recently "Best Practices," however, will realize that EBP is a similar, data-centric cry for accountability. CompStat does provide the framework for accountability, and facilitates specialized program development. Thus, EBP and CompStat should be inter-related and complementary.

Conclusion

OD can be utilized as an effective tool when launching a CompStat initiative in a community corrections setting. Emphasizing the human element and interaction patterns among colleagues gives an agency a better chance of successfully instituting performance measurement and accountability measures. This style

of planning and project management may be better suited to community corrections agency executives than the original, authoritarian model for CompStat development used at police and correction departments. Incorporating new business processes based on EBP in a CompStat system could also be accomplished more efficiently via OD methods.

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MANDATES CAN'T FORCE GOOD BEHAVIOR

by

Robert D. Behn, Ph. D.

To prevent people from doing a bad thing, we humans have an effective strategy: we create a rule against doing it. Then, we enforce this rule.

Sure, it isn't quite that simple. We need to define the bad thing in a specific rule: "Do not kill another human." Of course, the rule always comes with exemptions, such as: "except in self defense." And these exceptions require further definitions. For example, if a threat is sufficiently serious, self defense, including killing another human, is warranted. That's why we have lawyers, legislators, and judges. They create, test, and modify the formal rules with all their exceptions.

Once we have established the rules, we assign some people to check to be sure everyone is following them. For this task we

have police and auditors (plus a cadre of independent, self-appointed malcontents). When these monitors uncover a violation of the rules, they report the violations.

Finally, we create a process to adjudicate a report that a rule has been violated. And if this report is upheld, the violator is punished. Regardless of what bad thing we want to prevent — whether it is a human killing another human or a public agency spending money not authorized in its budget — we employ the same strategy.

But our public objectives include more than ensuring that people *do not do* bad things. We also want to ensure that people *do do* good things. This is much more difficult. In particular, our general strategy for preventing people from doing bad things doesn't work as well for mandating that people do good things.

For example, the world would be a better place if parents read to their children. Research consistently tells us that the most important factor in a child's learning is not teachers, or schools, or curriculum, or money, but parents. We would leave a lot fewer children behind if their parents read to them.

Of course, reading isn't the only good thing we want parents to do. We want parents to help their children with their homework. We want parents to take their children to museums. We want parents to be... good parents.

Ignore the complications — the challenge of defining what a good parent is, the challenge of getting parents to be good parents — and focus on the simpler task of getting parents to read to their children.

What would we need to do? We need to define "reading." What counts as "reading"? How long does this reading have to last to count as "reading"? One hour a day, seven days a week? Ten minutes a day, three days a week? Or can it be simply 25 hours anytime during a year?

Rules can prevent bad behavior. But they are not as useful at producing good behavior. After all, the link between any form of good behavior and its true purposes is often weak. So why not focus on whether an agency is achieving its real purpose.

And what has to be read? How about a graphic novel? How about a newspaper account of last night's game between the Yankees and the Red Sox? Or does it have to be a book from the Modern Library list of 100 best novels? And what counts for children of different ages?

Next, how would we check on this desirable behavior? We could not put monitors in every home. We'd require parents to fill out a monthly or annual report. Then an auditor would check some of these reports to catch a few liars and to deter others.

The difficulty, of course, is that the parents could easily comply with the letter of the mandate but ignore its real purpose. They could read something to their children. They could fill out the reports. But they could do all this in a way that contributed nothing to their children's learning. The parents could jump through the hoops.

This is the problem with mandating that public agencies engage in good behavior. We know what good behavior is (or we think we know). So we require every agency to comply with our concept of good behavior.

If we "know" that effective organizations create strategic plans, we mandate that every public agency create its strategic plan.

If we "know" that effective organizations have performance measures, we mandate that every public agency create performance measures.

Then, we require them to submit reports containing their strategic plans and performance measures. They will do so. They know how to play this game.

Unfortunately, we cannot force them to take our concept of good behavior seriously. After all, they have some specific public purposes to achieve. And the requirements of our mandate may or may not help them achieve these particular purposes. Indeed, these requirements might even hinder their ability to achieve these purposes — if only because of the opportunity cost of compliance.

This suggests what good behavior really is. Good behavior is not producing strategic plans. Nor is it creating performance measures. Good behavior is achieving public purpose. Rather than check on those activities that we think contribute to achieving our purposes, why not reach an agreement with each agency about the purposes to be achieved and how progress will be established. Then check on whether the agency is actually making real progress.

