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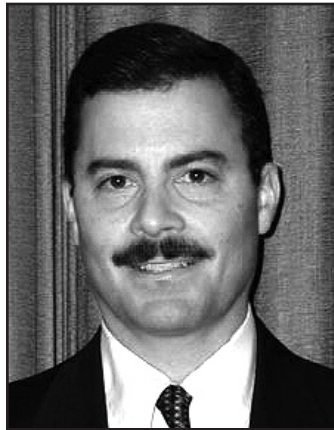
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## MESSAGE FROM GUEST EDITOR

In this edition of *Executive Exchange* we focus on technology. While probation is fundamentally a “people profession,” there is no question that the role of technology has expanded greatly in recent years. Agencies have recognized that the effective use of appropriate technology is critical to the work of community corrections in the 21st century. Technology tools must be exploited whenever possible in order to maximize effectiveness and efficiency and ultimately enhance public safety.

Technology can be of tremendous value when fiscal constraints force an agency to “do more with less.” In the 1990s the New York City Department of Probation was facing the unfortunate trifecta of increasing caseloads; higher-risk offenders making up those caseloads; and serious budget cuts on the horizon. This scenario was the backdrop for the implementation of automated reporting kiosks which utilized technology to supervise low risk offenders in order to free up resources to more effectively deal with higher risk offenders. The article by James Wilson of Fordham University and Wendy Naro and James Austin of JFA Associates provides us with an analysis of the problem, the agency’s strategic response, and the first independent assessment of this technology as a community supervision strategy.

Technology is often the only solution in cases where, ironically, the problem was created or exacerbated by technology itself. The rise of the Internet provides the classic example. So ubiquitous and increasingly essential to everyday life, the Internet, as many of us know, also has a very dark side. This technology advancement has created whole new genres of criminality. For sex offenders the Internet can be particularly dangerous, providing a virtual playground of images, video, and text to fuel deviant fantasies which undermine treatment



and supervision goals. Greg Brown, Chief Probation Officer for the 20th Judicial District in Colorado, has pioneered the use of computer management in his state. His article describes importance of managing computer use, particularly for sex offenders, and the technology and capacity building resources available for agencies to effectively tackle this issue.

In still other cases technologies can be “pushed” upon agencies before they are sufficiently mature and/or before the agency is ready to effectively implement them. The proliferation of offender tracking technology certainly comes to mind. The article by George Drake, former Deputy Director of the New Mexico Corrections Department’s Probation and Parole Division and a pioneer in electronic monitoring, provides a historical perspective on offender tracking technologies, how they have developed, current innovations, and a glimpse into what the future might hold.

It is my hope that you find this issue of *Executive Exchange* to be informative and thought provoking. Technology is advancing rapidly and it can be challenging to determine which technologies are appropriate and even more difficult to determine how to apply them in an effective manner. The good news is that you don’t have to go it alone. Organizations like NAPE provide an ideal forum for the sharing of information — both successes and pitfalls — so that the field as a whole can rise to the challenge before us.

**Joe Russo**  
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## CONTENTS

Guest Editor’s Message, <i>Joe Russo</i> .....	1
Implementing Automated Kiosk Reporting for Low-Risk Probationers: Does It Work?, <i>James A. Wilson, Ph.D., James Austin, Ph.D., Wendy Naro</i> .....	2
Monitoring and Managing Probationers Computer Use, <i>Greg Brown</i> .....	11
Offender Tracking Technologies: Where Are We Now?, <i>George Drake</i> .....	14
News From the Field .....	17

## IMPLEMENTING AUTOMATED KIOSK REPORTING FOR LOW-RISK PROBATIONERS: DOES IT WORK?

by

James A. Wilson, Ph.D., James Austin, Ph.D., and Wendy Naro

### Abstract

Community supervision agencies have been increasingly burdened during the past three decades — supervision caseloads have increased significantly, more high-risk offenders have been sentenced to probation or released to parole, and operating budgets have remained stagnant. The natural consequence of increased caseloads comprised of higher-risk offenders combined with insufficient resources is an increased threat to public safety. To help address these issues, New York City Probation implemented an automated reporting system, or kiosks, for low-risk probationers. Implementing the kiosk system enabled a significant redistribution of limited resources, maintaining, and in some instances, greatly improving both organizational efficiency and probationer outcomes. In this assessment of the use of the kiosk system as a community supervision strategy, we address criticisms of the kiosk system by focusing on how automated reporting allowed probation to increase supervision of the highest-risk probationers, how supervision practices are enhanced through better data collection, and how improvements in some recidivism outcomes were associated with implementation.

### Introduction

The New York City Department of Probation (hereafter NYC Probation), in an effort to deal with the problem of serious budget cuts and increasing caseloads in the 1990s, implemented and tested an automated reporting system, or kiosks, for a small group of low-risk probationers (Task Force Report on the Future of Probation, 2007). Adopting kiosks allowed NYC Probation to significantly restructure its internal workload to achieve several primary goals. First, large numbers of low-risk probationers were assigned to a system of supervision that required substantially fewer probation officers. More importantly, the restructuring of probation caseloads allowed the Department to achieve its primary goal of providing more intensive supervision for high-risk and sex offenders. Due to the initial success of the system, NYC Probation dramatically expanded the use of the kiosk system in 2003 to include all low-risk probationers, including those with special conditions of supervision attached to their sentences.

Automated kiosk reporting systems have been implemented in a number of probation departments nationwide and the use of kiosks as a supervision tool has generated both skepticism and criticism. One concern is that probation departments may be instituting supervision policies based simply on the availability of new technologies without any real thought to the consequences or implications — that is, new technologies are driving policy changes (Haggerty, 2004). Using kiosk reporting in this manner is often deemed problematic because it is not clear that the new

policies are congruent with the practical realities or conceptual purposes of probation. This is especially true when the value of the new technology has not been empirically examined and demonstrated.

A second issue is the perception that reporting to probation via a machine amounts to a form of little or no supervision (see Petersilia, 2002, for a discussion of this issue), and by implication, probation loses any limited deterrent effect it might achieve as a community sanction. As some commentators already see probation supervision as a “nonpunitive” punishment, any further decrease in probation’s perceived severity further contributes to a “soft on crime” view of such community alternatives.

Finally, there is a concern that kiosk supervision may be too poorly implemented to be an effective supervision strategy. Michael Noyes (2006), current Director of the Dallas County Community Supervision and Corrections Department (CSCD), indicates for example, that high-risk probationers were mis-assigned to the CSCD kiosk program, leading to the eventual suspension of the kiosk program altogether. He says that although the Dallas County CSCD “... had usage criteria, it was either not followed by the court, CSCD Supervisors, or staff. The result was that high-risk offenders were also being assigned (to the kiosk) with moderate-low to low-risk clients.”

In light of these issues, one might conclude that automated reporting is both questionable as a supervision strategy and a potential threat to community safety. There are valid reasons, however, to consider automated reporting an innovative and well-reasoned component of effective community supervision. It is the lack of empirical examination of probation kiosk systems that leaves policymakers unable to draw sound conclusions about the wisdom of implementing such systems, especially in terms of whether the benefits of the kiosk system outweigh the potential risks.

In this report we take a first step in assessing the rationales for and examining the outcomes associated with kiosk implementation. Drawing on the theoretical and empirical literature, and using data collected from NYC Probation, we address potential strengths and limitations of kiosk system implementation. We organize our report around three ways that automated reporting may be viewed as productive innovation when instituted as a part of a probation department’s overall supervision strategy and address each of the following in turn:

- *Reallocation of resources:* Can kiosks allow probation departments to redistribute limited resources while simultaneously better managing both low-risk and high-risk supervision caseloads?
- *Data collection and monitoring:* How can data collected from kiosks about a probationer’s activities and reporting habits contribute to a comprehensive data management strategy?
- *Supervision outcomes:* Can kiosks provide a unique means of supervision, potentially leading to better outcomes than

reporting directly to a probation officer, but at a minimum leading to outcomes equal to those of in-person reporting?

### The Basics of Automated Reporting and the Importance of Risk Assessment

Automated reporting is based on commonly available technology which is noted for its ease of use in a variety of everyday tasks in multiple settings. Similar in appearance and functionality to widely used bank automated teller machines (ATMs), kiosk reporting systems allow probationers to report in using automated self-service kiosk machines. In addition to the technological nature of the system, kiosks also involve some supervision and case management by a probation officer — *it is important to understand that the kiosk is not simply an ATM, and kiosk reporting does not mean that the probationer is free from supervision or meeting probation requirements.* Kiosk reporting is more appropriately conceptualized as a cost-effective, low-intensity sanction for probationers who pose little risk to community safety.

Although NYC Probation originally contracted with an outside vendor for their kiosk units, the technology now in use incorporates commercially available hardware and a shared or open-source software system that is available for use by other jurisdictions. The basic system combines a personal computer with a touch-screen system, a biometric hand-scanner, and a small printer to generate a receipt. When a probationer reports to the probation office for the first time, she/he attends an orientation session that reviews the individual's responsibilities on probation, as well as more detailed information on various aspects of probation such as early discharges, requests for travel, re-arrests, and reporting requirements. The session also includes videotaped instructions on how to use the kiosk system. The orientation requires each individual assigned to the kiosk system (or the "Reporting" Track) to register with the system, including having a photograph taken and providing the biometric hand-scan identification.

Individuals are assigned to the reporting track based on their risk scores. Valid risk assessment is a critical component in effectively supervising incarcerated and community corrections populations (Austin and Fabelo, 2004; Jacobson, 2005; Andrews, 1995; Lowenkamp and Latessa, 2005). Probation departments nationwide rely on assessment instruments to classify offender populations in terms of their appropriate level of supervision and risk to community safety (Clear, 1988; Clear and Braga, 1995). NYC Probation assigns probationers to supervision tracks based on their risk scores on a classification instrument: probationers identified as low-risk are largely assigned to the kiosk reporting track, and higher-risk and special offenders (e.g., sex or domestic violence) are assigned to "high-risk" or Special Offender Unit (SOU) probation officers with smaller caseloads, allowing more intensive supervision.

Although violent or more serious offending is often perceived to be associated with risk, risk is more typically associated with factors that increase the *probability* of offending — these can include such factors as antisocial attitudes and friends, age, substance use, prior criminal history, education or employment background, or criminal involvement at younger ages (Andrews and Bonta, 2003; Gendreau, Little and Goggin, 1996). The available evidence clearly suggests that higher risk probationers constitute a greater threat to public safety and lower-risk offenders less so (Langan, 1994; Petersilia, Turner, Kahan and Peterson, 1985; Petersilia, 1997). Thus, populations at a higher risk for criminal

behavior arguably warrant greater supervision (Lowenkamp and Latessa, 2004).

Low-risk probationers assigned to the kiosk are required to visit the office each month and report in by completing a short list of questions on the kiosk. The system uses a simple design to allow it to be easily used by low-literacy probationers and to reduce the time it takes for probationers to complete the report. Questions focus on the probationer's residence, contact information, employment, and any new arrests. Provided that no new issues are raised as part of the reporting process (e.g., new arrests, positive drug test), a receipt is generated, and probationers complete their "transaction" and leave. The entire process of reporting to the kiosk is completed, on average, in four minutes. This significantly reduces the amount of time a probationer might otherwise spend in a probation office waiting to speak with a probation officer.

Under certain conditions, such as reporting an out-of-area address or having a new arrest, the system requires the probationer to meet with an officer before leaving the office. In addition, probationers are randomly selected by the system for drug testing. Finally, probation officers have the option of programming the system to direct probationers to meet with an officer for any number of additional reasons. Kiosk attendants are available to ensure that probationers report to a probation officer before leaving if issues arise or to complete on-site drug tests if selected.

As is always the case, implementation of new systems involves a process of refining the system over time and some of the changes to the kiosk system have been implemented in response to the needs of field staff and issues raised by them. Discussions with NYC Probation field staff suggest a great deal of receptivity to the system as currently implemented, especially in terms of the ability of line officers to supervise higher-risk offenders on smaller caseloads.

In short, low-risk probationers who are meeting their probation requirements and need only minimal supervision have little need to meet with a probation officer on a monthly basis. The kiosk system can flag probationers in the case of new arrests, and can randomly select probationers at report time for drug testing to assure compliance with probation requirements regarding drug use. When anomalies arise, probation officers are available to meet with Reporting Track probationers to resolve any outstanding issues or problems.

