

PRESIDENT'S MESSAGE

A little more than three months have passed since the Reinventing Probation Council of the Manhattan Institute released *Transforming Probation through Leadership: The "Broken Windows" Model*, and interest in this publication continues to grow. Politicians, public officials, and researchers throughout the country are studying this monograph. Too, we are seeing a number of articles in publications peculiar to our profession about the "reinventing probation" movement. Members of the National Association of Probation Executives have reason to be proud of this initiative, because our Association was the first professional organization to join with the Manhattan Institute in promoting a reinvigorated probation system. In addition, it was primarily NAPE members who provided the leadership in this initiative. We all should feel a debt of gratitude to past President Ron Corbett for spearheading this project, which raised awareness of our profession and to our organization.

The Reinventing Probation Council has selected six sites to pilot the "broken windows" model. The six jurisdictions are: the New York City Probation Department; the Bell-Lampasas Counties Community Supervision and Corrections Department in Texas; the Riverside County Probation Department in California; the Stamford, Connecticut, Police Department; the Onondaga County Probation Department in New York; and, jointly, the Maricopa County Adult Probation Department and Maricopa County Juvenile Probation Department in Arizona. Particularly noteworthy is the fact that the heads of these departments, with the exception of the Stamford Police Department, are all active members of NAPE. Over the next year these sites will receive technical assistance funded by the Center for Civic Innovation at the Manhattan Institute



and the Robert A. Fox Leadership Program at the University of Pennsylvania.

The September 21, 2000, issue of *The Wall Street Journal* carried a full page advertisement purchased by J. D. Edwards and Company, which shows a well-dressed man standing in front of an impressive building. In one hand he is holding a briefcase, and in the other is found a large sign with the words "collaborate or die" written on it. While this message's intended target was the corporate world, it is equally applicable to the community corrections profession. Community corrections, if it is to survive as a viable component of the criminal justice system, must collaborate with a host of agencies and organizations to provide meaningful solutions to the country's crime problem.

Gary Hinzman, our guest editor for this issue of *Executive Exchange*, has put together a number of articles that emphasize, in varying degrees, the importance of probation partnerships, particularly as they relate to the law enforcement community. He is to be commended for his efforts.

As we approach the end of the year 2000, it is important to reflect on past activities and to plan for the new year. Our profession provides many vital services, for which we may be proud. Yet there is more we can do. Let us enter 2001 with a renewed enthusiasm to bring enlightened leadership and positive change to the probation profession.

Both personally and on behalf of the Association's Board of Directors, I wish you all an enjoyable holiday season and a great new year!

Dan Richard Beto
President

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GUEST EDITOR'S MESSAGE

Welcome to the Fall Issue of the *Executive Exchange*. I am sure that you will find the articles both exciting and informative. Exciting because they really start addressing some of the questions that have been part of the dialogue and the discussion around the "broken windows" strategies. Informative because in this issue the authors provide some practical guidelines for agencies developing broken windows strategies.

As the dialogue continues it becomes clear that the broken windows strategies do not work in isolation. Those who are working on other contemporary initiatives such as the "what works" programs, restorative justice, or community justice should be able to clearly see that the various strategies work hand and glove. In fact, community justice sets the framework for the others to work within. As the APPA Position Statement on Community Justice already states, "Restorative Justice operates within a Community Justice framework." Likewise is the case for the what works programming and also the broken windows strategies.

The broken windows strategies are built upon community partnerships, community mobilization, and community collaborations that provide both short term and long term public safety. We must do the business of addressing serious violent offenders in the short term while providing the balance of supervision and treatment strategies needed for success in the long term. The primary outcome we seek ought to be "fewer victims in the future." At the same time we must be mindful that often we need to be a part of building "community" where one does not exist, and understanding deep societal issues such as inter-generational rage.

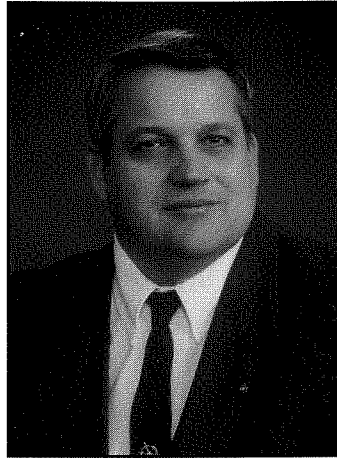
Dr. Rolando del Carmen, who has been on the cutting edge of legal issues in the corrections profession, provides with Derek Paulsen sound advice on the legal aspects surrounding police-probation partnerships. This is a must to read!

Don Evans' short article on police-corrections partnerships in England provides an interesting mix and Dan Betó's article on learning from police practices provides some good food for thought.

Todd Jermstad has written a combined book review on Kelling and Coles' book *Fixing Broken Windows* and the Manhattan Institute's monograph *Transforming Probation Through Leadership: The "Broken Windows" Model*.

I think you'll enjoy spending some time with this edition of *Executive Exchange*. The information is very enlightening and will be a practical guide to your professional endeavors. Sit back and enjoy!

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INFORMATION ABOUT EXECUTIVE EXCHANGE

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

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Submissions for publication consideration should be typed on 8½ by 11 inch paper, double-spaced, with at least one inch margins. Manuscripts should be submitted in duplicate. Persons submitting articles, commentaries, or book reviews should enclose a brief biographical sketch or

resume and a photograph for possible inclusion. Manuscripts exceeding one page in length should be submitted on a computer diskette, with the software used indicated.

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LEGAL ISSUES IN POLICE-CORRECTIONS PARTNERSHIPS

by

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The past few years have seen the initiation of collaborative projects between the police and other components of the criminal justice system, particularly probation and parole. This trend is new and driven by the shift to community policing and persistent criticisms that probation and parole agencies are ineffective in supervising offenders and must do a better job. The assumption is that cooperation between agencies intensifies supervision and reduces recidivism. This collaborative effort will likely be mutually beneficial to corrections and police agencies and can be a win-win situation for the agencies and the public they serve. Nonetheless, there are legal issues that must be addressed if the procedures and results are to conform to legally accepted standards. This paper explores potential legal issues surrounding collaborative efforts between the police and probation and parole agencies. It focuses on legal issues implicated in these forms of collaboration that may lead to lawsuits or hinder effective implementation.

Background

By most accounts, police-corrections partnerships started with Operation Night Light in Boston, Massachusetts, and has since spread to other cities and states. In the Boston program, police and probation officers combined information sharing with joint patrols and curfew checks of probationers who were thought to be criminally active in an attempt to reduce gang violence. Police officers were given information about who was on probation and their probation conditions, so that the police could help supervise offenders. This resulted in the removal from the streets of gang members who were probationers, based on technical violations of their probation conditions rather than new criminal charges (Parent and Snyder, 1999). Although no evaluation has been conducted to determine the effectiveness of Operation Night Light, a simultaneous reduction in homicides, homicides with firearms, and assaults with firearms has made it a model throughout the country for recent collaborative efforts (Parent and Snyder, 1999).

No definitive count has been made of these types of programs. The only study thus far on police-corrections partnerships examined 14 jurisdictions that currently have some form of collaboration in progress, with another ten additional partnerships to be featured in a forthcoming publication (Parent and Snyder, 1999). Among the cities mentioned in the study were Minneapolis, Minnesota, Vancouver, Washington, and

Phoenix, Arizona, with other sources indicating that cities such as New York are also involved in collaborative efforts (Roane, 1999). Many similar collaborations are planned in various states, fueled, in some measure, by a major push from the National Association of Probation Executives and the American Probation and Parole Association to "reinvent probation" (Reinventing Probation Council, 2000). Police-corrections collaboration, which leads to a more intensive supervision of offenders, is a major component of that reinvention.

This joint effort takes many forms, among which are enhanced supervision partnerships, fugitive apprehension units, information sharing partnerships, specialized enforcement partnerships, and interagency problem-solving partnerships. Some partnerships target solving specific problems — such as reducing youth firearms violence or lowering the number of fugitives in a community. Others have broader goals — such as improving neighborhood security or raising the quality of probation supervision (Parent and Snyder, 1999). Regardless of the form used, legal problems can arise because these partnerships involve closer surveillance, intensive supervision, and quicker revocation of offenders.

Legal Issues

Police and corrections officers and agencies traditionally subscribe to differing goals and philosophies in their work. The police investigate and monitor, while corrections officers treat and rehabilitate. The police are governed by one set of legal rules which generally applies throughout the country and is a product of court interpretations of the Bill of Rights. Corrections officers, on the other hand, are guided by rules that are often a product of state law or agency policy and may vary from one agency to another. The police have strict legal limitations on their authority vis-a-vis the public; in contrast, probation, parole, and juvenile officers have immense power over offenders. This power is derived from probation and parole conditions and diminished constitutional rights of the convicted. Because they are new, the legal issues that arise when these two sets of officers work together are largely unidentified, unexplored, and unaddressed.

Among the legal issues involved in these new collaborative efforts are:

- 1) What are the legal limits of the powers of the police when dealing with community based offenders;

- 2) What are the legal limits of the powers of probation and parole officers, when supervising probationers and parolees;
- 3) Can the police do what probation and parole officers can do when working with offenders;
- 4) Can judges, probation authorities, and parole boards delegate to the police the same authority they usually delegate to probation and parole officers;
- 5) Is evidence seized by the police in plain view while collaborating with probation officers admissible in court in a subsequent criminal trial;
- 6) Must the *Miranda* warnings be given in interrogations conducted by the police in the presence of probation and parole officers;
- 7) Are covert searches obtained in the presence of police officers valid, or are they presumably coerced; and
- 8) What are the civil liability implications when the police use probation and parole officers to do what they otherwise cannot do legally.

Each of these issues is addressed below. Because these collaborative efforts are nascent, little case law has addressed emerging legal issues to date, but more cases addressing these concerns are likely to find their way to the courts in the near future. Other issues also are certain to arise as collaborations evolve and other forms of partnerships are used.