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UNDERSTANDING SIMILARITY: THE FOUNDATION OF FIFTH GENERATION RISK ASSESSMENT TOOLS

by

Edward Dow, Ph.D.

The search for similarity is the cornerstone of any risk assessment. Without the ability to establish similarity there would be no basis for comparison and no rationale for subsequent decision-making. Although the risk assessment field has identified a core set of risk factors over the past 30 years, the field continues to use well-worn statistical methods to create primitive similarity scores by summing risk factor weights. The underpinnings of similarity are discussed in the context of risk assessment and a conceptual framework for creating advanced similarity metrics to increase classification and predictive accuracy is discussed.

There are many approaches to risk tool construction (Brennan, 1993). Each approach is thought to have strengths and weaknesses over the others, but they all share one implicit goal — to compare an offender with other similar offenders and to derive some meaningful information that will help to manage new offenders more effectively. On the surface this is an obvious statement, and perhaps it is this "obviousness" that has caused us to forget the fundamental importance of similarity when constructing new risk tools.

The basic building blocks of any risk tool are its risk factor items. Dow and Streveler (2006) described risk factors as pieces

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of data about an offender and elaborated, "It isn't until we know which risk factors are related to something like recidivism do we begin to have information. As we understand how risk factors relate to each other, information emerges to form patterns that alert us to the presence of what we are looking for, in this case, potential recidivism."

Patterns occur when pieces of data interact with each other in a predictable fashion. Implicit in this statement is the assumption that we have been exposed to an event often enough for our brains to develop an awareness that a pattern exists. This awareness is the process of establishing an internal similarity sensation and has been defined as the true nature of intelligence (Hawkins & Blakeslee, 2004). We isolate these patterns by comparing what we are seeing to what we know. As the similarity between what we are seeing and what we know increases so does our confidence that what we are seeing will follow a set of predictable "outcomes." When we can establish a degree of predictability we begin to have information and become active agents in the world.

The risk assessment field uses many of the concepts described above. For example, all current assessment tools assume that they assess some underlying pattern indicative of a trait or outcome. In an effort to capture that underlying pattern the risk factors are summed to produce a similarity score which is associated with an outcome (e.g. a norm table and associated base rate information for a target outcome).

As we encounter a new offender for whom an assessment is done the score for that offender (what we are seeing) is then compared to the scores of other offenders who comprise a norm table (what we know) and the associated "outcome" for the score is used to make some decision. On the surface this is a reasonable approach, but understanding the nature of patterns will demonstrate that the traditional approach introduces noise into the similarity metric thereby reducing its accuracy. The reduction in accuracy is quickly understood when we realize that not all pathways leading to a score will carry the same predictive accuracy (Dow, Jones, & Mott, 2005; Silver & Chow-Martin, 2004; Zamble & Quinsey, 1997).

The act of generating a similarity metric by combining all of the ways a score can be generated inadvertently combines highly correlated patterns leading to that score with less correlated patterns leading to that score. The net effect is to freeze the similarity metric into something less than what it could be were the similarity metric dynamically created to take into account how the score was generated. A dynamic approach could maximize the information content in a given data pattern and could be directly tied to the associated outcomes to create a probabilistic prediction. Clements' (1996) review of the field of offender classification was perhaps the first to conceptually contemplate the possibility of bridging ideographic and nomothetic offender assessment with the aim of increasing assessment resolution. Unfortunately, a discussion of how to make that bridge has been lacking in the corrections literature. Fortunately, dynamically created similarity metrics used in other fields demonstrate that bridges can be built.

Dow (1995) described the concept of dynamically created similarity metrics in the context of counseling research. However, the concept also applies to corrections and takes a step away from the current approach used in risk assessment. Dow's approach might be thought of as "intelligence-based risk assessment" or fifth generation risk assessment. Traditionally, the intricacies of

the data pattern are distilled into a score that is then used for comparison purposes. This act loses the uniqueness in the pattern that could have been used to enhance a similarity metric.

In contrast, intelligence-based assessment examines historical data pattern to identify offenders with similar patterns to the offender of interest, and then generates a score. This subtle difference has the net effect of increasing the accuracy of the information content for what we are seeing based upon what we know because the construction of the similarity metric begins by identifying the commonalities between what we are seeing and what we know and excludes everything else.