### Reallocating Resources

*Can kiosks allow probation departments to redistribute limited resources while simultaneously better managing both low-risk and high-risk supervision caseloads?*

The total number of people under probation supervision in the U.S. has increased by 272% since 1980, increasing from 1.1 million to almost 4.2 million (Glaze and Bonczar, 2006; Glaze and Palla, 2006). Probationers have comprised nearly two-thirds of the total correctional population for the last three decades; at the end of 2005, probationers accounted for 59% of all people under criminal justice supervision nationally (Glaze and Bonczar, 2006; Petersilia, 2002). In addition to the large increases in supervised populations, probation rolls have become comprised of increasingly more serious and higher-risk offenders, based on such factors as criminal records, conviction offenses, gang affiliations, and substance use histories (Petersilia, Turner, Kahan, and Peterson, 1985). Felony offenders have constituted approximately 50% of the national



## Executive Exchange

probation population for the last 20 years (BJS, 1996; Glaze and Bonczar, 2006). In New York State specifically, felony probationers have historically comprised more than 50% of the overall probation population (DCJS, various years). But there are substantial variations across jurisdictions in the composition of these populations in New York: NYC Probation, for example, supervises a disproportionate share of felony probationers—nearly 70% of all supervised NYC Probation cases are felony offenders (DCJS, various years). In contrast, non-NYC probation caseloads have an average felony to misdemeanor ratio of 2:3, or about 40% of all supervised cases were felony convictions.

Despite the significant increases in populations under supervision and the increased seriousness of their crimes, probation funding has remained relatively static over time. Although national corrections populations have grown significantly since 1980, it is funding for prisons and jails that account for almost all of the growth in government criminal justice expenditures (Langan, 1994; Langan, 2007). Probation spending as a proportion of total government spending has remained virtually unchanged. NYC Probation is a city agency but its activities are partly funded by state reimbursements. Despite supervising a larger proportion of felony offenders, state reimbursement rates to the city have declined significantly over time leaving the city to pick up a greater share of the expenses associated with supervision (Task Force on the Future of Probation, 2007).

As a consequence of increasing populations, more “high-risk” offenders being sentenced to probation, and limited resources, probation workloads have increased dramatically over time. Probation “caseloads,” the most common measure of a probation officer’s workload, averaged more than 200 offenders per officer for national populations by the mid-1990s (Petersilia, 1997). In some urban centers, the problem is especially acute. In Los Angeles County, the nation’s largest probation department, minimum supervision caseloads are reported at 1000:1, and high-risk caseloads are 200:1 (L.A. County Probation, 2007; Petersilia, 1997). New York City is no exception to this trend — by 2001, average caseloads in some cases approached 250:1 (Jacobson, 2005). The ability of probation officers to adequately supervise caseloads of this size is clearly limited, and it is clear that probation departments have faced mounting pressures as populations and caseloads increased. In short, in New York City, as in other jurisdictions nationwide, probation supervision was often viewed as an “elastic resource” that could handle whatever number of offenders was assigned to it (Clear and Braga, 1995).

Given these increasing pressures, Table 1 illustrates the way caseloads were redistributed when NYC Probation expanded the use of the kiosk system in 2003. Despite the continued increases in the national probation population, the total active probation population in NYC decreased 45% between 2000 and 2006, dropping to 28,766 from 52,019. The total number of probation officers supervising probationers decreased from 273 to 221, a 20% decline. The steady decline in the probation population — and a controlled decrease in probation officers — allowed probation to work toward its goal of more manageable caseloads.

Although the overall population and number of probation officers has declined over this time period, it is the redistribution of resources around the risk level of the supervised populations that is of most interest — the separation of high-risk/SOU populations

**Table 1**  
**Active Probation Population, Line Officers, and Average Caseload**  
**(Total and By Probation Track), 2000-2006.\***

Target Caseloads established as part of kiosk expansion in 2003.

Probation Track	Jan 00	Oct 01	Mar 02	Target Caseloads	Dec 03	Dec 04	Dec 05	Dec 06**
<b>Total Active Probation Population</b>								
Probationers	52,019	42,993	42,117		33,414	31,959	30,785	28,766
P.O.'s	273	274	277		248	212	209	221
Caseload	191	157	152	—	135	151	147	130
<b>High-Risk/SOU Probationers</b>								
Probationers	18,330	16,230	15,881		9,202	8,630	8,708	9,073
P.O.'s	154	156	155		191	161	161	181
Caseload	119	104	102	65:1	48	54	54	50
<b>Low-Risk/Reporting Track Probationers</b>								
Probationers	33,689	26,763	26,236		24,212	23,329	22,077	19,693
P.O.'s	119	118	122		57	51	48	40
Caseload	283	227	215	750:1	425	457	460	492

\*Data provided by NYC Probation. \*\*Data are preliminary.

from low-risk track assignments is detailed in Table 1. From 2000 through 2002, the highest risk and SOU offenders were on caseloads ranging from an average of 100 to 120, with some specific high-risk tracks approaching caseloads of 150 or more.

As is shown, after the expansion of the kiosk system in 2003, NYC Probation established target caseloads for its various supervision tracks. High-risk and SOU populations, with targeted caseloads of 65:1, were assigned to much smaller, more stable, and more manageable caseloads. Smaller caseloads should not be interpreted as probation officers doing less work, however, as there is an important distinction between probation “workload” and “caseload” (APPA, 1991; Burrell, 2006). Although caseloads are the most common measure, we note that it is entirely possible for a probation officer’s workload to remain stable or even increase as a caseload declines. Lower caseloads of higher-risk (and potentially more problematic) offenders that require more face-to-face contact on a monthly basis (i.e., more intensive supervision) can easily constitute a greater workload. As an example, despite the decrease in caseloads in 2003 for probation officers supervising high-risk/SOU probationers, the number of required contacts for high-risk probationers increased from one to four per month, resulting in more regular contact and more intensive supervision.

To achieve the target caseloads for high-risk/SOU probationers after 2003, NYC Probation actually used a dual process. Table 1 shows that despite a decrease in the total number of probation officers after kiosk expansion, there was a 23% increase in the number of officers supervising high-risk/SOU cases. In addition, Table 1 also shows that the number of high-risk/SOU probationers decreased dramatically after kiosk expansion. Although populations were declining, NYC Probation also instituted a policy in which high-risk probationers were “stepped down” in supervision after a year, based on good behavior. It is noted that SOU probationers remain under more intensive supervision for the duration of their sentence. By reducing the intensity of supervision after a year for high-risk probationers who adhere to probation conditions, and increasing the number of officers supervising high-risk/SOU cases, NYC Probation has managed to keep those caseloads well below the 65:1 target.

As shown in Table 1, prior to 2003, low-risk/Reporting Track caseloads averaged between 200:1 and 300:1, with some specific caseloads averaging 400 or more. Beginning in 2003, all low-risk probationers were assigned to kiosk reporting, with targeted caseloads of 750:1. Average caseloads for probation officers supervising low-risk probationers increased substantially, offsetting the decrease in caseloads for officers supervising higher-risk probationers. Although NYC Probation established a 750:1 target caseload ratio, there is a general recognition that the ratio is still too large to effectively supervise kiosk probationers. As a result, Reporting Track caseloads since 2003 have ranged between 425:1 and 500:1. In short, the use of kiosks allowed NYC Probation to supervise low-risk populations that need less contact by assigning them to higher caseloads, and to increase supervision for high-risk and sex offender probationers.

### Data Collection and Monitoring

*How can data collected from kiosks about a probationer's activities and reporting habits contribute to a comprehensive data management strategy?*

Kiosks have emerged as an important piece of NYC Probation's implementation of an enhanced data management strategy. Probation has been in the process of developing a Reusable Case Management System (RCMS), a significantly redesigned information system that is designed to track all information on a probationer from intake to exit. The importance of the RCMS system should be obvious, especially in terms of its capability to generate more accurate and comprehensive data, but is emphasized by the development of a set of national functional standards by the American Probation and Parole Association (APPA, 2001). Many organizations have been shown to keep track of a wealth of information that ultimately fails to improve work processes, aid in the organization mission, or allow for an assessment of outcomes (Snibbe, 2006). A strongly designed case management system can achieve all three and allow existing staff more time to spend on the organizational mission (APPA, 2001). In terms of data management, the RCMS is the major focus of NYC Probation's efforts. The kiosk is simply one element of multiple data sources that will allow probation access to more immediate, comprehensive, and accurate information.

One of the goals of the RCMS system is to create a single portal which will collect information from various sources — especially other criminal justice and human resources agencies. More immediate access to more information will significantly improve NYC Probation's work processes, including pre-sentence investigation reports, violation processes, tracking probationers as they come into contact with other criminal justice agencies, as well as managing cases in-house in terms of supervision, adherence to conditions of probation, and programming.

But why is the kiosk an integral element of this system and a significant improvement over prior arrangements? New York City's former Corrections and Probation Commissioner, Michael Jacobson (2004: 235), has indicated that:

...low-level probationers in New York City and many other cities, as well, had not reported to human beings for almost two decades prior to the institution of kiosks. Because of the huge resource constraints, probationers who were considered lower risk were confined to an

administrative process where they dropped off a paper questionnaire to a probation office once a month; then, once or twice a year, they saw a probation officer for 15 minutes, 10 of which were spent with the officer trying to remember who this probationer was (since caseload numbers were in the hundreds). These few minutes of probation officer contact each year as well as thousands of boxed-up questionnaires in storage closets waiting for data entry that never happened were part of a system that was not only meaningless but a complete waste of incredibly scarce resources. Alternatively, the use of kiosks allowed the Probation Department to transfer resources used for the useless paper process into significantly more intensive programming and contact with probationers who had the most urgent needs and posed the highest risk.

If such "meaningless" systems were the norm for many probationers given the significant caseloads, then the ability of probation to truly keep track of these individuals was significantly compromised. In many cases it was doubtful that the forms would ever be checked or entered into any sort of data system. Thus, the automated reporting system that replaced these less efficient systems of reporting for low-risk probationers enables probation to better monitor all supervised populations, both high-risk and low-risk.

Based on data now captured by the kiosks, NYC field officers with large caseloads of low-risk probationers can easily generate reports on those individuals who fail to report (FTR) for further follow-up. For individuals reporting to the kiosk, alerts are generated when arrests occur, and random drug screens are part of the process. Once the RCMS is fully implemented, the kiosk's immediate links to other criminal justice data means that a probationer can be identified and required to meet with a probation officer for any arrest that might have occurred as recently as the same day of reporting. As a consequence, although some critics suggest that kiosks may amount to a form of "no supervision," it can easily be argued that the kiosk is a significant improvement over prior management strategies and allows for closer supervision and better monitoring of both low- and high-risk probationers.

In addition, the reports generated by the kiosk each month include statistical/administrative (e.g., number of probationers reporting per hour, language used, the length of the session) and misconduct (e.g., FTR, re-arrest) reports. These types of data were not available for probationers prior to the kiosk system, but are essential for any meaningful supervision of probationers and oversight of kiosk reporting. In addition, there is a growing recognition that policy should be data-driven, and the lack of data prior to kiosk implementation was a serious disadvantage in probation's supervision efforts. When establishing performance goals, performance indicators are integral and sound data is the basis of these indicators. In essence, the automated kiosk information is an important source of comprehensive and accurate information that informs outcome goals and probation supervision efforts. This is especially true in light of prior systems of supervision and tracking.

### Supervision Outcomes

*Can kiosks provide a unique means of supervision, potentially leading to better outcomes than reporting directly to a proba-*

## Executive Exchange

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*tion officer, but at a minimum leading to outcomes equal to those of in-person reporting?*

When it comes to supervision in the community, it seems clear that offenders who pose a greater risk to community safety require greater supervision. Some observers have argued that for some probationers, however, there may be more viable options than stringent supervision (Kelly and Stemen, 2005). Many low-risk probationers, for example, appear to succeed with few services and little supervision. Given the significant success rates of many low-risk and misdemeanor probationers either through their own self-motivation, with probation acting as a “critical life event” (or what might be termed a “wake-up” call), or as a result of a deterrent function of probation, it has been argued that non-supervision alternatives such as restitution or community service may be more than sufficient as a community supervision strategy, if they need regular supervision at all (Jacobson, 2005; MacKenzie, Browning, Skroban and Smith, 1999; Petersilia, 1997; von Hirsch, Wasik and Greene, 1989).