The Legal Limits of the Police Power vis-a-vis Offenders

Crucial in the collaboration between police and corrections are the legal limits of police authority when dealing with community-based offenders. These limits arise from the fundamental purpose of policing and are significantly different from those of corrections. Policing is law enforcement oriented, while corrections is primarily geared toward treatment and rehabilitation. In general, police officers are restrained by the same legal limits when dealing with community-based offenders apply in their dealings with the general public. While the police generally need a warrant and probable cause for searches of citizens and their premises and possessions, subject to well-defined exceptions, there are differences in this requirement from one state to another when the police deal with probationers and parolees.

For example, several California court decisions have upheld warrantless searches by police officers of probationers and parolees based on valid probation and parole conditions that allow warrantless searches. In *In re Tyrell* (876 P.2d 445), the California Supreme Court upheld a warrantless search by a police officer of a juvenile probationer based on a condition of probation, despite the officer having no knowledge of the probation provision at the time of the search. During a high school football game, a police officer noticed three juveniles who were reputed members of a gang which had been involved in a shooting incident at the previous week's football game. As the juveniles approached, the officer noticed that one of them was wearing a heavy parka despite the 80 degree temperature. The officer stopped the juvenile and pulled back his coat, revealing a large hunting knife. The officer asked the three juveniles to move over to a fence approximately 15 feet away. As the juveniles walked to the fence the officer noticed one of the juveniles kept adjusting his pants around the crotch area.

During a pat-down of the juvenile the officer felt a large soft object which partly protruded through the juveniles partially unzipped pants. Although the officer was certain it was not a weapon he seized the object and found it to be a bag of marijuana. The officer placed the juvenile under custody for possession.

In allowing the search to stand the court stated: "As a general rule, probationers have a reduced expectation of privacy, thereby rendering certain intrusions by governmental authorities 'reasonable' which otherwise would be invalid under traditional constitutional concepts, at least to the extent that such intrusions are necessitated by legitimate governmental demands." The court concluded "that because the minor was subject to a valid condition of probation that required him to submit to warrantless searches by 'any' law enforcement officer, he had no reasonable expectation of privacy over a cache of marijuana in his pants." The search was ruled to be constitutional despite the officer's ignorance of the search condition. The court stated that "imposing a strict requirement that the searching officer must always have advance knowledge of the search condition would be inconsistent with the special needs of the juvenile probation scheme" (*In re Tyrell*, 1998).

In *People v. Reyes* (968 P.2d 445), the California Supreme Court extended the *Tyrell* ruling to include adult parolees. In *Reyes*, the defendant's parole agent contacted the local police after receiving an anonymous telephone tip, and asked them to ascertain whether the parolee was under the influence of drugs. Later that evening, the police officers saw the defendant coming out of a shed in his backyard. They subsequently searched the shed and found a small amount of methamphetamine. In upholding the warrantless search, which was not specifically authorized by a parole condition, the court relied on *In re Tyrell*, stating that "when involuntary search conditions are properly imposed, reasonable suspicion is no longer a prerequisite to conducting a search of the subject's person or property." The court concluded that "such a search is reasonable within the meaning of the Fourth Amendment as long as it is not arbitrary, capricious or harassing." The court cautioned, however, that its ruling did not mean that parolees have no protections at all from unreasonable searches: "a parole search could become constitutionally 'unreasonable' if made too often, or at an unreasonable hour, or if unreasonably prolonged, or for other reasons establishing arbitrary or oppressive conduct by the searching officer" (*People v. Reyes*, 1998). In short, searches by police of parolees, even in the absence of specific authorization for warrantless searches, are constitutional as long as they do not constitute harassment and are not capricious or arbitrary. This is a much lower standard than that set for the general public.

In *People v. Denison* (63 Cal.App.4th 550), the California Court of Appeals upheld the police stopping of a vehicle in which a probationer was merely a passenger in order to conduct a search of the probationer. Police officers accompanying a probation officer to a probationer's home to assist in the search saw the probationer drive by in a car. The officers pursued and stopped the vehicle. The subsequent search of the probationer and the automobile produced drugs which were used as evidence against the driver, resulting in his conviction for possession of drugs. The court ruled that the existence of a probation search condition justified the stop of the vehicle in which the probationer was a passenger, even if there was no independent reason for stopping the driver. The court reasoned "that if a stop

is permissible as to a passenger in a car, it is also permissible as to the driver, the rationale being that the government's interest in preventing criminals from insulating themselves from capture by being perpetual passengers far outweighs the minimal inconvenience to the car's driver." The court concluded by saying that "although those who merely associate with probationers retain their right to be free from unreasonable searches and seizures, it is also true that the privacy interests of one who owns or controls items or areas jointly with a probationer must be to some extent restricted in the public interest" (*People v. Denison*, 1998). Although this diminished expectation of privacy is often applied to individuals living with probationers, a non-probationer's privacy interests may be restricted in other contexts as well.

Absent a lower threshold imposed by conditions of probation or parole, probationers and parolees generally enjoy the same Fourth Amendment rights as other people when they are searched or seized by the police. Probationers and parolees are required in many jurisdictions to provide a urine sample to their supervisory officer when requested. In at least one case, however, police officers in New York reportedly required parole officers to administer spot urine tests of parolees (Roane 1999). There is doubt whether such seizures, initiated by the police instead of a probation or parole officer, are valid unless specific authorization was given to the officers by the parole board or the parole officer. Even at that, such searches are of dubious legality. Although a few state courts have upheld a lower standard than probable cause and a warrant for police searches of community-based offenders, this issue remains unresolved in most jurisdictions.

The Legal Limits of the Power of Probation and Parole Officers vis-a-vis Offender

Probation and parole officers have fewer legal constraints than the police when dealing with probationers and parolees. The more extensive corrections officer authority is based on two justifications. First, probation and parole officers primarily serve treatment and supervision functions rather than law enforcement. Consequently, their authority is enhanced by the "special needs" rationale. In *Griffin v. Wisconsin* (483 U.S. 868), the Supreme Court ruled that supervision of probationers is a "special need" of the State that may justify departures from the usual warrant and probable-cause requirements. The Court reasoned that supervision is necessary to ensure probation restrictions are observed, that probation constitute a legitimate rehabilitation period, and helps ensure that the community is not harmed by probationer's being at large. In light of special needs, courts have recognized that corrections officers should be subject to fewer legal limits, particularly when conducting searches, ordering drug tests, and interrogating probationers and parolees. In addition, probation or parole conditions almost always include authorization for the officer to visit the offender's home and conduct searches. This condition, if accepted by the offender, constitutes a waiver of Fourth Amendment rights and broadens the search and seizure authority of probation and parole officers. Courts have consistently held such conditions to be valid as long as they are related to the offense committed and are conducted reasonably.

Griffin held that corrections officers need only reasonable grounds, a lower degree of suspicion than probable cause, which

is required in police officers' searches (*Griffin v. Wisconsin*, 1987). *Griffin* involved searches conducted by corrections officers without the help of the police. The Court did not address the issue whether the same search could have been valid if done by police officers alone. Courts have also allowed corrections officers to order drug tests of probationers and parolees without a warrant, a form of search which normally requires a warrant and probable cause if conducted by police (*U.S. v. Duff*, 1987). The use of probation or parole conditions enables corrections officers to subject offenders to warrantless searches or mandatory drug testing at any time, practices that are unconstitutional if imposed on the general public (*Rowe v. Lamb*, 1997). Through probation or parole conditions, corrections officers are granted powers necessary to ensure that the community-based offenders are in compliance with the conditions of their probation or parole (*U.S. v. Duff*, 1987). The differential authority of police and corrections officers over community-based offenders is significant and has inspired greater collaboration between police and corrections.

A related issue is the amount of authority a corrections officer has when conducting a valid probation or parole search. This issue has important implications for searches involving co-residents of probationers or parolees. The courts generally have ruled that a probation officer is authorized to search to the entire premises, and that any container may be searched pursuant to probation search condition if there is reason to believe the container could contain the object of search. Thus, in home searches involving multiple residents, a corrections officer normally can search the entire residence and containers within, as long as the officer reasonably believes that the area or container was jointly owned or controlled (*U.S. v. Davis*, 1991). Courts have indicated that as long as the reason for the search is valid and does not exceed its legal scope, any evidence seized is admissible in a criminal prosecution of the probationer or parolee or a third party.

The California courts have adopted an even broader rule regarding permissible probation or parole searches of areas under the joint control of probationers or parolees and co-residents. In *People v. Woods* (981 P.2d 752), the California Supreme Court upheld a warrantless search of a probationer's house undertaken solely to discover incriminating evidence against a co-resident. In this case, when booking a suspect on drug charges a police officer learned the address of the suspect's residence and that one of the suspect's roommates was a probationer. Knowing that one of the suspect's roommates had consented to warrantless searches as a condition of her felony probation, the officer searched the home for more drugs. The subsequent search turned up drugs, which were admitted as evidence in the trial against the original suspect. In upholding the search, the court stated that "the fact that the officer does not have the state of mind which is hypothecated by the reasons which provide the legal justification for the officer's action does not invalidate the action taken as long as the circumstances, viewed objectively, justify that action." The court held that "whether the purpose of the search is to monitor the probationer or to serve some other law enforcement purpose, or both, the search in any case remains limited in scope to the terms articulated in the search clause and to those areas of the residence over which the probationer is believed to exercise complete or joint authority." Thus, the court found that "regardless of the officer's ulterior motives, the circumstances presented ample

justification for entry and search of the house pursuant to the probationer's search condition" (*People v. Woods*, 1999).

Scope of Police Authority When Collaborating with Probation and Parole Officers

A related issue involves the lawful scope of authority of police officers who work in collaboration with correctional officers. If collaborating with correctional officers expands police authority, then police officers become *de facto* correctional officers. By contrast, if police officers are limited in their powers when working with correctional officers, they would maintain their status as law enforcement officers who merely provide protection for correctional officers. While there is no case law specifically addressing this issue, the courts have provided clues about the limits of police authority during these types of searches. The police generally are considered mere assistants, enlisted by correctional officers to help achieve the legitimate objectives of probation and parole.