To illustrate, suppose we have a 10-item risk assessment tool and all items are equally weighted. Further suppose we have three offenders who all test positive for 5 risk factors. Offender #1 is positive for the first 5 risk factors leading to a traditional similarity score of 5. Suppose offender #2 is positive for the last 5 risk factors that also lead to a traditional score of 5. Clearly these two offenders are different — they have no overlap in item content, yet they still generate a similarity score of 5 and would be assumed to be similar on a traditional risk tool by virtue of each having 5 risk factors. Now suppose we have offender #3 who is positive for risk factors 1-4 and 6 thereby generating a similarity index of 5. Offender #1 and offender #3 have more in common with each other than with offender #2.

The construction of an intelligent similarity metric capable of ascertaining the commonality between offenders could potentially maximize the similarity of offender #1 and #3, while simultaneously minimizing or eliminating the effect of offender #2. Such an approach would create the foundation for intelligence-based risk assessment and moves us from static norm tables (e.g. all scores of 5 are assumed to be the same) to a savant-like intelligence capable of extracting information from experience and using like patterns to generate a similarity metric.

The limit of such a savant-like approach is dependent upon the depth of relevant experience (historical data) used for dynamic comparisons and the degree the data is related to our focus (e.g. recidivism, violence, escape, etc). It should be noted that this savant-like intelligence is not akin to the mathematical field of neural networks and should not be viewed from these historical roots. Hawkins and Blakeslee (2004) provide an excellent modern overview of the difference between neural networks and pattern-based intelligence.

Mathematically, the type of similarity method described above is best seen as an extension of the underlying premise of the standard summed approach — offenders occupying similar score regions provide information about how other offenders falling into the same score region might behave. A pattern-based similarity metric simply gains higher resolution by dynamic-intelligence-based identification of similar patterns of risk factors for a given offender from the raw data that normally used to create a classical norm table before it creates a "score." Rather than compressing the pattern to form a score and then matching the score to similar scores, pattern-based similarity first matches on the pattern then generates a score thereby achieving higher resolution going into the "score" generating step. As would be expected each prospective offender being assessed has the potential of having varying risk factor combinations that might benefit from higher resolution.

Challenges to such a similarity approach could be marshaled but would be required to overcome the premise that consistency in the underlying data (i.e. that patterns lead to consistent out-

comes) is the cornerstone of current risk assessment. It is the consistency of information that forms the underlying data patterns leading to predictability. The crux of all reliability statistics and ultimately validity depend upon this concept. In essence, for this challenge to succeed, one must argue that higher resolution would lead to a decrease in accuracy.

It could also be argued that higher resolution would lead to greater susceptibility to rater error and a decrease in reliability because more is dependent upon the vagaries of the "most" similar offender. This is true, however, as previously discussed, a pattern is indicative of information and dependent upon a frequent enough occurrence to be deemed a pattern — as stated on a well-known intelligence test, "One swallow doesn't make a summer." As such, a similarity metric that simply selects the most similar data pattern is not a horribly useful approach because of the risk of outliers, rater error, rater bias, missing data, rapidly changing data, etc. that might be associated with a single case.

To overcome aberrant data a large enough subset of similar offenders would need to be selected to ensure that the noise associated with any particular historical offender rating could be overcome thereby revealing a true and naturally occurring pattern. In essence, this is a simple signal detection premise whereby the signal (outcome of interest) is deemed to be coherent and noise (irrelevant information) incoherent. Signal can be accumulated via a linear equation, whereas, noise is incoherent and cannot, by definition, accumulate via a linear equation due to its random nature (McDonough & Whalen, 1971). Put another way, outliers, rater error, rater bias, missing data, rapidly changing data, etc. can only contribute to a statistical model if they actually help explain a consistent outcome.

The caveat to this is the obvious possibility of a competing data pattern indicative of a different outcome is intermingled with the signal we are trying to detect. For example, tools that purport to identify recidivism and violence and basing that identification on the same set of data where it is foreseeable that the data patterns indicative of the two concepts do not always overlap. Hence, it is extremely important to ensure that the historical data one uses to construct similarity metrics is tailored to the construct under study to reduce the possibility that a competing data pattern does not "overpower" the pattern for the construct of interest. Advanced detection approaches aimed at signal isolation are under development in other fields (Zhou, Woo, & Sharif, 2005; Duda, Hart, & Stork, 2001) and may provide guidance to the field of offender risk assessment.