In contrast, there is sufficient evidence to indicate that more intensive interventions with high-risk offenders can lead to significant reductions in criminal recidivism (Andrews and Bonta, 2003; Bonta, 1996). Focusing limited resources on higher-risk offenders in terms of supervision and programs makes intuitive and theoretical sense. There is also emerging evidence however, that more intensive interventions or supervision with low-risk offenders can increase criminal behavior rather than reduce it (Dishion, McCord, and Poulin, 1999; Lowenkamp and Latessa, 2004; 2005).

There are logical and theoretically justified reasons to think that intensive supervision for low-risk offenders may not lead to positive outcomes and may in fact increase reoffending (see esp., Lowenkamp and Latessa, 2004). A central proposition of social learning theory, for example, is that associations with criminal others can lead to increased criminal behavior (Akers and Sellers, 2004). Individuals who are already low-risk are likely to hold fewer antisocial attitudes, participate in less criminal behavior, have fewer friends with criminal propensities, engage less in substance use, and/or have better educational and employment backgrounds — as noted earlier, these are some of the factors that constitute a person’s risk for reoffending.

Placing low-risk individuals into contact with higher-risk probationers in substance abuse or other intervention programs, or even something as innocuous as having them wait for extended periods in a probation office, may provide sufficient opportunity to form associations with higher-risk individuals. Such instances may be sufficient to increase their risk for criminal behavior, and the use of the kiosk is a system of reporting that largely diminishes opportunities for interaction between low- and high-risk probationers. Probationers arrive, report in to the kiosk, and leave with little or no interaction with other probationers in the office, thereby reducing the risk of forming associations with, and being influenced by, higher-risk probationers.

There are other ways in which the minimal supervision approach of low-risk offenders makes sense as well. Prison inmates often rank probation as more onerous than going to prison (Wood and Grasmick, 1995). Besides speaking to the perceived severity of probation as a criminal justice sanction, these attitudes also suggest the stressful and potentially disruptive nature of probation and its requirements — conditions that criminology’s Strain Theory would suggest might lead to an increased risk of

reoffending (Agnew, 2005). In general, reducing the intensity of probation supervision, especially for low-risk probationers, may ultimately be more appropriate, less disruptive and lead to better outcomes. To the extent that probation can simultaneously increase its supervision of high-risk probationers in an effective manner, would also be a theoretically sound and empirically valid approach.

### Methods

All data in this analysis were derived from NYC Department of Probation records and databases. The 2000 and 2004 entry cohorts were selected based on their proximity to the expansion of the kiosk system in mid-2003. The 2000 cohort includes all individuals who entered probation supervision between January 1, 2000, and June 30, 2000 — this allows a two-year follow-up period in which none of the probationers in this cohort were subject to the changes in probation supervision associated with the expansion of the reporting track that occurred in mid-2003. The 2004 cohort includes similar probationers for the period between January 1, 2004, and June 30, 2004. Selecting the 2004 cohort allowed for approximately six months of full implementation of the reporting track expansion and decreased high-risk/SOU caseloads so that the new system of supervision had a period of time to work out any remaining issues.

Our analysis is focused on constructing comparable groups for the 2000 and 2004 probation cohorts. There was substantial data missing for the actual probation track information and as a consequence, our ability to examine supervision track changes was constrained. Similar to the process used by probation, we assigned probationers to the high-risk and Special Offender tracks based on intake risk scores, conviction offense, and special conditions of probation indicating domestic violence.

Re-arrest and failures to report (FTRs) were recorded for two years after probation supervision began. FTRs are any missed appointment — probation policy holds that three consecutive missed appointments will result in a violation process. In addition, we assume that missed appointments are more accurately recorded during the more recent period, especially the digital data extracted as part of the kiosk reporting process. Although we only present information for the entire two-year follow-up, we also analyzed the data separately for those probationers who successfully completed probation in less than two years — in other words, only for the period that they were under probation supervision up to two years. Analyzing the data for all probationers for the full two years, and controlling for probationers who completed probation in less than two years had no effect on our analysis.

### NYC Probation Outcomes

Because NYC Probation greatly expanded the use of the kiosk system in 2003, we are interested in making two primary comparisons. First, and as was shown in Table 1, after the expansion of the kiosk, probationers classified as high-risk or SOU were reporting to probation officers with much lower caseloads and more intensive supervision. In addition, reporting for high-risk probationers increased from one to four contacts per month. So we first address how increasing supervision intensity through decreased caseloads was associated with re-arrest rates by comparing the high-risk/SOU outcomes for the 2000 and 2004 cohorts. Second,



we are interested in the effect of increasing the number of low-risk probationers assigned to the Reporting Track and the higher caseloads. Prior to the 2003 expansion, a limited group of low-risk probationers was assigned to the kiosk and all low-risk probationers with special conditions of probation were still reporting to a probation officer on a regular basis. After the 2003 expansion, all low-risk probationers were assigned to kiosk reporting.

was re-arrested for a drug offense. In addition, the average time to re-arrest for drug offenses increased by a month, from 7.8 to 8.8 months. Finally, when looking at seriousness of the offense as opposed to offense type, there was a larger drop in the percentage of the cohort re-arrested for felony offenses than for misdemeanor offenses. Table 2 shows that although the decline in re-arrests was slightly smaller for low-risk probationers, (31% in 2000 to 28% in 2004), the same general trends hold as for high-risk/SOU probationers — most of the decline is attributable to re-arrests for drug offenses and felony offenses.

We also examined the rates of missed appointments (FTR) associated with changes in supervision practices, and we do this in two fundamentally different ways. In the first half of Figure 2, we show the FTRs based on the population reporting, that is, what percentage of the population missed appointments during the two-year follow-up period? However, because the rate of reporting shifted significantly for high-risk probationers after kiosk expansion from one to four times per month, especially in the first year, in the second half of Figure 2, we examine the number of missed appointments as a percentage of all scheduled appointments. In other words, we ask what was the percentage of appointments that were actually missed?

Not surprisingly, the rate of missed appointments for high-risk/SOU probationers increased considerably after caseloads decreased, more intensive supervision instituted, and more reports were required. The increase from 40% to 63% in the percentage of probationers who missed at least one appointment is not entirely unexpected, especially given that the number of required monthly contacts increased from one to

**Figure 1**  
**Two-Year Rearrest Rate for High-Risk/SOU and Low-Risk Probationers Before and After Kiosk Expansion**

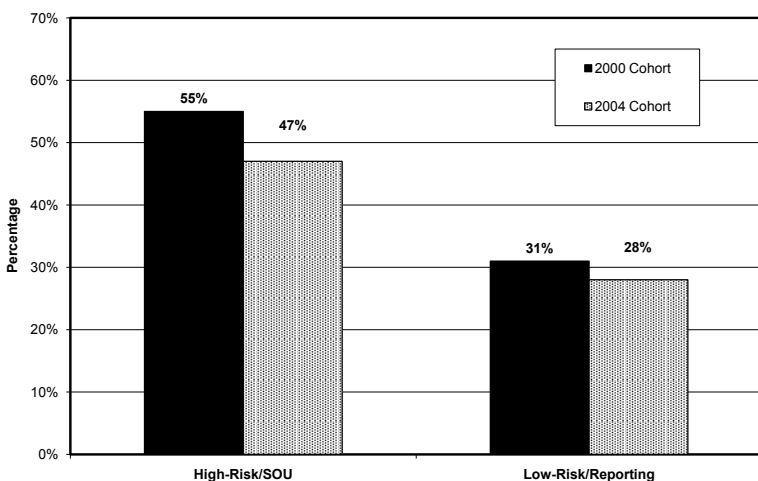


Figure 1 examines two-year re-arrest rates for both the high-risk/SOU and low-risk cohorts prior to the expansion of the kiosk and after. The data show that re-arrests decreased considerably for high-risk/SOU probationers assigned to more intensive supervision caseloads after 2003. For those who received a probation sentence in 2000, 55% were re-arrested within two years; for those who received a probation sentence in 2004 after high-risk/SOU supervision became more intensive, two-year re-arrest rates were eight percentage points lower (47%).

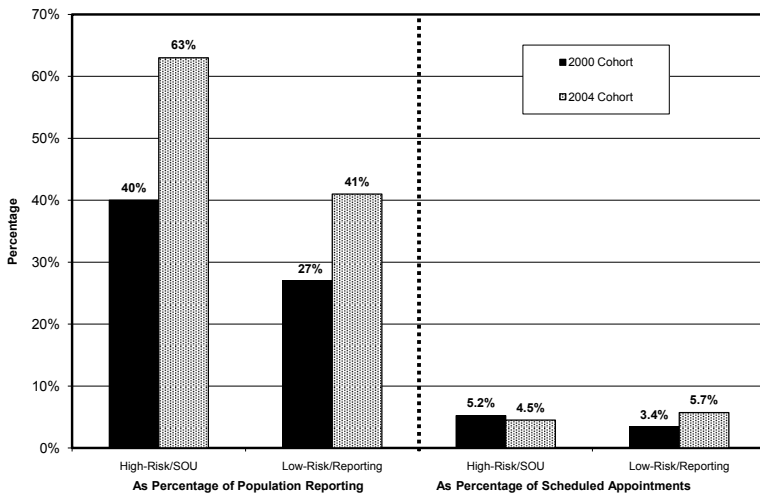
For low-risk probationers, the second comparison in Figure 1 indicates a slightly smaller decline in two-year re-arrest rates — 28% of the probationers in the 2004 cohort were re-arrested in the two years after a probation sentence compared to 31% for the 2000 cohort. In short, expanding the kiosk system to include all low-risk probationers was correlated with a decline in two-year re-arrest rates.

Much of the decline in re-arrest rates shown in Figure 1, for both high-risk/SOU and low-risk probationers, appears to be attributable to a decline in arrests for drug offenses. Table 2 compares the two-year re-arrest rates for the two cohorts by offense type (violent, drug, property, and other) and seriousness (felony vs. misdemeanor), and also shows the average time to first arrest. The percentage of each cohort re-arrested by offense type is relatively unchanged with the exception of drug offenses. For drug arrests, 22% of the 2,499 high-risk/SOU probationers were re-arrested for a drug offense in the two years after sentencing; only 14% of the 2004 cohort (N=2,164)

**Table 2**  
**Rearrests and Average Time to First Arrest, by Risk Level, and Type and Seriousness of Offense, for 2000 and 2004 Cohorts.**

Risk Level, and Offense Type and Seriousness	N	2000 Cohort		2004 Cohort	
		% of Cohort Rearrested	Avg. Time to First Arrest (mos.)	% of Cohort Rearrested	Avg. Time to First Arrest (mos.)
<b>High-Risk/SOU</b>					
	(N = 2,499)			(N = 2,164)	
<b>Total Arrests</b>	1,376	55%	8.1	1,012	47%
Violent	354	14%	8.3	279	13%
Drug	559	22%	7.8	308	14%
Property	291	12%	8.6	248	12%
Other	172	7%	8.1	177	8%
Felony	1,056	42%	8.5	795	37%
Misdemeanor	320	13%	6.9	217	10%
<b>Low-Risk</b>					
	(N = 5,624)			(N = 4,204)	
<b>Total Arrests</b>	1,770	32%	8.6	1,165	28%
Violent	301	5%	9.5	243	6%
Drug	805	14%	8.4	418	10%
Property	435	8%	7.9	284	7%
Other	229	4%	8.4	220	5%
Felony	846	15%	9.0	519	12%
Misdemeanor	924	16%	8.1	646	15%

**Figure 2**  
**FTRs (Failures to Report) as a Percentage of the Reporting Population, and as a Percentage of All Scheduled Appointments**



four. For low-risk probationers, the percentage increase in missed appointments from 27% to 41% may not be unexpected either. As probationers moved to the new system of supervision, there may be an expectation of fewer consequences associated with missing an appointment, or there may simply be a need to gain more familiarity with the process.