For example, in *U.S. v. Cardona* (903 F.2d 60) a Rhode Island state parole officer, following routine procedure, asked local police to assist in executing a valid parole violation warrant. Without accompaniment by the parole officer, the law enforcement agents proceeded to the residence of the parolee to execute the parole violation warrant. While serving the warrant the officers saw illegal goods in plain view, which they subsequently seized. The court ruled the seizure of goods to be legal, explaining that "we take as a given that the executors, whoever they may be, will serve merely as agents of the decision maker, doing what the decision maker authorized, augmented only by the constitutionally permissible (such as seizing recognizable contraband in plain view)" (*U.S. v. Cardona*, 1990).

Another issue in a collaborative search is whether police officers, in the course of a valid search at the behest of probation and parole officers, can search places and rooms occupied by other persons, such members of the family, or whether they are limited to spaces occupied by the offender. In general, the scope of law enforcement search is governed by the reasonableness principle. Absent valid consent and in the presence of another person's expectation of privacy, can the police search a room or space of an innocent person in a collaborative search if that person lives in the same house or apartment as the offender? No case law addresses this issue but such intrusion into another person's domain would likely be invalid as an unwarranted intrusion into an innocent person's privacy, whether the search be done by a corrections officer of the police.

Delegation of Authority to Police

A major and troublesome issue involving collaboration between the police and corrections officers is whether judges, parole boards, and correctional officers have the authority to delegate to the police the same authority given to probation and parole officers. Delegation lies at the heart of collaborative practices, particularly warrantless probation or parole searches involving, or conducted solely by, the police. Some cases have addressed the limits to which authority for warrantless probation or parole searches can be delegated to the police. There is nothing illegal about police officers accompanying a corrections officer in the search of a house or a probationer or parolee if the purpose is to provide protection. A problem arises,

however, if a judge, parole board, or corrections officer delegates enforcement powers to the police and in the process circumvents the usual constitutional limitations on police authority. Courts in Texas (*Tamez v. State*, 1976), Florida (*Grubbs v. State*, 1979), Michigan (*People v. Peterson*, 1975) and Hawaii (*State v. Fields*, 1984), have invalidated probation or parole conditions which allow searches by any law enforcement officers at any time. These courts have considered such conditions to be too broad or coercive to serve probation or parole goals. In contrast, courts in California (*People v. Mason*, 1971), Arizona (*State v. Montgomery*, 1977), Idaho (*State v. Josephson*, 1993), Georgia (*Allen v. State*, 1988), and Nevada (*Himmage v. State*, 1972), have ruled probation or parole conditions permitting searches at the discretion of law enforcement officers to be valid.

In states that sometimes disallow broad probation or parole conditions, validity depends on whether the probation or parole officer used the search to help the police circumvent the usual warrant and probable cause requirements, or whether the probation or parole officer enlisted the police to assist in legitimate probation or parole objectives. For example, in *U.S. v. McDonald* (21 F.3d 1117), the Secret Service arrested a suspect in a counterfeit currency ring. After running a criminal history check, officers learned that the suspect was on parole. Secret Service agents then contacted the suspect's parole officer and learned that the suspect had a condition allowing warrantless searches. After a meeting at the police station, the parole officer authorized a parole search of the suspect's residence, which produced evidence crucial to the suspect's eventual conviction. In upholding the legality of the search, the court identified the important factors that help determine whether parole officers are being used as a "stalking horse" for the police. The court stated: "The proper question is whether the parole officer used [his] authority to help the police evade the fourth amendment's warrant requirement or whether the parole officer cooperated with the police to achieve [his] own legitimate objectives" (*U.S. v. McDonald*, 1994). If the search is used as a subterfuge for a criminal investigation by the police, the parole officer will be considered a "stalking horse" for the investigation and the search is illegal. Conversely, if the corrections officer, rather than the police, initiated the search in the performance of duties, the search is presumptively valid and will not be considered a subterfuge for a criminal investigation.

In *U.S. v. Jarrad* (754 F.2d 1457), the defendant was already under investigation by local police when his parole officer conducted a warrantless search of his residence with the assistance of the police. The defendant appealed the admission of evidence used to convict him on a bank robbery charge, arguing that the parole officer was used simply to facilitate an ongoing police investigation. The court rejected the appeal, holding that "the fact that police investigation of the bank robberies in this case preceded the involvement of parole officials does not in itself indicate that the search was initiated by police officers" (*U.S. v. Jarrad*, 1985). In *U.S. v. Harper* (928 F.2d 894), police officers were instrumental in locating the whereabouts and main residence of a parolee through surveillance in an ongoing investigation of the parolee. The police then assisted in a search of the residence. In upholding the warrantless search, the court stated that "a parole officer is not a stalking horse simply because police helped locate a parolee" (*U.S. v. Harper*, 1991). The court considered it crucial that the parole officer had obtained an arrest warrant for the defendant for parole violations

but had been unable to locate him. The court considered the police assistance to be consistent with parole objectives. It ruled that concerted action between the parole officer and the police does not in itself make the search constitutionally infirm.

In *U.S. v. Watts* (67 F.3d 795) a probation officer suspected a probationer of lying about his whereabouts and encountered difficulty locating the probationer's true residence. The probation officer was one of four probation officers assigned to a federally funded multi-agency task force designed to enforce crack cocaine laws. The officer enlisted the help of members of the task force to conduct surveillance and instructed the participating police officers to undertake a probation search of the residence if they located it and to stop and search his vehicle if they observed evidence of drug trafficking. After observing what they suspected to be drug trafficking activities, the police officers stopped and searched the probationer's car. This search revealed a garage door opener and keys to the probationer's suspected residence. The search of the residence yielded crack cocaine and weapons.

The court was "troubled by the district court's express finding that at least one of the purposes of the task force is to allow for probation searches in cases where police officers want to search the residence, vehicle or property of a probationer and to avoid the necessity of getting a warrant for the search." It nevertheless upheld the legality of the search. The ruling relied heavily on the fact that the probation officer was "calling the shots." The "police officers on the task force became involved only at the request of the probation officer, who sought their assistance in locating defendant's actual residence, a task which proved elusive when attempted by the probation officer alone" (*U.S. v. Watts*, 1995). Thus, despite the express purpose of the task force and the absence of the probation officer during the actual search, the probation officer clearly controlled the investigation, which served the legitimate interests of probation.

Akin to *Watts* is *U.S. v. Richardson* (849 F.2d 439), wherein a police detective talked to a probation officer after the detective suspected the involvement of a probationer in a gas station robbery. The detective asked the probation officer if a search condition was attached to the suspect's probation, and indicated that he was interested in conducting a search pursuant to such a condition if the probation officer agreed. The probation officer confirmed the existence of such a search condition, and gave permission to the detective to conduct a search when the probationer was arrested. An arrest warrant was then issued for the probation violations and the detective proceeded to conduct the search following the arrest, without supervision of the probation officer. The court ruled that this was not a stalking horse case because the evidence indicated that the initial discussion with the detective simply confirmed suspicions that the probation officer already maintained. The probation officer had sought an arrest warrant for probation violations in advance of the search, helping to confirm that the search was in pursuance of probation objectives. The court implied that its ruling would have been different if the probation officer had not previously secured the warrant. The probation officer's absence during the search was not determinative. The court ruled that the "decision to authorize the search was more important than who was present when the search was made. Given the large case loads of most probation officers, requiring the probation officer's physical presence during every probation search or requiring close supervision of all probation searches would unnecessarily

interfere with the twin goals of probation: rehabilitation of the probationer and protection of society. Although a complete delegation of authority may be evidence that the probation officer is acting as a stalking horse, or that the search is a subterfuge for criminal investigation, the officer's presence during the search or close supervision of the search could equally be manipulated if subterfuge were the objective" (*U.S. v. Richardson*, 1988).

The court concluded that physical presence alone does not determine whether there has been a complete delegation of authority to a police officer. Rather, each case must be viewed based on its own facts. If proper conditions are imposed on the police when conducting searches and their purposes align with legitimate probation or parole objectives, authority can be delegated to police to conduct a warrantless probation or parole search. However, the police do not assume all the powers of corrections officers in these instances; they are limited by what was authorized and is constitutionally permissible.

Admissibility of Seized Evidence in Revocation Proceedings and Criminal Trials

The admissibility of evidence seized during probation or parole searches is an issue in police-corrections collaboration when such evidence is sought to be used in the prosecution of new offenses. Courts have generally been unrestrictive on the admissibility of illegally obtained evidence in revocation proceedings. The United States Supreme Court has held that the Fourth Amendment does not require the exclusion in a parole revocation hearing of evidence illegally obtained (*Pennsylvania Board of Probation and Parole v. Scott*, 1998). Whether the evidence may be used in a subsequent criminal trial against the same offender, however, is a different issue which the Court has not addressed.

Cases decided by lower courts on this issue have focused on the admissibility of evidence obtained by the police in plain view while working in collaboration with corrections officers. The plain view doctrine allows police officers to seize, without a warrant, "items that are within the sight of an officer who is legally in a place from which the view is made, as long as such items are immediately recognizable as subject to seizure" (*Pennsylvania Board of Probation and Parole v. Scott*, 1998). The issue is whether police officers who accompany correctional officers on collaborative searches can seize evidence in plain view and later use it in a criminal case against the probationer or parolee or third parties, such as other occupants of the premises. Most courts hold the seized evidence admissible, assuming the evidence was legally obtained.

For example, in *U.S. v. Cardona* (903 F.2d 60), the plain view seizure of an illegal weapon was ruled valid and the seized evidence admissible where police were assisting local probation officers by executing a valid probation violation warrant for arrest. Although no probation officers accompanied the police the court ruled the search was legal, stating that "police officers and parole officers are fungible when the former serve as mere implementers of decisions already made by the latter." In *U.S. v. Dally* (606 F.2d 861), officers found stolen mail in plain view during a valid probation search of a home a third party shared with the probationer. The court ruled that the evidence seized as a result of a valid probation search may be admissible against a third party in addition to its being admissible against the probationer. Similarly, in *U.S. v. Davis* (932

F.2d 752), officers were conducting a valid probation search of a residence a probationer shared with a third party when they searched a safe that was jointly controlled by the residents. The court ruled the evidence admissible against the third party because it was reasonable to believe the probationer had control over the safe, thus making the search of the safe valid and any subsequent plain view seizure also valid. These cases hold that regardless of who conducts the actual search — the police or corrections officers — evidence seized in plain view is admissible against the probationer or a third party in a subsequent criminal trial as long as the evidence was legally obtained. The rule would likely be different if the evidence obtained through plain view were illegally seized, as when one of the plain view elements is lacking.