Similarity has been discussed in a conceptual framework and compared to the classical approach used to construct most risk assessment tools. This framework is meant to stimulate thinking in the field as to what similarity-based risk assessment tools might become in the future and how a careful consideration of similarity's purpose can increase the accuracy of risk assessment tools. One such tool, the Risk Management System (2005), has already incorporated advanced pattern-based similarity to render recidivism, violence, and estimates of offender treatment responsiveness. Risk assessment tools have evolved over time with respect to their risk factors, now the methods used to create those tools have evolved.

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CONFERENCE PERMANENTE EUROPEENNE DE LA PROBATION (CEP): A REPORT ON THE NINTH GENERAL ASSEMBLY AND CONFERENCE

by

Dan Richard Beto and Donald G. Evans

The Conference Permanente Europeenne de la Probation (Permanent European Conference on Probation), commonly known as CEP, is an organization headquartered in The Netherlands that consists of public and private European institutions and organizations that have as their objective the provision of probation services, including the assistance to accused persons both before and after sentence. It exists to promote international cooperation in the field of community corrections by:

- Exchanging experience and information;
- Compiling and disseminating information concerning legislation, jurisprudence, and social work practices in European countries in the field of community sanctions and measures;
- Identifying solutions to common problems;
- Influencing public opinion;
- Supporting an contributing to scientific research in the filed of community sanctions and measures;
- Organizing conferences, seminars, and other activities; and
- Providing expert assistance in the development of community sanctions and measures.

Full members of CEP include agencies and organizations from the following European countries: Austria, Belgium, Bulgaria, Channel Islands, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, The Netherlands, Norway, Portugal, Romania, Spain, Sweden, Switzerland, and the United Kingdom.

CEP, in existence for more than a quarter of a century, is governed by a Board consisting of the President, two Vice Presidents, and a maximum of eight other persons elected by the General Assembly, which meets every three years.

CEP and the National Association of Probation Executives (NAPE) share many similarities. They have in common many of the same objectives and they both represent the leadership of community corrections — CEP in Europe and NAPE in North America.

Ninth General Assembly

On September 27, 2007, CEP conducted its Ninth General Assembly in the Estonian National Library in Tallinn, Estonia, during which President John Scott of the United Kingdom effectively presided over a very ambitious agenda. Quite impressive was the fact that all the delegates in attendance were task oriented and there was a strict adherence to the published agenda.

During the meeting, several agencies and organizations were approved for membership, including the Polish Ministry of Justice, the Dutch Salvation Army, and the British charity Prisoners Abroad.

It was also during the meeting that the National Association of Probation Executives was unanimously approved for affiliation

with CEP. Efforts to create an affiliation between NAPE and CEP began during the term of President Cheryl K. Townsend and continued to a successful conclusion during Rocco A. Pozzi's presidency.

In commenting on the affiliation, CEP President John Scott indicated that the relationship between CEP and NAPE was desired and appropriate, since both organizations represent the leadership of probation in two important geographical areas — CEP in Europe and NAPE in North America.

With the signing of an affiliation agreement, NAPE became the fourth organization to create a formal relationship with CEP. Other organizations affiliated with CEP include the Probation and Community Corrections Officers' Association of Australia, American Probation and Parole Association, and the International Corrections and Prison Association.

As part of the agenda, delegates heard a proposal from Sjeff van Gennip, General Director of Reclassering Nederland, the primary provider of probation services in The Netherlands, on how to advance the organization. His suggestions focused on CEP administration, expanding and enhancing communications efforts, collecting and disseminating knowledge, creating a European probation journal, and identifying and developing a register of experts.

Also considered and acted upon were budgets for the next three years and a more equitable funding structure for membership in CEP.

Following some housekeeping matters, the General Assembly held its elections. Patrick Madigou of France was elected President, and Margareta Lindholm of Sweden and Riccardo Turrini Vita of Italy were elected Vice Presidents. In addition, Hans-Ulrich of Switzerland, Zoltan Bogschutz of Hungary, Marc Ceron of Catalonia, Mary Anne McFarlane of the United Kingdom, Dimitar Rusinov of Bulgaria, and Suzanne Vella of Ireland were elected to serve on the Board of Directors. The General Assembly also voted to retain the services of Leo Tigges of The Netherlands as Secretary General.