In the latter half of Figure 2, when one considers the increase in reporting required of high-risk probationers after 2003, the percentage of FTRs as a percentage of all scheduled reporting dates actually declines slightly for high-risk/SOU probationers, from 5.2% to 4.5%. For probationers classified as low-risk, the percentage of FTRs in the two years after entering probation supervision increased from 3.4% to 5.7%.

We also note at this point that an important caveat for the FTRs, however, has to do with potential data quality. We generally assume that more recent data is of better quality and this is especially true of the FTRs for low-risk probationers in the 2004 cohort. This relates to the earlier discussion about a potential strength of the kiosk system — i.e., that it systematically records reporting habits. Although we might expect, for example, that the FTR rate for low-risk offenders in the 2000 cohort might under-report actual FTRs since the FTRs were manually entered (it seems unlikely that FTRs would be over-reported), use of automated reporting for the 2004 cohort is likely to be very accurate since it is based on data taken directly from the kiosk. In other words, there may have been little change in the rates of reporting between the two periods for low-risk probationers, especially to the degree that the prior period may underestimate FTRs. In the larger sense then, the use of automated reporting for these types of comparisons points to the strength of the system for data capture and quality.

**Conclusion**

We have organized our discussion around three potential issues facing policymakers who are considering kiosk implementation. In each of the three instances we point to theoretical and/or empirical evidence that suggests that kiosk systems may be an appropriate element for an effective system of probation supervision. Using

the NYC Probation case, we find that kiosk systems can be a valuable supervision tool, and can lead to outcomes at least as good as the traditional reporting approaches.

Given the significant increases in probation populations that occurred throughout the 1980s and 1990s, in conjunction with resource constraints that contributed to unmanageable caseloads, focusing limited resources on the highest risk cases makes intuitive and theoretical sense and good policy. Although criticisms of kiosks as a tool of probation supervision express reasonable concerns, we have addressed those criticisms from both a practical and theoretical stance. More importantly, we have expressed a view that automated reporting, as a low-intensity sanction for low-risk probationers, can be viewed as a well-reasoned and innovative approach to probation supervision.

The starting point for any probation agency is a risk assessment instrument that can be used by probation officers to classify probationers according to appropriate risk levels. A valid and reliable risk assessment is essential to this process. Equally important, however, is a strong set of protocols for assigning probationers to the appropriate supervision track in order to avoid mistakes or flaws in the assignment process.

Probation agencies clearly need to understand not only the risk level of the populations they supervise, but also the level of risk they are willing to tolerate in the gradation of sanctions they have available to them.

Implementing kiosk reporting and expanding it to include virtually all low-risk probationers has had at least two significant and easily discernable impacts on NYC Probation’s supervision efforts. First, automated reporting has allowed probation to assign significantly larger numbers of low-risk probationers who pose little risk to community safety to higher caseloads and a lower intensity sanction. As long as low-risk probationers adhere to supervision requirements and conditions, they continue to report to the kiosk system — should they violate those conditions, their level of supervision is increased. Second, the increased caseloads for probation officers supervising kiosk reporting has been instrumental in NYC Probation’s efforts to focus more resources and more intensive supervision towards higher risk offenders. And as we have already indicated, higher-risk individuals can benefit from more intensive supervision and interventions. Low-risk individuals already tend to have more “prosocial” attributes across the board and for those individuals, increasing levels of treatment and supervision may, in fact, do more harm than good.

If kiosk reporting were a form of no supervision as some critics allege, one might speculate that increasing the use of the system to include a greater proportion of probationers would decrease the deterrent function of probation and lead to increased criminal behavior. Our analysis of the data indicates that expanding the kiosk system to include all probationers identified as low-risk was associated with a small reduction in subsequent criminal behavior. More importantly, the more intensive supervision provided to the higher-risk probation track was associated with a significant decrease in two-year re-arrest rates. It is important to note that we don’t conclude that implementing the kiosk system ‘caused’ the decrease, but that it was associated with such a decrease — which should allay to some degree the fears that kiosks might lead to more crime.

In terms of future directions, we have presented a relatively straightforward argument, and a comparison of arrest and reporting outcomes for two comparable cohorts. There is substantial



agreement that any recidivism analysis should include multiple measures of recidivism when possible (Maltz, 1984). Thus, a more comprehensive recidivism analysis using multiple measures of subsequent criminal behavior and misconduct would provide a better overall picture of the consequences of implementation for both low and high-risk probationers. It would be especially useful to examine violations of probation, data to which we did not have access.

From a management perspective, assessing probationer perceptions of the system could be extremely informative. Decreasing the failure rate in reporting to the kiosk, for example, might involve relatively minor changes in probationer understandings or perceptions of the system and its consequences for supervision. We have already noted that some kiosk changes were based on issues raised by the field staff; it is entirely possible that seeking the input of those reporting to the system could result in additional changes that would improve reporting in general.

More sophisticated methodological analysis of the data is also warranted and would enable a more in-depth understanding of the system. Conducting a survival analysis, for example, would provide a better understanding of when probationers are at the greatest risk of failure. This could be especially useful in understanding how and whether transitions between different supervision tracks ("stepping-up" or "stepping-down") might result in changes in the risk of failure. This is especially true of the process of reducing supervision intensity of high-risk probationers for good behavior after the first year. In addition, a multivariate analysis controlling for criminal history and other socio-demographic variables can inform both supervision policy as well as risk assessment.

Ultimately, the use of kiosk systems, especially as implemented in NYC, has a strong practical rationale, and is grounded in theoretical and empirical evidence. Our analysis suggests that automated reporting and the use of kiosks has multiple benefits, and at least from the evidence presented here, does not appear to increase threats to public safety. This is largely a consequence of focusing the use of automated reporting on probationers who are low-risk and pose little threat to community safety from the outset. There are still outstanding questions for many agencies that our analysis cannot answer. But as a first step in the assessment of kiosks as a tool in probation supervision, our findings lend support to the use of such systems. As probation agencies continue to struggle with many of the issues elaborated here, they will need to continue to be innovative as they respond to increased pressures to effectively supervise probation populations and maintain community safety.

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# MONITORING AND MANAGING PROBATIONERS' COMPUTER USE

by

Greg Brown

There are over 1.3 billion Internet users in the world today. In the United States 71.4% of the population uses the Internet (Miniwatts Marketing Group, 2008). Digital evidence is part of almost every crime investigation (computers, cell phones, PDAs, voice mail, email, texting, peer-to-peer, iPods, etc.). The presence and importance of digital evidence is rarely overlooked during the investigation phase of most offenses.

The importance of digital evidence is often lost once an offender is convicted and sentenced to community supervision. Lack of resources, training, and qualified staff combined with exhausting case load sizes often relegates computer management of convicted offenders to a wish list item rather than an operational standard for many probation departments. Departments struggle to keep up with changing and disparate case law concerning computer monitoring of probationers. Marketing by other more established technologies such as substance use testing, DNA testing, electronic home monitoring, and GPS tracking often relegate computer management to a lower priority. While these technologies are important additions to modern community based supervision, the computer is a window into the offender's mind.

Two types of offenders warrant a reexamination of the importance of computer management; cyber criminals and sex offenders. Cyber criminals utilize a computer and the Internet as an instrument of their offense. Hackers, Phishers, Phrauders, and Intellectual Property offenders use computers as a primary tool when committing their offenses; it is their "weapon of choice." Their computer usage post-conviction should be carefully managed. Fortunately, for most state and local probation departments, this type of offender constitutes a small percentage of their caseload. The basic principles of computer management are the same for cyber criminals and for sex offenders. The scope of the management, however, varies between these two offender types. This article will focus on sex offender computer management, as these offenders often represent a sizable and growing proportion of most departments' case load and monitoring is often more complex in its implementation. Additionally, the Internet provides access to a deviant subculture that can undermine treatment and supervision.

## Need For Management

Computer and Internet access poses substantial risk to proper treatment and containment of sex offenders. The prevalence of sexual material on the Internet makes it risky for convicted sex offenders to have unmanaged access (Tanner, 2007b; Tanner, 2007c; Tanner, 1998). The Center for Sex Offender Management has published guidelines for appropriate containment of offenders in the community (Center for Sex Offender Management, 2000). These guidelines require on-going monitoring of an offender's computer use to ensure responsible/healthy interactions and behavior.

In a survey of 732 probation officers across six states, researchers found officers with experience in managing sex offenders were using prohibitions against possessing or using pornography

(English, Pullen, and Jones, 1996) demonstrating that these officers clearly understood the relationship of inappropriate Internet use, sexually explicit material, and its deleterious effect on both treatment progress and public safety. State-of-the-art treatment approaches focus on challenging cognitive distortions that support sexual abuse. When an offender spends one to three hours a week interacting with professionals addressing deviant thoughts and cognitive distortions and can spend dozens of hours finding Internet material that reinforces deviant thought, it is highly likely that the deviant thoughts will continue and treatment will be ineffective, increasing the risk of a new victim.

In a study of 128 offenders in the community and in treatment for up to 2 years, 82% admitted engaging in high risk behavior during supervision, while 45% were found to have viewed sexually explicit material. Of particular interest is that only about one quarter of those using sexually explicit material tried to hide it from the treatment team or polygraphers (Tanner, 1998). This indicates the offenders tend to believe supervising officers don't see this type of behavior as inappropriate. Proper management of computer use reinforces conditions of supervision prohibiting such behavior.

Moreover, information gained from examining and monitoring the computer use of offenders can augment containment and treatment by external agencies, thus enhancing public safety (Tanner, 2007a). Examination of a computer early in supervision accelerates disclosure of new and/or potential multiple paraphilias, while on-going monitoring ensures compliance with conditions of supervision and increases offender containment.

## Common Concerns With Computer Management

Those agencies not engaging in computer management generally offer two reasons for not implementing management approaches: A) 4th Amendment issues; and B) lack of technology or qualified staff.

### Search Issues

The most common resistance to implementing computer management is a concern for the 4th Amendment rights of the offender. Marc Harrold, Senior Counsel at the National Center for Justice and the Rule of Law, has described computer management as a "Virtual Home Visit" (Harrold, 2006a). In his comprehensive article, he argues proper computer monitoring poses no 4th Amendment challenges, but is rather part of a reasonable and necessary set of conditions of supervision (Harrold, 2006b).

While Circuit Courts have held we cannot routinely prohibit offenders from accessing the Internet, they have also regularly held that setting reasonable conditions against inappropriate use is acceptable (U.S. v. Grennan 2007; U.S. v. Hill 2007; U.S. v. Vinson 2005; U.S. v. Simmons 2003; U.S. v. Ristine 2003). However, departments must establish conditions which clearly specify the Internet behaviors and content which are prohibited (U.S. v. Antelope 2005; U.S. v. Cabot 2003; U.S. v. Guagliardo 2002; U.S. v. Loy 2001). A sample set of conditions adopted by the State of



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Colorado (Tanner, 2005) may serve as a model for developing local conditions.

Further, adopting an approach to monitoring which is based on assessment bolsters a department's position. Combining actuarial risk assessment tools with offender usage patterns yields a grid which assists the officer in determining the need for computer monitoring. As an example of this approach, Brake and Tanner developed a grid which estimates the level of need for computer monitoring of convicted sex offenders. The estimation is a combination of an offender's actual behaviors and scores on psychosexual assessment tools.

### Determining Need for Internet Monitoring: Internet Behavior and Risk for Contact Offenses

		Need for Computer Monitoring While Under Supervision				
Behavior	<b>Very High</b>	High	High	High	High	High
	<b>High</b>	High	High	High	High	High
	<b>Mod-High</b>	Mod/ High	Mod/ High	High	High	High
	<b>Moderate</b>	Moderate	Moderate	Mod/ High	High	High
	<b>Low-Mod</b>	Low/Mod	Low/Mod	Moderate	Mod/ High	High
	<b>Low</b>	Low	Low	Low/Mod	Moderate	Mod/High
		<b>Low</b>	<b>Low/Mod</b>	<b>Moderate</b>	<b>Mod/High</b>	<b>High</b>
		Risk of Contact Offense				

#### Y-Axis – "Behavior"

Historical Internet Styles Related to Child Pornographic Images

**LOW:** Reactive type of user: Incidental use, downloads small amounts of pornography when prompted, OR, less than 1 hour per month spent viewing pornography.