Miranda Rights in Police-Corrections Collaborations

Must the *Miranda* warnings must be given in interrogations conducted by the police in the presence of probation/parole officers? This issue arises because the police have much less authority than probation or parole officers to interrogate probationers or parolees. If police officers are allowed to interrogate more expansively because they are collaborating with corrections officers, the *Miranda* requirements could be circumvented. Only one United States Court of Appeals case appears to have addressed this issue.

In *U.S. v. Webster* (12 F.3d 1110), police officers acting on a tip that a probationer was dealing drugs went to the suspect's house to conduct a probation search. During the search the suspect and a friend arrived at the residence. The friend was carrying two garbage bags full of methamphetamine, which he promptly dropped upon seeing the police. To ascertain ownership of the drugs, the police threatened the suspect with the possible arrest of his wife and removal of his child unless he talked. DEA agents subsequently accompanied a probation officer to a live-in drug treatment program for further questioning of the suspect about his involvement in drug dealing. The court ruled that the statements made by the probationer during the joint interrogation by DEA and probation officers at the live-in drug treatment program were inadmissible because no *Miranda* warnings were given. Despite the presence of probation officers during the questioning, the incident amounted to a police interrogation, requiring the administration of *Miranda* warnings. The court refused to give police increased interrogation authority simply because they were in the presence of corrections officers, even if it was at their invitation. Given the rationale for *Miranda* (blunting the coercive effect of custodial interrogation by the police), courts are unlikely to dispense with the *Miranda* warnings involving custodial police interrogations of probationers or parolees even if completed in the presence of corrections officers.

A related issue is whether corrections officers must give the *Miranda* warnings when questioning offenders in police presence. This issue is unresolved, although the likelihood is that such warnings are not required unless it be a case of custodial interrogation and the admission or confession obtained is used in a subsequent criminal trial.

Offender Consent in Police-Corrections Collaborations

Does the mere presence of police officers invalidate consent to search premises or effects given by corrections officers by

probationers or parolees? Although case law is sparse, *U.S. v. Soloranzo-Barba* (24 F.3d 252) held that the validity of a consent to search is a factual decision to be made on a case-by-case basis. In this case, the court found that the presence of police in the probationer's home with guns drawn "made coercion implicit" and thus a consent to search was invalid. The police had stormed the house with guns drawn and stated they could search the house even without consent because of the probation condition. The court disagreed. This case implies that less "coercive" situations, such as the mere presence of police officers, may not invalidate a probationer's otherwise voluntary consent to search. The mere presence of police officers does not convert a probation or parole search into a police search as long as the police conduct during the search is not intimidating.

Civil Liability in Police-Corrections Collaborations

No case law currently addresses liability issues relating to police-corrections collaborations. The likely arena for civil liability involving such collaborations is a § 1983 civil rights lawsuit for illegal search and seizure, with the plaintiff alleging that the officer violated his or her constitutional rights while acting under color of law. The traditional defenses in § 1983 lawsuits under the Fourth Amendment are good faith and probable cause. Lack of good faith in the context of § 1983 cases means that there was a violation of a clearly established constitutional right or a right given by federal law, which a reasonable person would have known (*Harlow v. Fitzgerald*, 1982). Do police officers who act outside the scope of their authority, but in response to requests by corrections officers, act in good faith? Conversely, do probation and parole officers who delegate their authority over surveillance, searches, and seizures — even though they know the police do not ordinarily have the authority to carry out the act on their own — act in good faith? These issues have not been addressed by the courts.

A related issue is whether judges who delegate authority to supervise probationers to the police are acting in their judicial or administrative capacity. The distinction is important because judges enjoy absolute immunity when performing judicial responsibilities, but only qualified immunity when performing administrative tasks. The setting of conditions is a judicial task, but the delegation of authority to supervise conditions is not that clear-cut since the supervision itself (a responsibility judges technically have in some jurisdictions) partakes of administration.

Probable cause in law enforcement is defined as more than bare suspicion; it exists when "the facts and circumstances within the officers knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed" (*Brinegar v. U.S.*, 1949). Is this the same standard for probable cause that is required in cases involving probationers or parolees, or will a lower standard of probable cause suffice? The issue has not been addressed by the Supreme Court, but at least one U.S. Court of Appeals has ruled that for defense purposes in § 1983 cases, probable cause simply means "a reasonable good faith belief in the legality of the action taken" (*Rodriguez v. Jones*, 1973). Since the courts have determined that reasonable grounds suffices for a probation search, the courts could also lower the defense to this same threshold for a reasonable good faith belief as well.

Another civil liability issue involves whether police departments and not just individual officers, can be held liable for illegal searches where police officers merely assisted in a probation search. Will the traditional rule for agency liability, whether what happened is the result of policy or custom (*Monell v. Department of Social Services*, 1978), apply? If agencies can be held liable, what defenses may be available? Answers to these liability questions will become clearer as cases begin to filter into the courts stemming from police-corrections collaborations.

Summary of the Current Legal Landscape on Police-Corrections Collaboration

While case law dealing with police-corrections collaborations is just starting to develop, existing case law provides some insight into the legal limits of what the police and correctional officers can do when dealing with community-based offenders. In general, courts have held that police officers are subject to the same legal limits when dealing with probationers and parolees as they are when they deal with the general public. In these collaborations, the courts have stated that police officers serve merely as agents of decision makers, but not do not assume all of the powers of correctional officers. The options normally available to the police, such as seizing evidence that is in plain view during a valid search, remain constitutionally permissible. Police authority generally does not expand when the police collaborate with corrections officers, hence the greater supervisory authority corrections officers enjoy does not vest in the police by virtue of joint action. In sum, collaboration generally does not give the police authority greater than they possess when dealing with convicted offenders outside a collaboration setting. A United States Court of Appeals has also ruled that police officers must give probationers *Miranda* warning prior to interrogation even when probation officers accompany them. Although not specifically addressed by the courts, interrogations by corrections officers in the presence of the police will likely not require the *Miranda* warnings, unless they constitute custodial interrogation. But even in custodial interrogations by corrections officers, the evidence obtained will likely be admissible in a revocation proceeding, but not in a subsequent criminal trial. Courts have ruled that probation and parole officers need only reasonable grounds for searches, can order drug tests without a warrant, and that statements made in noncustodial interrogations are permissible without *Miranda* warnings. These officers can delegate their authority to achieve legitimate probation or parole objectives, but such delegation cannot be used to circumvent constitutional restrictions placed on the police. If corrections officers authorize warrantless searches to evade Fourth Amendment restrictions for the police, the delegation will be ruled a "stalking horse" and the evidence consequently will be inadmissible in a criminal prosecution.

Courts have also ruled that: police investigations preceding correctional involvement do not necessarily invalidate searches; police assistance in locating probationers or parolees does not necessarily invalidate searches; lack of correctional officer presence during a search does not necessarily invalidate the search; and membership in a task force whose express purpose is to assist police in evading warrant requirements does not necessarily invalidate searches. Disagreement exists among states about whether courts can delegate search authority to

police officers when enforcing probation or parole conditions. A major issue in these cases is whether the correctional officers are "calling the shot" and whether the searches serve legitimate correctional objectives. These rulings generally indicate that correctional officers can use the police, but they cannot be used by the police to circumvent legal restraints on police powers.

Conclusion

Police-corrections collaborations hold promise for more effective supervision of offenders; legal issues, however, deserve identification and study. Divergent agency goals and differing applicable legal standards make collaboration problematic in some cases. Corrections officers are vested with greater authority when dealing with community-based offenders because of "special needs" related to offender supervision and rehabilitation. By contrast, the police are bound by constitutional rules that do not make distinctions between convicted offenders and other members of society.

Case law involving issues related to police-corrections collaborations is sparse, although that will likely change as collaborative efforts become more common. Legal issues deserve attention by corrections and police agencies before implementing collaboration programs. Jurisdictions differ in the approaches to collaborations, hence it is crucial that the issues explored in this article be analyzed in the context of existing state statutes and case law. Failure to do so might result in legal problems for both the police and corrections officers.

In light of the differing goals of police and corrections, a safe policy is for corrections officers to use the police when supervising offenders, but not to be used by the police. Asking for police help is always legal and sometimes necessary, protection of individuals being an integral part of policing. Although being "used by the police" might result in more effective supervision and surveillance and achieve more efficient policing, such practice simultaneously subverts the legal process and can result in possible liability. It is best shunned by both the police and corrections officers.

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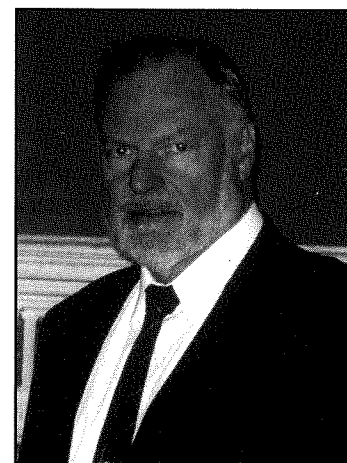
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PROBATION-POLICE PARTNERSHIPS IN BRITAIN

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The British government established targets for the reduction of crime and through initiatives including the Crime and Disorder Act of 1998 and a nearly \$500 million budget for crime reduction programs is encouraging local municipalities and agencies to meet the targets.