The meeting was conducted primarily in English, with simultaneous translations into French, Estonian, and Russian. Several professional interpreters were employed and the Estonian hosts provided each delegate with a headset for the purpose of hearing the discussions in one of four languages.

Particularly impressive was the fact that members of the General Assembly — despite their many differences — were a cohesive group of professionals who were committed to the common goal of advancing probation services in Europe.

Conference: Unity and Diversity

On September 28-29, 2007, the conference portion of this gathering of probation professionals was continued in the Estonian National Library. The theme of the conference — "Unity and Diversity" — underscored the participants desire to work toward common goals while respecting one another's uniqueness.

On the first day of the conference participants heard presentations concerning “the probation officer as the key person in probation work” by Kristin Bolgen Bronebakk of Norway, Marc Ceron of Catalonia, and Voldemar Kolga of Estonia. Following this plenary session, the remainder of the morning was devoted to a variety of workshops that involved the leadership of probation in Europe.

Morning workshop topics and leaders included: “Probation Officers Basic Values” led by Margareta Lindholm of Sweden and Viola Laanerand of Estonia; “Common Standards of European Probation Officer: Dream or Reality?” facilitated by Roger McGarva of the United Kingdom and Lenka Ourednickova of the Czech Republic; “Probation Officer: A Social Worker or a Supervisor?” with Patrick Madigou of France and Anu Moldri of Estonia; “Motivation and Career System of Probation Officers” led by Michael Donnellan of Ireland and Zoltan Bogschutz of Hungary; “Volunteers in Probation” facilitated by Jacco Groeneveld of The Netherlands and Eka Salarishvili-Tikaradze of Georgia; and “The Future of CEP” with John Scott of the United Kingdom and Rait Kuuse of Estonia.

After lunch there was a plenary session involving presentations by Anton van Kalmthout of The Netherlands, Ioan Durnescu of Romania, and Terje Maurer of Estonia on the subject of “Probation: Old and New Alternatives.”

More workshops followed in the afternoon, with the following topics and leaders: “Technology and Probation” facilitated by Kjell Carlsson of Sweden and Rait Kuuse of Estonia; “Risk Assessment: Possibilities and Limits” with David Perry of the United Kingdom and Ioan Durnescu of Romania; “Just in the Beginning: How to Establish and Develop a Probation System” led by Kersti Kask of Estonia and Aleksandrs Dementjevs of

Latvia; “Developing and Designing Alternatives” facilitated by Kevin Barry of the United Kingdom and Martin Kracik of the Czech Republic; “International Research in the Field of Probation: Whether or Not and How?” with Anton van Kalmthout of The Netherlands and Mari-Liis Liiv of Estonia; and “The Future of CEP” led by John Scott of the United Kingdom and Lenka Ourednickova of the Czech Republic.

On the last day of the conference, summaries and impressions of the preceding day’s workshops were presented, which generated thoughtful discussions. This was particularly beneficial to participants who were unable to attend all the workshops.

Conclusion

The General Assembly and conference were very successful, due in no small part to the work of the staff in The Netherlands and the Estonian hosts.

The National Association of Probation Executives looks forward to a long and productive relationship with our European colleagues.

Dan Richard Beto, a past President of the National Association of Probation Executives, serves as Chair of the International Committee.

Donald G. Evans, a past President of the International Community Corrections Association and the American Probation and Parole Association, serves on the International Committee of the National Association of Probation Executives.

ASSOCIATION ACTIVITIES

AWARDS SOLICITATION

Each year at the Annual Awards Breakfast the National Association of Probation Executives recognizes individuals who have contributed to the probation profession. Members of the Awards Committee are soliciting nominations for the following awards.

Sam Houston State University Executive of the Year Award

This award is given annually by the George J. Beto Criminal Justice Center at Sam Houston State University to an outstanding probation executive selected by the NAPE Awards Committee. Criteria for this prestigious award include the following:

- Manager of a public agency providing probation services;
- Member of the National Association of Probation Executives;
- Contributed to local, state, regional, or national professional organizations;
- Demonstrated sustained exemplary performance as a manager in pursuit of the goals of the profession;

- Implemented new and innovative policy, procedure, program, or technology with high potential to enhance the standards and practice of probation which is transferable; and
- Has achieved outstanding recognition during the year or has outstanding achievements over time.