**LOW-MODERATE:** Active user of pornography: Actively seeks images via web pages, OR, more than 1 hour per month but less than 10 hours a month spent viewing pornography.

**MODERATE:** Collector behavior: Actively seeks pornography through file sharing or catalogues material, OR, more than 10 hours a month but less than 30 hours a month viewing pornography.

**MODERATE-HIGH:** Engager behavior: Solicits or grooms children on-line.

**HIGH:** Abuser behavior: Engages in sex with child met on-line, OR, more than 30 hours per month viewing pornography.

**VERY HIGH:** Promoter of commercial behavior: Produces or distributes child pornography.

#### X-Axis – "Risk of Contact Offense"

Risk for Contact Offense Derived from Risk Assessment Instruments

(e.g. RRASOR, MnSOST-R, STATIC/STABLE/ACUTE)

LOW

LOW/MODERATE

MODERATE

MODERATE/HIGH

HIGH

(Brake and Tanner, 2007. Used with permission)

#### Technology and Staff Training

A second common concern voiced by departments is lack of affordable technology and staff training. In recent years both of

these obstacles have been overcome. Computer management consists of an initial inspection of the computer early in supervision and subsequent on-going monitoring (Tanner, 2007b). The initial inspection can be achieved using available free tools provided by several agencies. Some of these free tools are listed in the table below.

#### Free Computer Examination Tools

Tool Name	Agency	URL
Field Search	NLECTC-RM	www.justnet.org/fieldsearch
Helix	E-fense	www.e-fense.com/helix
SPADA	IACIS	www.cops.org
Knoppix	ICAC (among others)	www.icactraining.org

Free capacity building for staff in examination technologies can also be obtained from a variety of agencies.

#### Agencies Providing Capacity Building

Target Group	Agency	URL
Probation/Parole	NLECTC-RM	www.justnet.org/fieldsearch
First Responders/Probation	ICAC	www.icactraining.org
First Responders/Probation	NW3C	www.nwc3.org
Law Enforcement	Search	www.search.org

On-going management is accomplished by one of two primary methods; repeated examinations or monitoring software (Tanner, 2007b; Harrold, 2006b). The repeated examination approach requires the supervising officer to routinely examine the offender's computer utilizing a computer examination tool. Repeated examinations are not recommended as a primary tool for managing offenders' computers (National Law Enforcement and Corrections Technology Center, 2007). Monitoring software as a method for managing computers has several distinct advantages over repeated examinations. Tanner (2007b) points out several advantages of utilizing monitoring software.

First, since it actually captures what the offender is doing, it increases the probability of catching offenders who try to defeat examination tools by using techniques such as layered images, encryption, steganography, or simply putting images inside other applications (e.g. JPG images buried in Word Documents). Detection of these "masking" practices using repeated examinations is time consuming and requires specialized training. A field officer using properly configured monitoring software would catch the offender attempting to use these techniques.

Second, monitoring software can reveal the contents of items viewed or manipulated (but not printed) from removable media. Standard forensic approaches rely on artifacts being found in logs, swap files and print spool files to detect this activity. Sophisticated users can view and manipulate material in ways that leave an extremely limited trail for standard forensics to detect. Properly configured monitoring software will create a clear trail of the offender's actions. In brief, monitoring software will increase the probability of catching certain types of illicit computer activity.

Third, monitoring software is more time efficient. Using monitoring software, a supervising officer can review a month of the offender's computer usage in about ten minutes. However many departments choose to use repeated examinations as the primary tool for fiscal reasons.

There are several companies which have developed software applications which can be installed on the offender's computer to monitor the offender's computer use (Tanner, 2007b; Harrold, 2006b). These applications substantially reduce the work load of supervising officers and enhance the efficiency of computer monitoring. These relatively low cost (usually far less than the monthly Internet fees charged by Internet providers) approaches rely on technology to assist the officer in managing the offender's computer use and are the recommended approach to computer management.

Essentially, monitoring software works off a simple premise; when the computer boots, the monitoring software automatically runs. The software hides in the background and routinely captures the computer's activity for later retrieval or mirrors the activity to an external server. Some programs automatically forward the usage reports to the officer via email. Most monitoring programs are software selectable to capture pictures of the actual screens on the computer, email exchanges, chat room participation, Internet activity, peer-to-peer, social networking sites (e.g. MySpace), applications run, and every keystroke typed. Officers can review the data or be sent email reports of the offender's activity. Some monitoring software hides its data on the drive in encrypted files, others mirror the activity to a remote server. Both types of monitoring software are password protected to prevent offenders from turning off the process or seeing the parameters of monitoring.

Supervising officers either sit at the offender's computer to review the captures or, in the case of a mirroring system, access data from any Internet connected computer. Several of the agencies providing management software also provide free or inexpensive training in the use of their product. All provide on-going support in the use of their product.

### Conclusion

As we are increasingly immersed in a digital world, probation must consider the digital life of offenders in our supervision plans. Offenders can use computers or the Internet as instruments of their crime or as on-going support for anti-social ideation. In either case, adequate supervision must involve conditions of supervision which regulate and manage the offender's computer use.

The technology and capacity building to achieve proper computer management is readily available to Probation. Departments should work with their Bench, local prosecutors, and department legal advisors to develop policies and procedures establishing proper conditions of supervision regarding computer use. These conditions should be systematically monitored for offender compliance.

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## OFFENDER TRACKING TECHNOLOGIES: WHERE ARE WE NOW?

by

George Drake

### A Brief History

In a 1991 article in *The Futurist*, Colorado parole officer Max Winkle (1991) writes about a day when prisons would have no walls. Inmates assigned to these “walking prisons” would be electronically tracked. Should they be so foolish to stray from their appointed schedule, the inmate would be “zapped” as a not so subtle reminder that their every move is being monitored. With great foresight, Winkler envisioned inmates being assigned restricted areas to stay away from and other areas that required their attendance.

A member of the technical staff at Lucent Technologies, Dr. Joseph Hoshen, was enamored with this concept. Having the technical background that Winkler lacked, he envisioned how such a system could be constructed. They teamed up, along with J. Sennott and penned “Keeping Tabs on Criminals,” the first serious article on offender tracking which was eventually published in IEEE’s *Spectrum* in 1995 (Hoshen, et al.). Hoshen was later awarded the first offender tracking patent for his design (U.S. Patent Office, 1995).

Meanwhile, an initiative was underway at Sandia National Laboratories in New Mexico researching the same topic. The labs had been approached by the New Mexico Corrections Department asking about technologies that were available for tracking offenders under their supervision. Sandia had developed many technologies applicable to this concept and was eager to become involved. On May 5, 1994, a Cooperative Research and Development Agreement was made with Spectrum Industries, a Santa Clara, California firm. They were selected to commercialize what was called the “Metro Track” system. Although the business venture was not successful, an important seed was planted. It would not germinate until 1997 when Pro Tech Monitoring, Inc., developed the first successful business model for tracking criminal offenders using GPS technology.

The first tracking device was carried by offenders in a back pack. Conceptually, it was the same as many of the two-piece devices on the market today. It consisted of a cell phone, GPS receiver, and a battery all integrated into a box weighing several pounds. The box was electronically tethered to the offender with a transmitter attached to the offender’s ankle. Although the GPS chip set used was primitive by today’s standards, and the cell phone used was a power hog, the system was considered a breakthrough and it launched a new era for the criminal justice system.

### The Current State of the Industry

The days of the bulky tracking devices in backpacks are gone forever. Today’s equipment is much smaller, powered with state-of-the-art battery technology and available with more features than ever before. As the equipment has improved, the cost has dropped. Active tracking units typically were leased for \$10 to \$12 per day ten years ago. Now agencies commonly lease the equipment for \$8 or less. The development of passive GPS tracking systems, which usually download stored tracking points just once each day, are now being offered for just \$4 each day. This

is approaching the cost of home detention systems (RF) causing some agencies to abandon their RF programs in favor of passive tracking. According to estimates from the leading manufacturer of tracking equipment, there are approximately 30,000 offenders currently being tracked with this technology (Drews, 2007). The growth curve suggests this figure will increase dramatically over the next few years.

Much of the demand for offender tracking products has come from legislative mandates. Thirty-three states have enacted legislation requiring that this technology be used on predatory sex offenders (EMRC, 2007). Many of these states have not yet implemented the programs while several other states have newly formed programs that are just beginning to grow. Considering there are over 625,000 registered sex offenders in the United States, there appears to be plenty of room for continued growth for the use of offender tracking technology (NCMEC, 2007). California has begun using this technology to track gang members, while other jurisdictions are utilizing the devices to monitor habitual burglars, track domestic abusers and to protect victims. There appears to be no end to the potential uses for this technology in the criminal justice field.

A decade ago, there was just one manufacturer of offender tracking equipment. Today, seventeen companies are in the industry. This is great news for agencies. Not only has the competition driven the prices down, but agencies are now more likely to find products that have features that will better meet their specific needs. New features on the market include voice communication through the tracking device, audible and vibration alerts to warn offenders of schedule violations, improved software for user friendly case management, superior mapping technology with playback capabilities and mobile restriction zones which can be used to keep an offender away from other tracked participants, just to mention a few. As the utilization of this equipment increases, more innovations can be expected and leasing costs for the equipment may drop even further.

One of the more significant developments is the emergence of one-piece tracking devices. There are many benefits to a one-piece unit. The one-piece devices allow for less inventory of equipment. There is no need to tether the tracking unit to another device to assure the equipment is always with the offender. Offenders are often irresponsible and are not likely to consistently comply with a requirement to have an unattached tracking device with them. “Bracelet Gone” alarms often overwhelm an agency’s staff. With a one-piece unit, these reports are eliminated.

On the other hand, the one-piece devices often do not provide the same level of security as many of the better two-piece devices. It is easier to intentionally shield most one-piece devices, creating the potential of offenders entering exclusion zones undetected. One-piece devices cannot utilize motion sensing technology which can increase the number of occurrences that offenders must exit a building to reacquire GPS. Also, most one-piece devices cannot be used in rural areas which lack cell phone coverage. These devices rely entirely on cellular communication while many two-piece devices can communicate with the monitoring center with a landline when



placed in a docking station. Agencies should carefully evaluate these factors before assuming a one-piece device is best for them.

One of the most exciting capabilities of offender tracking technology is the ability to automatically correlate historical offender data points with known crime scene information. By cross referencing Uniform Crime Report data against the recorded location information of tracked offenders in a community, potential crime suspects can be found (or eliminated). Two vendors currently offer this valuable service. Agencies are able to generate customized reports that identify which offenders were near the scene of a crime.

The behavior modification value of this process is just now being fully realized. If an offender understands that all his location information will be cross referenced with crime scene data, he will probably think twice before committing a crime. He has three options to consider. First, he can choose to commit the crime knowing there is a high level of certainty that he will be caught. Second, he may choose to abandon his tracking equipment prior to committing a crime. This will promptly result in a serious sanction for a program violation. The agent assigned to supervise the offender should share the program violation with other law enforcement officials and the offender should be considered a suspect in all crimes occurring after the equipment was abandoned. The third option is to not commit the crime. It is felt that most offenders, when faced with such a high level of accountability, will begin to make better choices and learn to exercise more self control.

#### Current Uses for Offender Tracking Technologies

As discussed above, the most common use for offender tracking is the monitoring of predatory sex offenders. Understandably, these offenders generate a great deal of concern to the general public and officials have found this technology to provide some degree of relief. Considering the behavior modification value of this equipment, one can only imagine the amount of sexual exploitation that has been avoided. However, it should be realized that if a predator is highly motivated to re-offend, this technology can do little to stop him. A child molester can lure a potential victim to a location allowed by his program schedule and commit a crime against the child. The system may be able to place the offender at the scene of the crime after the fact, but it can do little to prevent the act from occurring. The public should be made aware of technology's limitations and expectations should not be allowed to get too high.

Similar concerns exist when the equipment is used to protect victims, especially those of domestic violence. The best equipment on the market may often be able to alert a victim before an offender can reach him/her. However, no guarantees should be made that this will always happen. Only a couple of vendors offer "floating" exclusion zones, which are buffers (usually with a radius set for a mile or more) which float with the victim's movements, who has also agreed to be tracked. An outraged domestic offender may abandon or shield his equipment prior to committing another abusive attack against the victim. Again, the offender can be arrested for his activities, but not until after the damage has been done.