John Stafford, Chief Probation Officer from Merseyside, introducing a workshop at January's Probation 2000 Conference in London, advised the delegates that "to achieve those targets, it is clear that in addition to primary crime prevention measures, the criminal justice system will have to [concentrate] on volume of crime, focusing on the six percent of offenders who, research indicates, commit 60 percent of crime" in England. Stafford noted that for probation to meet the government's goals for crime reduction, it would have to find new approaches and develop nontraditional partnerships. It demands a fresh focus by probation to target prolific offenders through the development of probation-police partnerships.



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In recent years, there has been some evidence, Stafford said, that points to the effectiveness of these approaches. He claimed that the keys to this effectiveness are working arrangements with other agencies, targeting repeat offenders and participation in other crime prevention and community safety activities. Looking for a specific model to develop a project for repeat offenders, the Lancashire probation and police services visited the town of Dordrecht in the Netherlands to learn from its intensive supervision program that involved probation and police staff working together to provide direct supervision to prolific offenders. Adapting what they learned to their own situation, a project was established in the borough of Burnley in Lancashire and was called the Burnley-Dordrecht Initiative. A steering group was formed with a representative from the Lancashire Probation Service, the Lancashire Constabulary and the

Burnley Borough Council. Probation officer Shirley Johnson and designated police officer Ken Tyson staff the project.

Johnson described the project as offering a total rehabilitation package aimed at those who have committed a minimum of six offenses in the past 12 months of liberty. The project focuses on offenses of breaking and entering since these have created the greatest problem for the residents of Burnley. It is this target group that marks the greatest difference between the Burnley project and the Dutch program. The Dordrecht project is a diversion scheme focused on lower-risk offenders, whereas the Burnley effort targets risky offenders. Also, the police are not hands-on in the Dutch model but are highly involved in the Burnley initiative.

The context for the Burnley project, according to Tyson, was one of disorder in the area selected. By using criminal intelligence resources of the police and their crime statistics, the team was able to map the community and, through an analysis of probation cases, was able to determine which offenders were responsible for particular crimes. This process reinforced the fact that a few offenders committed the majority of the crimes.

Entry into the project begins with an assessment interview that is conducted by the probation-police team. The team then advises either the court or the releasing authority on the appropriate conditions to be included in supervision orders. The conditions usually include more contacts, more intense work with the identified offender and a condition of compliance with the project itself. The effort attempts to increase the amount of supervision and offer programs that are based on the principles of effective correctional practice. Included as part of the supervision is a constant screening of the offender by police criminal intelligence units. Enforcement is an essential element in the project and is aided by a fast-track return to court arrangement. Noncompliance usually leads to a custodial sentence.

Both Johnson and Tyson were clear about the goal of the project: quality of life for the target areas. They were not operating a soft option, which might be construed by the public as letting offenders off lightly. Most community corrections agencies are trying to present their alternatives as not being soft on crime. More agencies are beginning to consider both successful completion of a community sanction and, when necessary, the apprehension of future criminal acts through enforcement of conditions that lead to technical violations as success.

The project, according to Johnson and Tyson, is an effort to halt the criminal careers of specific offenders by gaining compliance with the conditions of probation and when offenders fail to comply, increasing custodial sanctions. Early indications of the project indicate that results are better with post-prison offenders than with court-placed offenders, but more research must be conducted to understand why.

In summary, Tyson listed as essential features of this project:

- 1) Use of criminal intelligence unit to identify the top 100 prolific offenders;
- 2) Surveillance by both probation and police officers and constant sharing of information;
- 3) Rehabilitation programs offered to offenders in the project;
- 4) Community safety work in the targeted high-crime community; Partnerships, not only in the probation/

police and local authority, but also with health, education, welfare and employment services;

- 5) Partnerships, not only in the probation/police and local authority, but also with health, education, welfare, and employment services;
- 6) The development of a fast track to rehabilitation programs, eliminating waiting lists for high-risk offenders;
- 7) The development of a fast track for enforcement of violations, eliminating the waiting period for court appearances;
- 8) Provisions for evaluation, research, and monitoring of the program; and
- 9) Maintenance of the innovation after the charisma of the pilot fades.

Stafford noted that early results indicate success in achieving a reduction in re-offending. Ken Pease and colleagues at the University of Huddersfield conducted an interim evaluation, and in their report, Pease summarizes probation-police partnerships.

"Put simply, the job of the probation service would be to ensure that [the] offender's way of life is sustainable without recourse to crime, and the police [responsibility] that [the offender's] recourse to crime would carry a credibly high risk of detection." And again that "the common aim for the police and probation services would be that the offender gets through a community sentence successfully, but that those who seem unable to live without crime suffer the custodial consequences." Also, it is clear that "diversion from custody is not the aim, but instead, to reduce offending, with joint resources targeted on a small group of the most prolific offenders, where success would generate the most substantial crime reduction, either by reducing or eliminating offending behavior or their swift incapacitation."

Probation agencies in the United States and Canada that have embarked on similar projects in cooperation with police agencies in the targeting of high-risk offenders would find much that is compatible with their own efforts in the Burnley/Dordrecht Initiative. There is no doubt that if we are to be relevant to community safety needs, probation will have to continue its efforts to develop meaningful partnerships with police and other human service agencies.

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BACK TO THE FUTURE: COMMUNITY POLICING – COMMUNITY SUPERVISION

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Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities. By George L. Kelling and Catherine M. Coles. New York: Simon and Schuster, 1996. 319 pp. (paper), \$14.00.

Transforming Probation Through Leadership: The "Broken Windows" Model. By the Reinventing Probation Council. New York: Center for Civic Innovation at the Manhattan Institute, 2000. 56 pp. (paper), \$10.00.

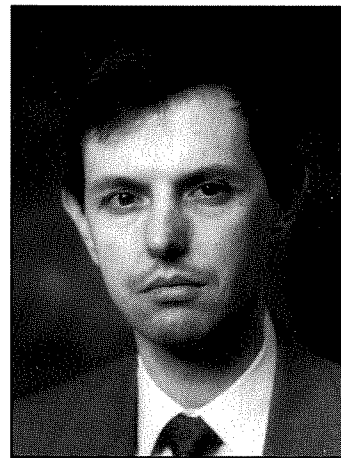
The United States is undergoing a profound change in its criminal justice system. In various parts of the country, people are questioning the approach that has been used over the last half-century in addressing crime. People are rethinking basic assumptions about policing neighborhoods, adjudicating defendants, identifying criminality, and protecting society. This has led to the adoption of community policing practices in various cities throughout the United States. The success of community policing practices in turn has led in part to the movement to reinvent probation, with its focus on public safety issues and community outreach. In sum, the public is demanding more out of its criminal justice system than it has previously come to expect. The public is demanding that the mission and goals of the criminal justice system not be to maintain a certain level of "acceptable" criminality but to prevent crime from occurring in the first place.

The present system in this country, which devotes most of its resources and attention to apprehending criminals, then prosecuting them and finally deciding whether to incarcerate them or keep them under surveillance, is not working. It is not working for a number of reasons. One, it is a terribly expensive system. Billions of dollars are spent annually on the criminal justice industry. Large sums of money are spent not just on constructing and operating prisons, on court services and legal advocates, and on law enforcement, but considerable sums are also spent on private security officers, on alarm systems, and on neighborhood safeguards.

Despite the large sums spent on criminal justice matters, the system is constantly underfunded. Police officers, probation and parole officers, and prison guards are all underpaid. There is little money for effective substance abuse programs, counseling and other rehabilitative programs. Moreover, the treatment services offered to offenders incarcerated in the prison system or under community supervision are invariably "maintenance" programs. The recommended treatment

programs call for constant treatment with no expectation that any individual will be "cured" of his or her criminal proclivities. These programs are based on the implicit assumption that the offenders are expected to relapse and therefore the necessary treatment program must be continuous. Thus, the public has little faith in rehabilitation.

Finally, even though the prison population in this country is now over two million persons, and the number of inmates has increased an average of 5.7 per cent annually since 1990, there is very little evidence that this growth in prisoners will abate in the near future. Moreover, even though crime rates have dropped in the last decade, our present rate of crime in this



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country is still historically high. Finally, despite the increase in incarceration in our country, public officials have largely ignored disorder and misdemeanor crimes that are committed in neighborhoods. The result of this is that the public still perceives that crime is a major problem in their communities and that policy-makers and criminal justice practitioners are indifferent to their concerns.

George L. Kelling and Catherine M. Coles explain the reasons for the disillusionment that people have in their criminal justice system and offer a model that addresses the issues of accountability by public officials, responsiveness to local needs, and effectiveness in dealing with crime. In *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities*, these authors discuss the concept and practices of

community policing, especially as this model has been implemented in places such as New York City, Baltimore, Seattle, and San Francisco. In addition, the authors analyze the contributing causes to disorder and crime in modern urban settings and review the history of policing in this country. The thesis of this book is that disorder and minor crimes lead to greater and more serious crimes in communities and that police practices must be designed to intervene against low level criminal activity and prevent disorder crimes before such activities and crimes result in an escalation of serious criminal activities.

The authors maintain that disorder and crime in contemporary American society have been aggravated by two conditions. One, a series of court decisions in the 1960s and 1970s appeared to create a constitutionally protected right to certain activities that had previously been proscribed by law. The United States Supreme Court had struck down state and local vagrancy laws and laws making drunkenness or mental illness a crime on the ground that the status of a person could not be criminalized. In

addition, certain other courts had construed these rulings to infer that such activities as camping in a public park, begging and panhandling on the streets, and sleeping or lying on public sidewalks were forms of free speech protected by the First Amendment. The authors state that the results of these decisions contributed to deteriorating neighborhoods, middle-class flight from urban areas, and an increase in serious as well as low level crimes.

Second, the authors argue that changes in police practices in the twentieth century have actually contributed to urban decay and rising crime rates. The authors contend that Nineteenth and Twentieth Century policing practices have been governed by two successive models: the crime prevention model and the "reform" model. The authors note that the original concept of the modern, i.e., Nineteenth Century, police force was for officers to be an extension of and therefore representatives of the community they policed. Their mission was to prevent crime from occurring and to be a broker of services for the people they policed. Police practices consisted of walking a beat and being conspicuous in the community, knowing the residents of the places they patrolled, and dealing with the conditions in the neighborhood that led to crime, e.g., disorderly conduct, drunkenness, gambling, and prostitution.