George M. Keiser Award for Exceptional Leadership

The National Association of Probation Executives and the Community Corrections Improvement Association of Iowa jointly present this award to an administrator, manager, or supervisor who has demonstrated exceptional leadership under challenging conditions which provide value added activity or service to the organization or community they serve. Additional criteria for this award include:

- Nomination must come from a NAPE represented department and must be approved by the director or board of directors for that agency; and
- Nominee must have achieved an outstanding accomplishment during the year or championed a specific cause over a period of time.

Executive Exchange

Arthur Neu Award for Exceptional Policy Development

The National Association of Probation Executives and the Community Corrections Improvement Association of Iowa jointly present this award to an elected official who has demonstrated exceptional understanding and support for probation practices and has provided value added activity or service to the profession in their official capacity. Additional criteria for this award include:

- Nomination must be submitted by a NAPE represented department and must be approved by the director or board of directors of that agency; and
- Nominee must have achieved an outstanding accomplishment during the year or championed a specific cause over a period of time.

William Faches Award for Exceptional Community Service

This award is presented jointly by the National Association of Probation Executives and the Community Corrections Improvement Association of Iowa to a volunteer, member of a board of directors or advisory board, or a person who has demonstrated exceptional community service to their organization or community. Additional criteria for this award include:

- Nomination must come from a NAPE represented department and must be approved by the director or board of directors of the agency; and
- Nominee must have achieved an outstanding accomplishment during the year or championed a specific cause over a period of time.

Nominating Process

In nominating persons for any of these awards, in addition to the nominating letter, please provide a detailed biographical sketch of the nominee or a recent vita. Supporting documents, such as news articles, are also welcomed.

Nominations should be sent to Christie Davidson, Executive Director of the National Association of Probation Executives, at the following address:

Christie Davidson, Executive Director
National Association of Probation Executives
George J. Beto Criminal Justice Center
Sam Houston State University
Huntsville, Texas 77341-2296

Nominations may also be sent via email to davidson@shsu.edu or by facsimile to (936) 294-1671.

All award nominations must be received by the NAPE Secretariat by April 4, 2008.

NOMINATIONS SOUGHT FOR OFFICES

It is time to begin thinking about the National Association of Probation Executives election process, which commences now and concludes shortly after April 20, 2008. The election will determine the Association's leadership for a two year period, commencing July 1, 2008, to June 30, 2010.

Positions available include those of President, Vice President, Secretary, and Treasurer.

In addition, seven positions on the Board of Directors are subject to the election process, including two at-large positions and five regional positions. The five regions, and the states that comprise them, are as follows:

New England: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Mid-Atlantic: Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

Southern: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

Central: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Western: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Nominations are being accepted by the Nominations and Elections Committee through January 15, 2008. In addition to a letter of nomination, please include a biographical sketch of the nominee or a current vita. Only members of the National Association of Probation Executives may nominate an individual for office. Nominations may be sent to the following:

Christie Davidson, Executive Director
National Association of Probation Executives
George J. Beto Criminal Justice Center
Sam Houston State University
Huntsville, Texas 77341-2296

Nominations may also be sent via email to davidson@shsu.edu or by facsimile to (936) 294-1671.

Please give serious consideration to seeking elective office in the Association. For those who feel they cannot serve, please give some thought to nominating a member.

NEWS FROM THE FIELD

NEW REGIONAL DIRECTOR OF THE NATIONAL PAROLE BOARD APPOINTED IN ATLANTIC REGION

The Chair of the National Parole Board of Canada, **Mario Dion**, announced on August 27, 2007, in Ottawa the appointment of **Brian Chase** as the new Regional Director for the Atlantic Region of the National Parole Board.

Chase, is a native of Moncton, New Brunswick; he graduated from Mount Allison University in 1984 with a Bachelor of Science degree in Biology and Psychology. He then attended L'Université de Moncton where he studied clinical psychology.

Chase began his career in the public service in 1987 with the Correctional Service Canada where he held a number of positions, including parole officer, coordinator of case management, and unit manager. In August 1996 he joined the National Parole Board as regional manager for community relations and training.

Chase is currently the chair of the Public Safety Advisory Committee for the City of Moncton as well as the chair of the New Brunswick and Prince Edward Island chapter of the Canadian Criminal Justice Association.

Chase replaces **Art Robson** who retired in June of this year after 35 years of public service.