Offender tracking equipment is now being used to monitor gang members. A recent initiative in California is the boldest effort underway to use this technology to address gang-related problems. By tracking gang members, program managers can be alerted when tracked gang members associate with one another or loiter in areas where gang activity is prevalent. Gang mem-

bers are typically prolific criminals. The crime scene correlation features of an offender monitoring system can be used to catch gang members who are criminally active.

Offender tracking technologies are most valuable when an offender's criminal behavior is location specific. For example, when a burglary is committed, a police report is filed showing the exact location where the crime occurred. On the other hand, internet crimes can occur from anywhere where an offender has web access. If an agency's objective is to use offender tracking technology to reduce their offenders' criminal behavior, the agency should understand that they will reap more benefits when targeting criminals who commit location specific crimes.

#### Indoor Tracking Advancements

During an August 1993 strategy meeting in Albuquerque, New Mexico, various approaches to offender tracking were being discussed. At the time, satellites were just being launched to create the Global Positioning System (GPS). When considering this up and coming technology, a prominent scientist employed by Sandia National Laboratories declared that GPS was "exactly the wrong technology" to use for the tracking of offenders. Citing the system's weak signal transmission strength, he expressed his concern in using GPS to track people, who typically spend most of their time indoors. The technology was designed for outdoor navigation applications and its signals could not penetrate the shielding provided by most structures.

This insightful scientist hit the nail on the head by quickly identifying the primary limitation of using GPS to track offenders. Yet, the prospect of using a "free for the taking" location infrastructure was much too alluring for entrepreneurs to pass up. Also, the idea of tracking offenders with satellites in space had a magical futuristic ring to it that made marketing the concept exciting. Using terrestrial-based systems to track offenders would have been much more effective, but the cost of building the infrastructures would have been pricey. Even the most optimistic wide-area terrestrial system's coverage would have been limited to a large urban area. It would not have been practical to build these infrastructures in rural settings.

It has been estimated that people are indoors 85% to 90% of the time (Russo, 2006). To say the offender tracking industry has faced a challenge in monitoring offenders in these shielded conditions is quite an understatement. However, there have been a number of innovations that have emerged, making GPS tracking of offenders more plausible than ever before. Other exciting developments may be just around the corner.

Initially, in order to keep track of an offender when he entered a compromised RF environment, the systems simply sent the offender an automated alert advising him that he needed to go outside and reacquire GPS. One can imagine the difficulties this caused. Employers did not appreciate the reduced productivity of the offenders, instructors could not allow the disruption this caused in a classroom and counselors were upset with the constant interruptions during counseling sessions. Clearly, the technology needed to improve.

The first innovation to address this problem was the incorporation of motion sensing technology into the tracking devices. Whether using a mercury switch, a "ball in a can," or other technologies, the better two-piece tracking devices can sense whether they are in motion or at rest. If a tracked offender enters an office building, he can set the tracking device on his desk. Even with

no GPS coverage, his last acquired location point is deemed to be relevant, assuming the tracking device continues to be at rest. When using this type of equipment, alerts to the offender to reacquire GPS only need to be sent when the tracking device is in motion and there is no GPS. Most supervising officers will quickly point out that the number of "motion, no GPS" alarms are still too high and they cannot all be responded to. Yet, if the officers do not follow up on each of these alarms, there is a risk that an offender could be intentionally shielding the assigned tracking device and travelling to an exclusion zone undetected.

One-piece devices cannot utilize motion sensing technology. These devices are constantly in motion, even when an offender is sleeping. Some manufacturers of one-piece tracking devices detect motion when GPS is absent by monitoring the cell tower the device is communicating with. If the cell changes, it is assumed that the tracking device has moved. When this occurs, an offender is alerted to reacquire GPS and an alarm is sent to the supervising agency. There are two problems with this approach. First, cells can be quite large, giving offenders ample opportunity to shield their equipment and travel within a cell (which may contain exclusion zones) undetected. Some rural areas have only one cell tower, giving the offender an opportunity to travel throughout his community with no real accountability. The second problem is making the assumption that the offender has travelled with a shielded device when communication is handed off from one cell tower to another. Simply moving from one side of a building to another may be sufficient to establish communication with a new cell tower. Although it is an improvement in the one-piece design, detecting motion by monitoring which cell towers are utilized is not a very reliable method.

There is one vendor offering a one-piece unit that utilizes another location technology that claims to track much better in shielded conditions. Using Advanced Forward Linking Trilateration (AFLT) as the backup location methodology, multiple cell towers are used to pinpoint the location of a receiver. It is available only with CDMA cellular service. The NLECTC recently tested this equipment and found it performed very well in most moderately shielded environments. Accuracy was typically within 50 feet when the equipment was shielded. To date, this appears to be the most important indoor tracking advancement in the industry.

### The Future of Indoor Tracking

With this one company having made a breakthrough in indoor tracking capability, other vendors are scrambling to match or surpass this technique. There are a number of technologies available for these vendors to consider. A west coast firm has developed a means of determining location by measuring the time difference of arrival of television and radio signals originating from different transmission points. A Florida company, using the same concept, establishes location by monitoring the area's public safety radio network. Location will soon be calculated by monitoring and reporting available WiFi and WiMax networks that are in the vicinity.

Within the next several years, the Europeans, Russians, and Japanese will be launching their versions of GPS. Chip sets are already being built that will listen for signals from multiple satellite location systems. The more satellites that a device is designed to hear, the more likely enough signals will enter partially shielded environments to calculate location. These new systems, and the next generation of the GPS system, are all expected to have increased signal strength, which will further help locations to be established in difficult environments.

One California firm is proposing the use of three axis accelerometers to not only detect motion, but to actually estimate the direction and speed a tracking device is moving while GPS signals are lost. This approach requires only periodic acquisition of GPS to establish "dead reckoning points" to be effective. The rate of accuracy degradation is a matter of debate among some of the vendors. Obviously, the more frequently GPS is acquired, the more accurate the tracking in compromised conditions will be. This is an interesting development in the offender tracking industry and will hopefully be the focus of significant testing and evaluation in the near future.

### A Valuable Resource

The Electronic Monitoring Resource Center (EMRC) website is a valuable resource for any criminal justice or law enforcement agency that uses electronic monitoring technologies. Created by the National Law Enforcement and Corrections Technology Center, EMRC is a password protected site that is designed to be a secure environment to exchange information about programs' successes and problems. The site covers a variety of relative topics, including, news articles, legal issues, legislative initiatives, program assistance, technology updates, new legislation, procurement help and recent research. There is no cost to use this service. An interested agency may log on to <https://emresourcecenter.nlectc.du.edu> to register for a logon and password. Navigating the world of offender tracking technology is challenging, and should not be attempted alone. This is an extremely helpful resource, and everyone involved in tracking offenders should be regularly using EMRC.

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## NEWS FROM THE FIELD

### ONE IN EVERY 31 U.S. ADULTS WAS UNDER SOME FORM OF CORRECTIONAL SUPERVISION AT THE END OF 2006

The adult correctional population in the United States — incarcerated or in the community — reached 7.2 million men and women, an increase of 159,500 during the year, the Justice Department's Bureau of Justice Statistics (BJS) announced on December 5, 2007, in a new report. About 3.2 percent of the U.S. adult population, or 1 in every 31 adults, was in the nation's prisons or jails or on probation or parole at the end of 2006.

The number of men and women who were being supervised on probation or parole in the United States at year-end 2006 reached 5 million for the first time, an increase of 87,852 (or 1.8 percent) during the year. A separate study found that on December 31, 2006, there were 1,570,861 inmates under state and federal jurisdiction, an increase of 42,932 (or 2.8 percent) in 2006.

During 2006 the number of inmates under state jurisdiction rose by 37,504 (2.8 percent). The number of prisoners under federal jurisdiction rose by 5,428 (2.9 percent).

In 2006 the number of prisoners in the 10 states with the largest prison populations increased by 3.2 percent, which was more than three times the average annual growth rate (0.9 percent) in these states from 2000 through 2005. These states accounted for 65 percent of the overall increase in the U.S. prison population during 2006. The federal system remained the largest prison system with 193,046 inmates under its jurisdiction.

At year-end 2006, state prisons were operating between 98 percent and 114 percent of capacity, compared to between 100 percent and 115 percent in 2000. This trend indicates that prison populations are increasing at the same rate as expansion rates.

Last year 7.2 percent (113,791) of state and federal inmates were held in private prison facilities; another 5.0 percent (77,987) were held in local jails. About a quarter of all inmates in privately-operated facilities were being held for the federal system.

On December 31, 2006, there were 798,202 adult men and women on parole. Parolees are criminal offenders supervised conditionally in the community following a prison term. The parole population grew by 17,586 — an increase of 2.3 percent. This was greater than the average annual increase of 1.5 percent since 1995.

Of those adults on parole on January 1, 2006, (665,300) and those released from prison to parole supervision during the year (485,900) from the 46 jurisdictions that provided information, about 16 percent were re-incarcerated. This percentage has remained relatively stable since 1998.

Of those parolees still under supervision at yearend 2006, nearly 2 in 5 had been convicted of a drug offense, while about 1 in 4 had been convicted of a violent or property offense.

Fourteen States reported double-digit increases in their parole population in 2006, led by North Dakota (up 23 percent). Double-digit decreases were reported in three States, led by Oklahoma (down 29 percent).

More than 8 in 10 offenders (4,237,073) under community supervision on December 31, 2006, were on probation. Probationers are criminal offenders who have been sentenced to a period of conditional supervision in the community, generally in lieu of incarceration. During 2006, the probation population increased by 70,266 probationers (1.7 percent).

About half of all probationers had been convicted of a felony (49 percent), about half were convicted of a misdemeanor (49 percent), and 2 percent were convicted of other infractions. More than 7 in 10 were on probation for a non-violent offense, including more than a quarter for a drug law violation and a sixth for driving while intoxicated.

Five states accounted for more than half (57 percent) of the growth in the probation population during 2006: California (up 13,447), Minnesota (up 8,411), Alabama (up 7,159), Colorado (up 6,594), and Pennsylvania (up 4,664).

Of the 2.2 million probationers who exited supervision during 2006, almost 6 in 10 completed their full-term sentence or were released from supervision early; nearly 1 in 5 were incarcerated.

The two reports, *Prisoners in 2006* (NCJ-219416), and *Probation and Parole in the United States, 2006* (NCJ-220218), were written by BJS statisticians **Heather Couture**, **Paige M. Harrison**, and **William J. Sabol**, and **Thomas P. Bonczar** and **Lauren E. Glaze**, respectively.

The reports are available at [www.ojp.usdoj.gov/bjs/abstract/p06.htm](http://www.ojp.usdoj.gov/bjs/abstract/p06.htm) and [www.ojp.usdoj.gov/bjs/abstract/ppus06.htm](http://www.ojp.usdoj.gov/bjs/abstract/ppus06.htm)

For additional information about the Bureau of Justice Statistics' statistical reports and programs, please visit the BJS website at [www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs).

### NEW CONSERVATOR BRINGS ABOUT CHANGE AT THE TEXAS YOUTH COMMISSION

Former federal and state official **Richard Nedelkoff** was named conservator of the troubled Texas Youth Commission on December 19, 2007, by Governor **Rick Perry**, reported the *Austin American-Statesman*. In this position, he will have to moderate a high-stakes political debate over whether the state's most serious youth offenders and delinquents can be properly dealt with in the current system of far-flung juvenile prisons. The system has been criticized as untenable by some juvenile justice and criminal justice experts, who cite political interference, administrative staff holding interim positions who possess no juvenile justice experience, and a lack of visionary focus as problems the conservator will have to address.

"There is the ideal world of having as many of these kids in communities as close as possible to where their families live, and there is the reality of the current facilities," said Nedelkoff.