This model of policing began to change in the United States in the 1930s. Part of the reason was due to the advent of technological changes that affected police practices. Widespread use of automobiles and two way radios enabled police to cover wider areas of a city and thus dispense with the need for foot patrols. It was believed that technology would allow police to rapidly respond to crimes as they occurred, hence, permitting arrests at the scene of the crime and removing criminals from society. The authors further note that computerization in the 1960s and 1970s and the 911 capabilities reinforced this practice.

The authors state that there were several unfortunate and unforeseeable consequences to this "reform" model of policing. First, the police were no longer intimately involved in the concerns of communities. They lost valuable sources of information on problems in neighborhoods and criminal activities. Moreover, the residents in many parts of a city became alienated from the police. They only saw law enforcement officers when there was a problem and no longer had any interaction with the police on a personal level. Police too became alienated from the people they served. They began to see their role as intervening in a "hostile" territory where every resident was a potential criminal.

Second the mission and focus of policing changed. Police were no longer brokers of services, nor were they to prevent crime and disorder. Instead, they were crime fighters. They only intervened in a situation after a crime had been committed. Moreover, they saw themselves as the primary, and often, sole source for dealing with crime. The residents were expected to report the occurrence of crimes, supply any information that the police needed for investigating the crime, and then passivity allow the police to solve the crime and apprehend the criminal.

The authors believe that the reform model of policing has been an abject failure. They note that despite the goal of modern policing to arrive quickly at the scene of a crime and make a prompt arrest, the police still only apprehend at the scene three percent of all criminals who are eventually arrested for the commission of a crime. Thus, the trade off of foregoing community involvement for a rapid response to crime is a very

poor arrangement. Moreover, despite the promises of modern policing, crime has escalated over the last fifty years, neighborhoods and cities have deteriorated, and the public has lost confidence in the ability of the criminal justice system to stem rising crime rates.

Nevertheless, the authors also believe that the present lawlessness in our society can be substantially reduced, that cities and neighborhoods can be revitalized, and that the quality of life for all Americans can be improved. The authors contend that policing should revert to its early practices and goals and should focus more on crime prevention and less on crime detection. Moreover, in order to achieve this new direction in policing, law enforcement and other public agencies need to recognize that disorder crimes have just as significant an impact on neighborhoods and communities as index crimes.

These authors do not argue from a theoretical basis for a shift to community policing; instead, they recount the empirical findings on four American cities that have successfully reduced the level of disorder and crime after having implemented a community policing model in their urban areas. Moreover, although these authors note certain broad general principles underlying the community policing model, they candidly state that the community policing measures discussed in their book have been tailored for each respective city and that success of community policing has been achieved more through trial and error than any broad general scheme. Finally, the authors observe that every city that has implemented a community policing policy has generally done so for pragmatic reasons, i.e., to address specific problems that each city was facing.

Thus, the City of New York first adopted community policing techniques in the late 1980s to prevent the vandalizing of subway cars and to restore the confidence of commuters in the quality and safety of the subway system. It was only after noting a significant reduction in the crime rate in subway stations that the City of New York began to expand the techniques of community policing to other facets of city life. Baltimore adopted community policing practices after experiencing a significant drop in its population in the late 1980s and early 1990s that threatened to leave large pockets of the city devoid of people. Seattle and San Francisco adopted community policing in the 1990s after large numbers of vagrants swamped the public spaces of these cities and these urban centers were faced with the untenable prospect that businesses and middle class citizens would shortly be leaving their cities.

These authors relate that community policing consists of several elements. The first is that the police must be given broad discretion to solve problems that go beyond the tasks of detecting and apprehending criminals. Second, each neighborhood must recognize that it plays a significant role in preventing crime from occurring in the community. Third, each community must be given the responsibility for identifying its needs and for determining the level of order that it wishes to achieve. Fourth, the police must work not only with the community but with various outreach organizations and public agencies in order to solve the disorder problems in a neighborhood. Finally, municipal authorities must demonstrate the will and determination to push through necessary measures despite any vocal opposition of certain interest groups and despite the possibility (or probability) of facing litigation in courts.

The actual mechanics for developing a community policing model is beyond the scope of this particular review. However,

Kelling and Coles in their book do discuss in detail the steps needed in developing such a model of policing. What can be noted in this review is that community policing requires a connection with the people that the police serve. It requires that people recognize that the notion of citizenship entails certain obligations and that public servants are accountable to the people they serve. Community policing has much broader implications than just addressing crime and disorder in urban areas. Its principles are part of a larger movement to reinvent government. Thus community policing is ultimately more about reinvigorating democracy than it is about improving our criminal justice system.

Transforming Probation Through Leadership: The "Broken Windows" Model is an expansion of a report entitled "Broken Windows" Probation: The Next Step in Fighting Crime that was issued by the Manhattan Institute in August, 1999. *Transforming Probation Through Leadership* was prepared by the Reinventing Probation Council, a nationwide group of practitioners in the field of community corrections and academicians interested in redirecting the mission and goals of probation in the United States. The recommendations of this council for reinventing probation are based on similar tenets as those advocated for community policing.

Transforming Probation Through Leadership initially acknowledges the scope of community corrections in this country. It notes that currently over four million persons are under the supervision of probation departments in the United States. This amounts to just under sixty percent of all adult offenders in the criminal justice system. Nevertheless the authors of this report observe that despite the fact that probation is responsible for the bulk of the offender population in this country and that the probation population since 1990 has grown by twenty-eight percent, probation services are woefully under funded and probation is the most misunderstood component of the criminal justice system.

The authors of this report then proceed to argue that probation in this country is in a state of crisis. They note that the recidivism rate for probationers under supervision is disturbingly high. The authors state that about two-thirds of all probationers will commit another crime within three years of their sentence. In addition, these authors assert that of all probationers placed on community supervision, "the long-term trend indicates that an even smaller percentage complete their terms of supervision successfully." Finally, these authors note that more than half of the persons placed on probation have been convicted of a felony offense. Thus, they show that in terms of public safety, probation in its current state has an abysmal record.

The authors of *Transforming Probation Through Leadership* contend that instead of probation practitioners shying away from this situation or hiding these statistics, they should candidly acknowledge this present state of affairs and take meaningful actions both within the system of justice and through the community to tackle the commission of crimes by probationers. These authors state that probation should establish a benchmark goal by which no more than ten percent of all probationers commit another crime within three years of their sentences. In order to achieve this ambitious goal, this report makes several sweeping recommendations for reinventing probation.

The authors note that nationwide, probation officers spend an average of five to twenty minutes per month with offenders.

Moreover, this contact invariably occurs in an office setting. *Transforming Probation Through Leadership* contends that "fortress probation," where the officer spend most of his or her time in the office and passively in case management serve to undermine the rigorous enforcement of the conditions of probation. Thus the authors of this report argue that officers should devote most of their time supervising offenders in the neighborhoods where they live, work, and play and to adopt non-traditional work hours so that offenders can be supervised in the evenings and on weekends.

These authors also contend that the protection of the public should be the paramount concern of probation. They note that all too often, probation departments are uncertain of what the mission and purpose of probation is. They also state that there is a lack of commonly shared values among probation departments in this country. This lack of vision translates into ill- or non-defined goals. Adopting a mission that places the safety of the community first would better enable probation departments to focus their energies, would generate public confidence, and ultimately would create an atmosphere where state legislators were more willing to expend resources on community corrections.

These authors further state that probation must develop partnerships in the community. This particular recommendation is most closely akin to the concepts found in community policing. This report states that focusing on and achieving public safety goals are premised on the very necessity of engaging the community in offender supervision and accountability. In addition, this report argues that reducing the threat or risk of harm presented by offenders requires the development of programmatic interventions that connect offenders to environments that have pro-social supports and structures.

These authors state that community involvement empowers those who not only live in high crime neighborhoods but often are the prime victims of crime. It creates alliances with probation departments and leads to the enhancing of the image of supervision officers and the public perception of probation. Most important, it enables offenders to develop commitments to the places they inhabit, replace poor role model choices and bad peer influences with more positive models or peers, and allows offenders to benefit from the largess of their own neighborhoods and localities.

This report further contends that probation officers must hold offenders accountable for all violations of their conditions of probation. The authors of this monograph contend that there exists among officers an unacceptably high tolerance for violations of the conditions imposed by the courts. This in turn creates an atmosphere of officer indifference to the responsibilities that the courts have given to them and that the public has entrusted to their care. This has also created an attitude among probationers that probation is not something to be taken seriously and this belief contributes to continued lawlessness by probationers. Thus, the authors of *Transforming Probation Through Leadership* state that for probation to be effective and relevant in the next century, there must be strong enforcement of probation conditions and a quick response to violations.

Lastly, the authors in this report state that the operations and administration of probation departments throughout the United States need to be drastically changed. These authors assert that there needs to be a much better allocation of

resources within departments, that probation officers should be strategically assigned to specific geographic areas, and resources should be targeted to particular localities. The authors further state that new performance-based measurements need to be developed that "measures that what matters," to-wit: moving well beyond the measurement of process and activities towards results and outcomes that matter to the public. Finally, these authors contend that for probation to be truly reinvented, there needs to be strong leadership at the top of the organization, i.e., managers who are willing to embrace accountability, are not afraid to take risks, and are not satisfied with the *status quo*.

PROBATION PRACTICES: LEARNING FROM POLICE

by

Dan Richard Beto

Director

Correctional Management Institute of Texas

Sam Houston State University

Huntsville, Texas

Last year the Reinventing Probation Council, a group of criminal justice professionals convened by the Manhattan Institute, issued a critical report — "Broken Windows" Probation: The Next Step in Fighting Crime — on the state of probation. A year later a more comprehensive report was issued by the Council — *Transforming Probation through Leadership: The "Broken Windows" Model*. Those reports identified many of the problems of probation and offered suggestions on how those problems might be remedied. A key to the solutions is for probation to adopt as its primary objective the promotion of public safety. In assuming its role in promoting public safety, the community corrections profession could benefit from embracing certain methods employed by police. More specifically, probation could learn from the community policing efforts employed in a number of jurisdictions.