The regional director is responsible for the day-to-day operations of the National Parole Board and providing administrative support to the decision-making responsibilities of the Board.

RAEMISCH HEADS WISCONSIN CORRECTIONS

Wisconsin Governor **Jim Doyle** named **Rick Raemisch** to serve as Secretary of the Department of Corrections, effective September 1, 2007. Raemisch had served as Deputy Secretary since 2004, having previously served as Administrator of Community Corrections since 2003. As a four-time elected Sheriff, a former Assistant District Attorney for Dane County, and a former Assistant U. S. Attorney, Raemisch brings more than 25 years of criminal justice experience to the Secretary position.

Raemisch replaced **Matt Frank**, who had assumed the post of Secretary of the Wisconsin Department of Natural Resources.

RETIRED TEXAS RANGER TO HEAD PROBATION DEPARTMENT

Clete Buckaloo, who retired as a Texas Ranger on August 31, 2007, assumed the position of Director of the Community Supervision and Corrections Department for Bandera, Gillespie, and Kerr Counties on September 4, 2007. He replaces **Howard Hollimon**, who retired earlier this year following 20 years of distinguished service.

Buckaloo, who earned a bachelor's degree in criminal justice from Sul Ross State University, began his career three decades ago as a trooper with the Texas Department of Public Safety. After two years, he was assigned to the Narcotics Division, where he remained for eight years.

After ten years with the agency, he was selected as a Texas Ranger and rose through the ranks to Captain of Company D, located in the southernmost region of the state.

ELECTRONIC TAGGING FOR PERSONS ON BAIL IN SCOTLAND TO BE SCRAPPED

In an article appearing in the October 1, 2007, edition of the *Scotsman Evening News*, **Ian Swanson** reported that the electronic tagging of people awaiting trial is to be scrapped, along with community reparation orders, which required offenders to make amends for their actions.

Justice Secretary **Kenny MacAskill** said that after seeing evaluations of pilot studies for both schemes he had decided to withdraw funding at the end of the year. But the Labour Party criticised the moves and claimed they would make it harder to tackle antisocial behaviour.

An evaluation report in June found electronic tagging of people on bail had failed to reduce the prison population and cost more than remanding them in jail. And a separate study said community reparation orders (CROs) — introduced as a way of making offenders aged 12 and over complete a program of between ten and 100 hours of unpaid community work — had been little used.

But Labour's **Paul Martin**, shadow minister for community safety, accused the Scottish National Party of scrapping schemes that helped prevent offending while on bail and forced criminals to clear up communities. "These were options that were available to the courts but are now being taken away. There are always going to be issues about sheriffs making use of the orders, but it doesn't mean you scrap them. They should be ensuring sheriffs are reminded of the options which are available."

Martin said tagging could help stop serious offences being committed by people who were already on bail for similar crimes. "If it is used properly, it can prevent some pretty disruptive individuals being in certain areas at certain times." And he accused the SNP of sweeping away CROs without giving any assurances about another scheme to replace it.

MacAskill said the evaluation of the Community Reparation Order pilots had indicated the penalties were not well understood or used, and the Government had therefore decided that funding for the CRO pilots should stop at the end of December. He added, "The Government remains committed to the principle of reparation."

As for eliminating funding for the electronic tagging pilot programs, MacAskill said, "We have also agreed that funding of the electronic monitoring of bail pilots should stop at the end of December. We believe that work currently under way to strengthen bail supervision will give a more effective and more widely used set of options for the courts."

SACHWALD RETIRES IN MARYLAND

Judith Sachwald, Director of Probation and Parole for the State of Maryland, has retired effective October 31, 2007. In announcing her retirement Sachwald, a longtime member of NAPE, wrote:

Serving as Maryland's Director of Probation and Parole for the last seven and a half years has been a tremendous privilege and honor. The Division's employees are dedicated public servants who are deeply committed to

enhancing public safety, serving the victims of crime, and helping offenders to become law-abiding, productive members of the community. By virtue of being employed by the Division of Probation and Parole, they have assumed the greatest challenges facing our nation — poverty, familial and societal neglect, substance abuse, limited educational opportunities, and more. Working side-by-side with such amazing colleagues has been exciting and stimulating.

Sachwald plans to relax in retirement; in addition, she will be available to do training and consulting.

In 2006, in recognition of her many contributions to the field of community corrections, the Middle Atlantic State Correctional Association presented Sachwald with its Founders Award.