Nedelkoff, a lawyer who had previous juvenile justice experience in Florida, served as Perry's initial Executive Director of the Texas Criminal Justice Division in 2001, a position he was appointed to in 1998 by Perry's predecessor, **George W. Bush**. President Bush brought Nedelkoff to Washington to serve as Director of the Bureau of Justice Assistance in the U.S. Department of Justice. While with the Governor's Office and with the Bureau of Justice Assistance, Nedelkoff was a strong proponent of police-probation partnerships. Most recently, Nedelkoff served as the Chief Executive Officer for Eckard Youth Alternatives, a private nonprofit organization running residential programs for at-risk youth in ten states, based in Clearwater, Florida.

Most juvenile justice experts praise the appointment of Nedelkoff to the position. According to the Austin newspaper, Nedelkoff has brought to the agency "the juvenile justice expertise it needs to evolve from a state embarrassment into a national model for reforming young offenders."



## Executive Exchange

In addition to assessing the status of the Texas Youth Commission and advancing organizational reforms, Nedelkoff will be responsible for selecting permanent staff, including the Executive Director.

On January 14, 2008, following a meeting with Nedelkoff, **Billy Humphrey**, the agency's Deputy Director, resigned. Humphrey, who had been with the agency for about six months, had championed a "use pepper spray first" policy against violent youth in state-operated juvenile facilities. According to *The Daily Texan*, staff grievances filed in October alleged that Humphrey retaliated against those who questioned his pepper spray policy.

Acting Executive Director **Dimitria Pope**, who had been with the agency since June 2007, resigned under pressure on February 11, 2008. According to the *Dallas Morning News* and several other newspapers, Pope had been given the option of resigning or being fired. Also leaving with Pope was **Mickey Neel**, her Chief of Staff.

On February 19, 2008, Nedelkoff released a 60-day report of his activities as conservator of the troubled agency. That report is as follows:

### Introduction

On December 19, 2007, Governor Rick Perry appointed me as the Conservator of the Texas Youth Commission, replacing Ed Owens who retired from state service. I am the third person to hold this position since reform efforts began at the Texas Youth Commission in March 2007. Much foundation work and the implementation of immediate and urgent reform measures had already occurred before I received my appointment. My task is to take the reform and rebuilding effort to the next level.

I want to applaud the efforts of those in agency leadership positions before me who have clearly worked diligently to begin the monumental task of reforming, strengthening, and improving TYC. I believe the agency is poised to make a strong recovery and meet the expectations that it will be a national model for the rehabilitation of juvenile offenders. In my nearly three decades of work in juvenile justice at six different agencies in five states and at the federal level, I have seen no other agency more ready to heal.

This endeavor remains a daunting challenge involving many interested parties — the dedicated staff who have remained at the agency through this difficult time; those who have decided to join our team despite the turmoil; our volunteers who continue to support the agency; our youth; the advocacy groups and independent oversight partners who help ensure youth rights are protected and that our kids are safe; the parents and youth who have made the commitment to be active in reform; and the legislative members and state leadership who are investing tremendous energy and resources in TYC. There is much work ahead, but I am both excited and optimistic about the prospects.

My ultimate desire is that Texans will be proud of TYC. When reform is complete, we will all see measurable results. Everyone will be able to say, without a doubt, that juvenile

offenders are rehabilitated in Texas because their treatment programs work.

### Goals

Upon being named Conservator, I immediately embarked on critical tasks of increasing communication with TYC staff and stakeholders, and bringing in national experts, associations and organizations for independent review of TYC operations and programs.

While our efforts in those areas will continue, over the coming months my goals are to:

- Establish the framework for TYC's future and set clear priorities that reflect a "balanced" approach with equal emphasis on security and treatment.
- Focus on getting "back to the basics" by concentrating on training and staff development, child safety, and treatment and rehabilitation.
- Appoint a permanent executive with strong juvenile justice credentials.
- Establish a permanent management team for the future, making the necessary staff reassignments.
- Be an active conservator by establishing proactive leadership and fully utilizing the authority of the statute.
- Establish better coordination and communication among the divisions of TYC.
- Build the infrastructure for the future by developing strong quality assurance, contract monitoring, and information systems.
- Establish potential benchmarks for the conservator's departure.

### Accomplishments

#### *Open Lines of Communication*

- Met with senior management staff, middle management, facility superintendents, and assistant superintendents regarding the state of the agency, current reform efforts, and various initiatives underway or scheduled to be underway.
- Instituted weekly communications with all TYC staff, briefing them on actions I am taking, and soliciting feedback.
- Initiated monthly teleconferences with TYC facility superintendents.
- Solicited staff comments on what is and isn't working at TYC, which reforms are showing success, and asked for recommendations.
- Made key changes to the permanent management team, including moving some personnel into positions of strength to ensure TYC maximizes its human capital.
- Conducted outreach to juvenile justice partners in Texas, including the Texas Board of Juvenile Probation, county officials, advocacy groups, and members of the TYC Blue Ribbon Panel.
- Contacted former TYC administrators to get their recommendations on reform efforts within the agency, as well as bringing back a former superintendent.

- Developing a “Framework for Reform” document outlining TYC priorities that will develop the agency into a national model.

**Facility and Program Initiatives**

- Visited numerous facilities, halfway houses and parole offices to talk to staff, conduct preliminary visual assessments, and review policies in place.
- Dispatched a network of nationally recognized juvenile justice experts to assess facilities and programs and provide recommendations.
- Slowed facility-wide implementation of CoNEXTions treatment programs due to reports of limited success at pilot site.
- Unveiled a Girls’ Programming Initiative to assess current rehabilitative services provided to girls in TYC to ensure gender-specific needs are being adequately addressed.
- Hired Dr. Rajendra Parikh, M.D., M.B.A., as TYC Medical Director to supervise and direct the Medical Services Division.
- Secured commitment from the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention to provide training, technical assistance, and subject matter experts to assist TYC with the Girl’s Programming Initiative, our Use of Force task force, and the identification of best practices for residential and non-residential programming.
- Received a commitment from the DOJ’s Bureau of Justice Assistance to provide a wide variety of training, technical assistance and resources to TYC staff, including access to the National Youth Gang Center.

**Policy and Procedure Revisions**

- Withdrawing agency’s proposed policy regarding use of force/pepper spray and formed a task force of national experts and TYC staff to determine the future direction of the use of chemical agents in the agency’s use of force policy.
- Began a thorough review of agency’s isolation policies, including the Anger Management Program and the Behavior Management Program. Determined that while most facilities are following TYC policies and procedures, these procedures are out of date with national best practices and may be having a negative impact of youth. Will shortly implement new policies to correct these deficiencies and bring agency policies in line with national standards.

**Immediate Priority Areas**

While the agency has a number of issues that require swift attention, I have identified certain areas that must be an immediate priority. These areas are currently having a detrimental impact on the youth we are serving as well as TYC staff.

- Staffing — recruitment and retention
- Implementation of the robust treatment program

- Proper utilization of human resources and building an enduring management team
- Classification assessment and management of youth in our system, creating a continuum of care that addresses all needs
- Population management and facility utilization plan

**Immediate Policy Adjustments**

My review of existing agency policies and procedures found several areas in which TYC policies are out-of-line with existing best practices and national standards when it comes to youth care and rehabilitation. I will immediately address the following:

- Review Use of Force/pepper spray policy.
- Implement new policies regarding AMP/BMP isolation.
- Removal of Resocialization phase requirements and reduction of minimum length of stay requirements within these programs.
- Address the failure of many JCO trainees to remain with the agency after completing the 300 hours of training.

**Long-Term Priority Items**

We must begin planning now for how the TYC will look and operate in the future. As we make decisions about current issues, they must be consistent with our roadmap for reform.

- Defining our place in the system. This includes how we will work with the counties and other agencies to ensure seamless youth transitions through the Texas juvenile justice system.
- Building solid long term management information systems, contract monitoring and quality assurance processes.
- Clearly identifying the treatment and security needs of the youth that we serve and effectively build the capacity within our continuum to serve those youth.

**Conclusion**

The Conservator of TYC is charged with providing oversight and direction to the agency. I will use my background and experience to make decisions that are in the best interests of the State of Texas and the Texas Youth Commission, and I accept responsibility for those decisions. I will be an active Conservator who will always have a sense of urgency to achieve our mission. I will establish a clear direction so that the staff, the youth and the public are clear of our priorities and principles. I appreciate the faith and responsibility placed in me by Governor Perry and I genuinely appreciate the support of the leadership in the Texas Legislature.

### McGIBANY RETIRES IN ILLINOIS

NAPE member **Darrell McGibany**, Director of the Madison County Department of Probation and Court Services in Edwardsville, Illinois, retired following more than three decades of service to the probation profession. **Judy Dallas**, the department's Deputy Director, became Interim Director on January 7, 2008.

McGibany began his distinguished career in Madison County in 1974 as a probation officer. Four years later he was appointed Superintendent of the Madison County Juvenile Detention Home, a position he held for ten years. In 1988 he was appointed Associate Director of Probation and Court Services under then Director **Robert Astorian**. In 1966, following Astorian's departure, McGibany was named Director of the department.

McGibany, who holds degrees from Centenary College in Shreveport, Louisiana, Western Illinois University, and the University of Illinois at Springfield, was a leader in Illinois probation. He served as President of the Illinois Probation and Court Services Association and previously served on the Illinois Juvenile Justice Commission.

**Ann Callis**, Chief Judge of the Illinois 3rd Circuit, praised McGibany for his service to Madison County and for his innovative leadership. According to Callis, McGibany was instrumental in establishing programs which have become models for other departments around the state, including a drug court, mental health court, school-based probation, intensive probation for special needs offenders, pretrial services, victim services, and enhanced detention services.

Dallas, who has been with the department for almost two decades, is a graduate of Southern Illinois University at Edwardsville where she earned a bachelor's degree in sociology. In 2002 she was the recipient of the prestigious *Pauline Gansauer Award* presented by the Illinois Probation and Court Services Association; this award is given to an individual who most exemplifies dedication to the profession and commitment to the improvement of probation services in the state.

### PENNSYLVANIA BOARD OF PROBATION AND PAROLE RECEIVES HIGHEST RATING FROM NATIONAL AGENCY

For the second time, the Pennsylvania Board of Probation and Parole has met all of the American Correctional Association national certification standards, widely considered a huge achievement for a statewide criminal justice agency.

A professional peer review process, accreditation includes standards for adult probation and parole agencies that provide community supervision.

**James Dare**, chair of the visiting committee, complimented the board on new initiatives to improve the parole system while maintaining the safety of the staff and public.

"When examining its reentry initiative, we recognized that they are ahead of the curve with the use of evidence-based practices and cognitive behavioral training," Dare said. "The professionalism of staff and their belief that they can help the offender to make positive changes has led them to do their job exceptionally well."

The ACA developed more than 200 standards that address services, programs and other operations to effectively manage the parole system and supervise parolees. Some examples of the standards:

- Appropriate use of a valid risk and needs assessment instrument to guide the supervision of the offender;
- Development of a home plan prior to the inmate's release from prison so that the parole agent can immediately begin working with the offender upon release;
- Creation of well-developed training and staff development programs that are regularly updated and include measurable outcomes; and
- Establishment of an efficient case management system to properly document all interactions with an offender.

"I credit all of the staff within the board for achieving this level of excellence and special recognition," said Parole Board Chairman **Catherine McVey**. "From the administrative staff to the parole agent, each individual does his part to ensure that we fulfill both the letter and spirit of our mission and help keep our communities safer."

The Commission on Accreditation for Corrections announced the re-accreditation of the Board on January 14, 2008, in conjunction with the American Correctional Association's winter conference in Grapevine, Texas. The rating period covered calendar years 2004-2006.

For more information about the Pennsylvania Board of Probation and Parole, visit [www.parole.state.pa.us](http://www.parole.state.pa.us).

### SEDGWICK SELECTED TO HEAD OFFICE OF JUSTICE PROGRAMS

Political scientist **Jeffrey L. Sedgwick**, director of the U.S. Bureau of Justice Statistics for nearly two years, has been designated acting Assistant Attorney General in charge of the Office of Justice Programs. Sedgwick, who is on leave from the University of Massachusetts at Amherst, was appointed in early January 2008 by President **George W. Bush**. He replaces **Regina Schofield**, who resigned last year. It was not immediately clear whether Sedgwick would be nominated to head the agency for the remainder of the Bush administration.