Found in the June 22, 2000, issue of *The Wall Street Journal* is an opinion piece written by George Kelling, a professor at the School of Criminal Justice at Rutgers University and a senior fellow of the Manhattan Institute. Kelling and Catherine M. Coles are the authors of *Fixing Broken Windows*, in which they provide a blueprint for reducing crime and restoring order in our communities.

In *The Wall Street Journal* article Kelling notes that police use five basic methods to prevent crime; these methods are equally applicable to probation practices, yet they have not been fully exploited by the probation profession.

Increased Police Presence in Troublesome Neighborhoods

Kelling notes that "a small percentage of urban locations contribute to a huge percentage of a community's crime." By rationally allocating resources, police have made an impact in reducing crime in certain high crime areas. Probation can achieve the same result by getting officers out of the office and into the community where offenders live, work, and recreate.

Both *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* and *Transforming Probation Through Leadership: The "Broken Windows" Model* should be read in tandem. Each book contains similar premises concerning what ails criminal justice in our country today, takes parallel approaches for solving the issues that lead to unacceptable levels of crime and disorder, and complements each other in addressing community needs and concerns. More important, these two books offer the most credible alternative to dealing with crime that we presently have. As such, both books point to the future by invoking measures that were once tried, tested, and proved successful but were discarded in the name of progress.

A number of probation departments throughout the country have adopted this concept by strategically placing officers in high crime rate neighborhoods and having them work nontraditional hours. An excellent example of this strategy is found in Operation Night Light conceived by the Massachusetts Probation Service, which developed meaningful partnerships with police, social service agencies, neighborhood groups, and the clergy to target high crime neighborhoods in the Dorchester jurisdiction of Boston. As a result of this effort, Boston realized a significant decrease in gang related criminal activity.

Likewise, the Pima County Adult Probation Department and the Maricopa County Adult Probation Department, both in Arizona, have experienced successful offender supervision efforts by increasing the level of offender contact in the community and by working nontraditional hours.

More recently in Texas, the Criminal Justice Division of the Governor's Office has created and funded Project Spotlight in the seven largest jurisdictions. Adult and juvenile probation officers, working in collaboration with area law enforcement, have increased their presence in the crime prone areas of Dallas, Fort Worth, Houston, San Antonio, Austin, Corpus Christi, and El Paso.

The Maricopa County Juvenile Probation Department implemented "Virtual Office Probation Officers" to increase the officers' productive time in the community and to rationally allocate the department's resources. These officers spend only one day a week in a traditional office setting; their virtual office is a briefcase on wheels that carries their laptop computer, cellular telephone, and other support materials.

The concepts of increased presence and heightened visibility are not necessarily limited to major metropolitan areas. An excellent example of high visibility in a fairly rural setting is found in the Permian Basin Community Supervision and Corrections Department in Texas, where officers provide supervision in easily identified and attractively designed vehicles.

The experiences of the Permian Basin Community Supervision and Corrections Department raises another issue about increased presence and heightened visibility. The department made a conscious decision to identify its vehicles with the word "probation," not with the long and often misunderstood phrase "community supervision and corrections department." The department selected a term that is easily understood and that conveys a clear message.

Despite these successful strategies, much more can be done.

Order Maintenance

As Kelling points out, "police have rediscovered that basic levels of order must be maintained in cities. Disorder creates fear and invites serious crime." Probation, too, has a role in order maintenance.

Probably the most noteworthy order maintenance activities that probation departments have been successful in implementing are those involving community service work by offenders under court imposed supervision. Community service initiatives managed by probation departments are creative and varied, ranging from trash collection, construction, janitorial services in government buildings, to beautification projects. All these activities help to restore order. Too, they send a message to the public, a message that is not always fully understood or appreciated, that something good comes from probation.

Another area related to order maintenance, and one that is far more difficult to achieve than creating a successful community service program but that is arguably far more important, is bringing order to the lives of a highly dysfunctional offender population. Likewise, restoring a sense of order to the victims of crime is a role that probation should passionately embrace.

Police Solve Specific Problems

Third, according to Kelling, "police solve specific problems, whether it is a troublesome tavern or a pattern of car thefts." Probation's role is similar in that it involves identifying and solving problems of a troubled population.

Most would argue, and rightfully so, the problems probation officers are called upon to address are far more difficult than those encountered by police. Probation officers must deal with a wide range of problems presented by offenders under their supervision — substance abuse, dysfunctional families, unemployment and the associated financial problems, little or no motivation, emotional and mental instability, lack of insight compounded by compulsive behaviors, and inappropriate value systems. In addition, these problems are well entrenched and with no easy resolution.

Years ago probation officers were identified as "change agents," who addressed problems through a variety of interventions and brought about positive change in the lives of offenders, and in doing so promoted public safety.

More recently, the "change agent" role has been made more difficult by larger and more complex caseloads, ever increasing paperwork demands, and a lack of adequate resources. As an unfortunate result, the "change agent" has been replaced by the "caseload manager," whose focus is on the quantity of cases assigned rather than on the quality of services provided. Despite this, probation officers should never lose sight of their problem solving role.

Police Persuade People to Behave

According to Kelling, people can be influenced not to commit crime by police, other authorities, or the disapproval of other citizens. "At times, persuasion may need a threat of 'or else,' but police do represent the moral authority of the community and can mobilize it." It may be argued that probation officers, as agents of the courts, possess a similar moral authority that can be called upon to persuade offenders not to commit new crimes.

A question exists as to probation's success in fully capitalizing on its moral authority. In all likelihood, it has not.

It is believed, however, that with adequate resources, with manageable caseloads, with rational strategies, and with a renewed focus on offender accountability, probation officers can persuade those placed in their charge to behave.

Police Enforce the Law and Arrest People

Finally, police promote public safety and prevent crime by enforcing laws and arresting malefactors. That is probation's role as well — enforcing conditions of probation and quickly responding to violations.

Unfortunately, in many jurisdictions, probation has failed to rigorously enforce conditions and hold offenders accountable for violations in a timely manner. Probation, for a variety of reasons, has become the great enabler, where probationers have come to learn that they can reasonably rely on "two free ones" — two or more dirty urine screens, two or more curfew violations, two or more failures to report, two or more electronic monitoring violations — before they have to face any consequences.

This permissive practice sends a terrible message, a message that emboldens the offender, frustrates the probation officer charged with providing offender supervision, and promotes the public's contempt for the justice system.

For probation to be effective, offenders must know "that their transgressions will be met with swift and certain punishment."

Conclusion

Kelling's opinion piece, while giving attention to police practices, provides a workable strategy for a rational probation system. Probation would be well advised to apply these five basic crime prevention methods as measures for success. To enjoy success and promote the favor of the public, probation must embrace practices that are, in the words of Ronald P. Corbett, Jr., Executive Director of the Massachusetts Supreme Judicial Court, "sensible, sustainable, simple, and sellable." Kelling provides such a blueprint.

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NEWS FROM THE FIELD

HOPKINS RETIRES

Earlier this year **Robert J. Hopkins** retired as Chief Probation Officer for Monmouth County, New Jersey. We recently received the following correspondence from him, which warrants sharing with the NAPE membership.

Robert J. Hopkins
486 South Edgemere Drive
West Allenhurst, New Jersey 07711

October 3, 2000

Dan Beto
Correctional Management Institute of Texas
George J. Beto Criminal Justice Center
Sam Houston State University
Huntsville, Texas 77341-2296

Dear Dan,

Just a quick note to advise you that I will not be renewing my membership in NAPE. As you know, I retired on January 1, 2000, and my membership expired in September. We weren't even sure I could renew, since I have left the discipline and have no intention of going back into it.

I would like to thank you and the other members of NAPE for the courtesies and encouragement that were extended to me while I was the Chief in Monmouth County. It was a pleasure dealing with all of you. NAPE is a professional, competent organization.

Continued success.

Sincerely,
Bob Hopkins

Bob's letter is deeply appreciated and we wish him well in his retirement.

EXECUTIVE DEVELOPMENT PROGRAM HELD

On September 24-29, 2000, another Executive Development Program for new Probation and Parole Executives was held at the George J. Beto Criminal Justice Center in Huntsville, Texas. This program, which has been in existence for several years, is a cooperative initiative of the National Institute of Corrections, National Association of Probation Executives, and the Correctional Management Institute of Texas.

Topics covered during this week long program included strategic planning, working within the organization, working in the political arena, reinventing probation, media relations, presentation skills, leadership issues, legal issues for community corrections administrators, and a focus on self.

Participants in this program included: **Theresa Doty**, Administrator, Yakima County Courts, Yakima, Washington; **Lloyd Glass**, Director, Dawson County Community Supervision and Corrections Department, Lamesa, Texas; **David Guntharp**, Director, Department of Community Punishment, Little Rock, Arkansas; **Dallas Johnson**, Deputy State Court administrator, South Dakota Court Services Department, Pierre, South Dakota; **Paul Kosierowski**, Chief Probation Officer, Gila County Probation Department, Globe, Arizona; **Jacqueline Kotkin**, Assistant Director for Correctional Services, Vermont Correctional Services, Waterbury, Vermont; **Bobby L. Lavoie**, Director, Georgia Division of Probation, Atlanta, Georgia; **David Mills**, Director, Tazewell County Court Services, Pekin, Illinois; **W. C. Mullan**, Deputy Director, Ohio Department of Youth Services, Columbus, Ohio; **Lawrence F. Murray**, Chief Probation Officer, Adams County Adult Probation Department, Gettysburg, Pennsylvania; **Kris Petersen**, Director, Board of Pardons and Paroles, Sioux Falls, South Dakota; **Judith Sachwald**, Director, Maryland Division of Parole and Probation, Baltimore, Maryland; and **Lucille A. Taylor-Welch**, Director, Orleans County Probation Department, Albion, New York.