SAN DIEGO COUNTY BOARD OF SUPERVISORS APPOINTS CHIEF PROBATION OFFICER

Ron Roberts, Chairman of the San Diego County Board of Supervisors, announced on November 14, 2007, the appointment of **Mack Jenkins** as the County's Chief Probation Officer.

"After an extensive search, we are confident Mack Jenkins has the qualifications and experience needed to lead the Probation Department into the future," said Chairman Roberts.

The appointment was made by the Board of Supervisors and confirmed by the Superior Court. Jenkins will oversee a department of more than 1,300 staff members with a budget of more than \$165 million. He comes from neighboring Orange County, where he dedicated almost 30 years to the Orange County Probation Department in Anaheim and currently serves as the Director of Juvenile Field Services.

Previously, Jenkins managed the Adult Field Services and Adult Court Services Divisions for the Orange County Probation Department. In addition, he designed an intensive supervision program for sex offenders and oversaw the development of a special supervision program for domestic violence offenders.

Jenkins is a nationally known criminal justice consultant and instructor with expertise in the design and operation of Drug Court programs and has worked extensively with substance abuse offenders.

Jenkins is expected to start his new job prior to the end of the year.

COUNCIL OF EUROPE STARTS PREPARATIONS FOR RECOMMENDATIONS ON PROBATION

The European Committee on Crime Problems (CDPC) of the Council of Europe (CoE) has commissioned one of its committees to make an overview of the practices and fields of action of the probation services in the 47 member countries. The research will be conducted by the Council for Penological Co-operation (PC-CP), chaired by **Sonja Snacken**, Professor in Criminology at the University of Brussels. "Two experts will start their task in a few months. The Council of Europe will use this research as the basis for its recommendation on Probation."

As probation in Europe is changing, the need for a comprehensive research is strong. Snacken explains: "In Central and Eastern Europe, countries with no tradition in probation have been developing community sanctions and have been setting up national probation services. In Western Europe, countries

with a long tradition in probation seem to witness different developments. Some continue to stress the importance of the programs focusing on the reintegration of the offender in the community. Others are putting more emphasis on management of offenders, offending behavioral programs, reduction of re-offending, etc. In many countries, however, the work of the probation services has extended from the traditional aftercare of prisoners to involvement at all levels of the criminal justice systems and of the carrying out of community sanctions and measures. In addition we also see that in some countries there is a shift from exclusively dealing with offenders to dealing with both offenders and victims. As the CoE is an intergovernmental organization, its recommendations can only have effect when these recommendations are endorsed by the member countries, and when they are practically applicable in all member countries. Therefore, the CoE first needs an overview of what's going on in probation in Europe."

The CDPC will assign two experts who will study the field of probation in Europe throughout 2008. According to Snacken: "Then there will follow a period in which the experts, the PC-CP and the CDPC will work closely in order to formulate recommendations. These will be presented to the Council of Ministers, the decision making body in the CoE, which can adopt them. The experts and PC-CP will write the draft texts. During the process, we will inform all 47 members of the CDPC regularly on our progress. The member states can bring in their comments. So when we present our recommendations, the CDPC has already done some preliminary work when they discuss our draft. By the end of 2009 I expect the CDPC can determine the final texts for the Council of Ministers."

The CDPC has identified specific fields of attention in the research. These vary from special groups of offenders, like sex offenders, violent offenders, persistent offenders and foreign offenders to topics like professional secrecy and the selection and training of staff involved in probation. In many aspects, drawing up of the recommendations will be a balancing act. "Probations systems in Europe are different from one another. In order to formulate recommendations which can be endorsed by all member countries, all the various probations systems should be taken into account. Therefore it is very important to have representatives from both Western and Eastern Europe in the PC-CP. The PC-CP has recently been enlarged in order to ensure that more members from the new member countries can bring in their experience."

Snacken expects the recommendations to come into effect in 2010. As these recommendations are not legally binding regulations, then what can we expect from them? "As all member states of the CoE have agreed on the recommendations, they are an expression of the consensus of how things should be. In practice, we see that an international court, like the European Court for Human Rights, increasingly refers to the recommendations of the CoE. So the recommendations do exert a strong moral value. On a national level, for instance in Belgium, the same is happening. There are cases in which a court has based its judgment at least partially on the recommendations of the CoE. Through such jurisprudence, the recommendations also get a judicial value."