The Justice Programs agency administers federal anticrime grants through the Bureau of Justice Assistance, and includes not only the statistics agency but the research agency — the National Institute of Justice — the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Sedgwick, who also worked at BJS for two years in the 1980s during the Reagan Administration, is a graduate of Kenyon College and the University of Virginia, where he earned a master's degree in public administration and a doctorate degree.

### COMMUNITY RESOURCES FOR JUSTICE ELECTS NEW BOARD PRESIDENT

Community Resources for Justice (CRJ) of Boston, Massachusetts, has elected **Scott Harshbarger** as President of its Board of Directors. In this position, Harshbarger, Senior Counsel to the firm Proskauer Rose LLP, will assist CRJ in enhancing safety and quality of life in Massachusetts and New Hampshire by helping those who are in, or at risk of being in, the adult or juvenile justice systems, those transitioning out of these systems, and individuals with intellectual disabilities requiring intensive support.

"Scott has been a long-time friend of Community Resources for Justice and we are excited that he is leading our Board in their efforts to improve the lives of our most challenged citizens," said



CEO **John Larivee**. "Scott's experience in the legal community brings a new perspective to the importance of CRJ's programs for troubled youth, men and women offenders, and individuals with intellectual disabilities. Together, we will help these individuals become productive members of our communities."

Harshbarger, a resident of Cambridge, Massachusetts, has extensive experience as a public defender, civil rights attorney, district attorney, and served two terms as Massachusetts Attorney General from 1991 to 1999, during which he was elected President of the National Association of Attorneys General, and as President and CEO of Common Cause from 1999 to 2002. Harshbarger built the first Family and Community Crimes Bureau, which focused on family violence issues such as elder and child abuse prosecution and prevention. His Conflict Resolution/Violence Prevention Project earned a Ford Foundation Excellence in Government Award. He also received national praise for his Safe Neighborhoods Initiative to reduce urban crime and violence.

Harshbarger was appointed by Governor **Mitt Romney** in 2003 to head the Governor's Commission on Corrections Reform. He attended Harvard College, received his J.D. from Harvard Law School, and taught at Boston University Law School for twenty years. Harshbarger was also a visiting professor at Harvard Law School for three years, and served as the Hadley Distinguished Professor at Northeastern Law School. He has been involved with public service and charity organizations around the country for decades.

### NEW CHIEF PROBATION OFFICER IN SAN BENITO COUNTY, CALIFORNIA

As reported in an article appearing in the *Hollister Free Lance* on February 5, 2008, San Benito County in California finally has a permanent successor to former Chief Probation Officer **Deborah Botts**. **Brent Cardall**, who spent more than two decades with the Utah Department of Corrections, assumed the position of San Benito County Chief Probation Officer on February 7, 2008.

According to a statement from the San Benito Superior Court, Cardall recently served as director of inmate placement services for the Utah Department of Corrections and holds a master's degree in human resource management from Webster University. Cardall completed his undergraduate degree in criminal justice at Columbia College.

"Mr. Cardall possesses the necessary qualifications to successfully lead the Probation Department," President Judge **Harry Tobias** wrote in a statement. "As well, the Superior Court is pleased that the selection of Mr. Cardall was a collaborative process with the County of San Benito."

### POLICE-PROBATION PARTNERSHIP INITIATED IN PHILADELPHIA

In an article appearing in the *Philadelphia Daily News* on January 17, 2008, Christine Olley writes about a new initiative involving probation and police officers to address the problem of repeat juvenile offenders.

"When you get to 18th and Vine, kiss your mother good-bye." That was the message Philadelphia Family Court Judge **Kevin Dougherty** delivered on January 16, 2008, to future juvenile offenders who might show up in his courtroom.

According to the article, the occasion was the announcement of the Juvenile Enforcement Team (JET), a pilot program which

targets juvenile offenders in the 17th District, which covers the area from Broad Street to the Schuylkill River and Lombard Street to Moore.

Joining Dougherty for the program's announcement were Police Commissioner **Charles Ramsey**, 17th District Capt. **Kevin Bethel**, South Division Inspector **Steven Johnson**, and Chief Probation Officer **James Sharp**.

The program, which commenced last month, pairs police officers and probation officers who identify offenders who are likely to become repeat offenders, and then intensely monitor them through home, school, and job visits. "JET is a unit which targets increased habitual juvenile, gang-related, drug-related violence and gun shootings," Dougherty said.

He added that under JET, probation and police officers share intelligence about at-risk juveniles in the community.

On any given day, approximately 6,000 city youths are on probation and more than 4,500 of those kids are on the street, Sharp said. "We've tried to scale it so we're seeing the youth any where between 10 to 11 times per month," he said. "Probation is not just coming into the building or coming into court to see the judge. It can't only be done within a single confine."

Since the program's inception, officers have recovered drug paraphernalia during police and probation searches and seizures, identified numerous members of known narcotics groups, provided investigators with evidence of the existence of gangs and their operational boundaries, and tracked juveniles in adult custody for shootings within the 17th District.

The aim of this supervision strategy is to ensure that police are aware of the juvenile's potential release from custody and return to the community.

"Ultimately the goals of the program are threefold: public safety for the community and for the safety of the child, reducing juvenile violence and recidivism, and laying the seed to healing these communities," Sharp said.

As for sanctions for failure to adhere to the program, Dougherty said that juveniles who refuse to accept the treatment and supervision through JET could face jail time.

### GOVERNOR CRIST APPOINTS PETERMAN TO HEAD DEPARTMENT OF JUVENILE JUSTICE

On February 8, 2008, Florida Governor **Charlie Crist**, reaching across party lines, appointed State Representative **Frank Peterman, Jr.**, of St. Petersburg to serve as Secretary of the Department of Juvenile Justice (DJJ).

"Representative Peterman's dedication to improving the lives of young people is evident from his 23-year track record of juvenile services work," said Governor Crist. "His six years on the House Juvenile Justice Committee give him a unique perspective on how to continue the improvements we are making in Florida's juvenile justice system."

Elected to the state House of Representatives in 2000, Peterman also serves as senior pastor of The Rock of Jesus Missionary Baptist Church in St. Petersburg since 2002, and as director of development for Juvenile Services Program Inc. of Clearwater since 1988. Before being elected to the Legislature, he was a St. Petersburg city councilman, beginning in 1997.

"This opportunity is a wonderful way to express the department's commitment to Florida's children and young people," said Representative Peterman. "Our devotion to the longevity of implementing prevention programs will have a lasting impact

## Executive Exchange

throughout our state, and the Blueprint Commission's report provides a great roadmap for the work ahead of us."

Peterman's juvenile justice experience includes establishing a mentoring program for African-American male youth through the Urban League of Pinellas County and securing funding and staffing for Blacks Against Dangerous Drugs (BADD). He also served as a juvenile services counselor and was a parole and probation trainee.

A 1985 graduate of Morehouse College in Atlanta, Peterman is replacing **Walter A. McNeil**, who was appointed by Governor Crist last month to serve as Secretary of the Department of Corrections.

**Jennifer Parker**, general counsel of the Department of Juvenile Justice since 2003, will serve as Interim Secretary during Representative Peterman's transition. Parker has worked at DJJ for 15 years, beginning as a senior/regional attorney in 1993 and becoming the chief of delinquency in 1996, supervising 11 attorneys throughout the state.

Governor Crist announced the appointment during a visit to the Dr. Carter G. Woodson African-American Museum with students of the Yvonne C. Reed Christian School. The museum is named for **Carter Woodson**, a son of former slaves who is respected by many as the father of Black History Month for launching Negro History Week in 1926. Like the man whose name it bears, the museum serves to promote community understanding of the values of diversity, equal rights and social justice. One focus of the museum highlights the local role African-Americans have played in the growth and development of St. Petersburg since the late 1800s.

The Department of Juvenile Justice is responsible for providing strong prevention and early intervention services for at-risk youth and minor offenders. A balanced approach also must supply opportunities for rehabilitation for the more serious juvenile offender. The mission of the Florida Department of Juvenile Justice is to protect the public by reducing juvenile crime and delinquency in Florida.

Last year, Secretary McNeil appointed a 25-member Blueprint Commission to receive input from the public and a variety of stakeholders about reforming Florida's juvenile justice system. Earlier this week, the commission presented their recommendations to the Governor and the Florida Legislature. Titled "Getting Smart about Juvenile Justice in Florida," the report will drive future decisions on systematic improvements to the juvenile justice system.

### LAWSON PICKED TO HEAD NEW JERSEY JUVENILE AGENCY

A member of the New Jersey Parole Board and veteran social worker was nominated on January 28, 2008, by Governor **Jon Corzine** to serve as Executive Director of the Juvenile Justice Commission. As reported in an article appearing in the *New Jersey Star-Ledger*, **Veleria Lawson** of Manalapan served as a social worker for the Middletown and Lakewood districts, working on their child study teams for more than two decades, Attorney General **Anne Milgram** said.

Lawson, appointed to the Parole Board in 2004, is one of two members assigned to review juvenile cases. In that capacity, she interviewed youth, helped them develop future goals, and linked them to community programs to ease their transition from corrections facilities.

"Her experience in dealing with troubled kids and families in crisis make her extraordinary well prepared to lead the Juvenile Justice Commission," said Milgram, who recommended Lawson's appointment to Corzine.

The commission has a work force of about 1,800 employees, and operates five juvenile facilities, 15 community homes, and seven daily rehabilitation programs.

Lawson holds a bachelor's degree in sociology from Bennett College in Greensboro, North Carolina, and a master's degree from Howard University School of Social Work. She started her career as a social worker at the University of Medicine and Dentistry of New Jersey in 1974.

Lawson replaced **Howard Beyer**, who retired in August, and **Thomas Flanagan**, the deputy director, who has served as acting director since September.

### NAPE LISTSERV AND WEBSITE

Members of the National Association of Probation Executives should feel free to use the NAPE Listserv to pose questions or share information about relevant topics in the administration of community corrections agencies. Members wishing to send out information on this exclusive service may address emails to **nape\_members@shsu.edu**.

At present there are over 190 members registered on the NAPE Listserv. Members who are not receiving this service but wish to should send an email to **probation.executives@gmail.com**, indicating a desire to be added to the NAPE Listserv. In addition, members who would like to update their email addresses, or add a second email address, should feel free to do so.

In keeping with the Association's policy not to accept advertisements in its publications, the NAPE Listserv will not, as reasonably possible, be used to promote products or services.

If you have not done so recently, please visit the NAPE website at **www.napehome.org**.

# NATIONAL ASSOCIATION OF PROBATION EXECUTIVES

## Who We Are

Founded in 1981, the National Association of Probation Executives is a professional organization representing the chief executive officers of local, county and state probation agencies. NAPE is dedicated to enhancing the professionalism and effectiveness in the field of probation by creating a national network for probation executives, bringing about positive change in the field, and making available a pool of experts in probation management, program development, training and research.

## What We Do

- Assist in and conduct training sessions, conferences and workshops on timely subjects unique to the needs of probation executives.
- Provide technical assistance to national, state and local governments, as well as private institutions, that are committed to improving probation practices.
- Analyze relevant research relating to probation programs nationwide and publish position papers on our findings.
- Assist in the development of standards, training and accreditation procedures for probation agencies.
- Educate the general public on problems in the field of probation and their potential solutions.

## Why Join

The National Association of Probation Executives offers you the chance to help build a national voice and power base for the field of probation and serves as your link with other probation leaders. Join with us and make your voice heard.

## Types of Membership

**Regular:** Regular members must be employed full-time in an executive capacity by a probation agency or association. They must have at least two levels of professional staff under their supervision or be defined as executives by the director or chief probation officer of the agency.

**Organizational:** Organizational memberships are for probation and community corrections agencies. Any member organization may designate up to five administrative employees to receive the benefits of membership.

**Corporate:** Corporate memberships are for corporations doing business with probation and community corrections agencies or for individual sponsors.

**Honorary:** Honorary memberships are conferred by a two-thirds vote of the NAPE Board of Directors in recognition of an outstanding contribution to the field of probation or for special or long-term meritorious service to NAPE.

**Subscriber:** Subscribers are individuals whose work is related to the practice of probation.

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Please make check payable to **THE NATIONAL ASSOCIATION OF PROBATION EXECUTIVES** and mail to:

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