The faculty for this program consisted of: **Dan Richard Beto**, Executive Director, Correctional Management Institute of Texas, and NAPE President; **Bernard Fitzgerald**, Chief Probation Officer, Dorchester District Court, Dorchester, Massachusetts; **Ron R. Goethals**, Director, Dallas County Community Supervision and Corrections Department, Dallas, Texas, and NAPE Board member; **Richard A. Kipp**, Member, Board of Probation and Parole, Harrisburg, Pennsylvania; **Diane L.**

McGinnis, Executive Director, Pima County Adult Probation Department, Tucson, Arizona, and **Rocco A. Pozzi**, Commissioner, Westchester County Probation Department, White Plains, New York, and a past President of the American Probation and Parole Association.

In addition to the peer faculty, **Rolando V. del Carmen**, Distinguished Professor of Criminal Justice at Sam Houston State University, volunteered his time to lecturing in this program. **George M. Keiser**, Chief, Community Corrections Division, National Institute of Corrections, also participated.

Coordinating this program was **J. Richard Faulkner, Jr.**, Correctional Program Specialist, National Institute of Corrections. Logistical support was provided by: **Christie Davidson**, Coordinator of Secretariat Services, Correctional Management Institute of Texas; **Kelley Thomas**, Graduate Assistant, Correctional Management Institute of Texas; and **David Epps**, Technology Specialist, College of Criminal Justice, Sam Houston State University. Local transportation was provided by the Institutional Division of the Texas Department of Criminal Justice.

DON SMITH ANNOUNCES RETIREMENT PLANS

Veteran community corrections administrator **Donald R. Smith**, Director of the Tarrant County Community Supervision and Corrections Department in Fort Worth, Texas, has announced his plans to retire on December 31, 2000, bringing to a close a distinguished career approaching almost four decades.

He has long been recognized as a leader in community corrections, and he has been extremely active in a number of professional organizations. Smith is a past President of the Southern States Correctional Association and the Texas Corrections Association. In addition, he has been active in the National Association of Probation Executives, Texas Probation Association, and the American Probation and Parole Association.

Smith served as Chairman of the Advisory Committee on Adult Probation Management created during the 70th Session of the Texas Legislature, and its successor organization, the Probation Advisory Council for the Texas Department of Criminal Justice. He also served on the Texas Probation Training Academy Advisory Board.

During his distinguished career, Smith has been honored on a number of occasions. In 1978 he was presented with the Clayton-Morrison Award by the Texas Institute on Children and Youth. In 1985 the Texas Corrections Association honored him by recognizing him as the Outstanding Adult Correctional Administrator in Texas. The Texas Corrections Association again honored Smith in 1997 by presenting him with the George J. Beto Hall of Honor Award.

POLICE-PROBATION PARTNERSHIPS: OPERATION ASSENT

Law enforcement and probation officials in Brazos County, Texas, spent the afternoon and evening of November 16, 2000, searching for sex offenders during Operation Assent — a program designed to verify employment and residential records for convicted sex offenders.

The Brazos County Sheriff's Department in Bryan, Texas, which is charged with the responsibility of registering all sex

offenders in the county, joined forces with the Bryan and College Station police departments, the Brazos County Community Supervision and Corrections Department, the Brazos County Juvenile Probation Department, and the local State Parole Office on the project.

The first phase of Operation Assent — employment verification — began shortly after 2:00 p.m. following a general briefing at the Brazos County Detention Facility. The second phase — residential verification — began at 5:00 p.m. and concluded around 8:00 p.m.

According to **Chris Kirk**, Brazos County Sheriff, "Earlier this year we took over the sole responsibility for registering sex offenders in Brazos County. Things are operating the way we want them to, but we felt it was time that we had some compliance checks." Kirk went on to say that spot checks had been performed previously, but his department had never attempted to check on all 115 sex offenders. The county has 115 sex offenders — 19 are on parole, 61 are on probation, and 35 are unsupervised.

Despite the fact that a number of sex offenders are no longer under probation or parole supervision, complying with state registration laws can, in some instances, be a lifetime requirement. Offenders found in violation of the registration requirements can be charged with a felony.

In addition to determining compliance with the registration requirements, team members looked for other potential violations, such as children in the workplace or children's items in the residences.

HUSKEY NAMED TO ILLINOIS JUVENILE JUSTICE COMMISSION

NAPE member **Bobbie L. Huskey** has been named by Governor **George H. Ryan** to the Illinois Juvenile Justice Commission for 2000-2003. The Juvenile Justice Commission is responsible for directing statewide policy on juvenile justice and for allocating funds from the Office of Juvenile Justice and Delinquency Prevention to jurisdictions throughout Illinois.

Chicago-based Huskey directs a national consulting firm that assesses the needs of state and local juvenile and adult criminal justice agencies, leads strategic planning projects for correctional administrators, conducts research and evaluation of offender programs, and helps plan and develop justice facilities and alternatives to incarceration. The firm has served as a consultant to more than 25 states.

Prior to forming her own firm, Huskey served in key executive positions in several states, including administrator of community corrections for Virginia, director of a 60-bed community residential center in Chicago, and executive director of a private, non-profit corrections agency in Michigan City, Indiana.

In addition to her membership in NAPE, Huskey is a member of the National Council of Juvenile and Family Court Judges, where she serves on the Juvenile Delinquency Committee. She is a past President of the American Correctional Association.

Huskey has received the E. R. Cass Correctional Achievement Award from the American Correctional Association and an outstanding achievement in corrections award from the National Association of Wardens and Superintendents.

NEW MEMBERS

Since the last issue of *Executive Exchange* was published, 22 new members have joined the National Association of Probation Executives. New individual members include:

Les Brown, Director, Lubbock County Juvenile Justice Center, 2025 North Akron, Lubbock, Texas 79415.

Theresa Doty, Court Administrator, Yakima County Courts, 128 North Second Street, Room 225, Yakima, Washington 98901.

Deborah L. Craig, Director, House Arrest, Bureau of Community Corrections, Delaware Department of Corrections, 511 Maple Parkway, Dover, Delaware 19901.

Michael Enax, Assistant Director, Harris County Community Supervision and Corrections Department, 49 San Jacinto, Suite 600, Houston, Texas 77002.

Lloyd Glass, Director, Dawson County Community Supervision and Corrections Department, P.O. Box 1183, Lamesa, Texas 79331.

David Guntharp, Director, Department of Community Punishment, Two Union National Plaza, 2nd Floor, 105 West Capitol, Little Rock, Arkansas 72201.

Anne E. Herod, Director, Wyoming County Probation Department, 14 Linwood Avenue, Warsaw, New York 14569.

Dallas Johnson, Director, South Dakota Court Services Department, 500 East Capitol Avenue, Pierre, South Dakota 57501.

Paul Kosierowski, Chief Probation Officer, Gila County Probation Department, 1100 East Monroe, Suite 200, Globe, Arizona 85501.

Jacqueline Kotkin, Assistant Director of Correctional Services, Vermont Correctional Services, 103 South Main Street, Waterbury, Vermont 05671.

Bobby L. Lavoie, Director, Georgia Division of Probation, 2 MLK, Jr., Drive, Suite 954 East, Atlanta, Georgia 30334.

Warren Lutzow, Deputy Chief, Division of Parole and Probation, 1445 Hot Springs Road, Suite 104, Carson City, Nevada 89706.

David Mills, Director, Tazewell County Court Services, 334 Elizabeth Street, Suite 100, Pekin, Illinois 61554.

W. C. Mullan, Deputy Director, Division of Parole Youth Services, 51 North High Street, Suite 202, Columbus, Ohio 43215.

Lawrence F. Murray, Chief Probation Officer, Adams County Adult Probation Department, 111-117 Baltimore Street, Suite 302, Gettysburg, Pennsylvania 17325.

Kris Petersen, Executive, Board of Pardons and Paroles, P.O. Box 5911, Sioux Falls, South Dakota 57117.

Susan Rice, Chief Probation Officer, Miami County Probation Department, 25 Court Street, Peru, Indiana 46970.

Judith Sachwald, Director, Maryland Division of Parole and Probation, 6776 Reisterstown Road, Suite 305, Baltimore, Maryland 21215.

Christopher Stanecki, Assistant Chief Probation Officer, Superior Court of New Jersey, Probation Division, 595 Newark Avenue, Room G-7, Jersey City, New Jersey 07306.

Clay Thomas, Deputy Chief, Division of Parole and Probation, 1445 Hot Springs Road, Suite 104, Carson City, Nevada 89706.

Frank Verce, Assistant Commissioner, Westchester County Probation Department, P.O. Box 307, White Plains, New York 10605.

Gregory E. Werich, Chief Probation Officer, Wells County Probation Department, 102 West Market Street, Suite 404, Bluffton, Indiana 46714.

In addition, one new organizational member joined and three individual members upgraded their membership status to organizational members; the new organizational members are:

Brazos County Community Supervision and Corrections Department (Arlene Parchman, Director), P.O. Box 2015, Bryan, Texas 77806.

Fort Bend County Community Supervision and Corrections Department (Leighton Iles, Director), 118 Legion Drive, Richmond, Texas 77469.

Hockley County Community Supervision and Corrections Department (Vickie Pinkston), 1212 Houston, Box 3, Levelland, Texas 79336.

Marion Superior Court Probation Department (Robert L. Bingham, Chief Probation Officer), 200 East Washington Street, Suite T322, Indianapolis, Indiana 46204.

Finally, a new corporate member has joined the Association; the new corporate member is as follows:

PMI, Incorporated (Wendy Johnston, President), 219 Billings, Suite 330, Arlington, Texas 76010.

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.

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.

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.

Membership Application (TAX # 58-1497263)

NAME _____ TITLE _____

AGENCY _____

ADDRESS _____

TELEPHONE # _____ FAX # _____ E-MAIL _____

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CHECK Regular \$ 50 / 1 year \$ 95 / 2 years \$140 / 3 years
 Organizational \$250 / 1 year
 Corporate \$500 / 1 year

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

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ATTN: Christie Davidson
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Sam Houston State University
Huntsville, Texas 77341-2296
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