National Association of Probation Executives

EXECUTIVE EXCHANGE

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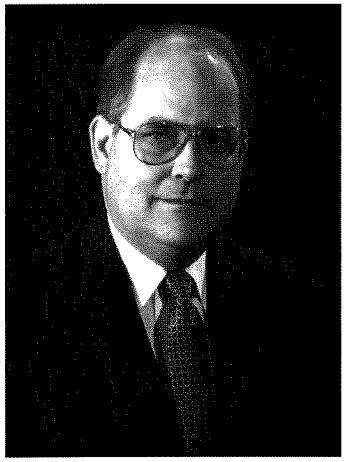
PRESIDENT'S MESSAGE

With this issue of *Executive Exchange* I write my last message as President of the National Association of Probation Executives. These past two years have been enjoyable, and I am grateful to the Officers and Directors and to those members who volunteered their time and talents to move the Association forward and to improve our profession. Too, I would be remiss if I did not recognize Christie Davidson, who manages the Association, for the invaluable support she provided during my term of office. Finally, I am indebted to two NAPE past Presidents — Ronald P. Corbett, Jr., and Robert L. Bingham — for their active involvement, their words of encouragement, their guidance, and their continued leadership.



Ron R. Goethals, Director of the Dallas County Community Supervision and Corrections Department in Dallas, Texas, will take over as President on July 1, 2002. We may expect great things from Ron, a dedicated and visionary probation leader, during his term of office.

A Status Report

In May of this year Alan M. Webber, the founding editor of Fast Company and a member of the Board of Contributors of *USA Today*, published an opinion piece on the fundamentals of good business. In his article Webber wrote that the fundamentals, or qualities, of good business may be summed up in three questions:

1) Authenticity: Are we who we say we are?
2) Accountability: Do we do what we say we will?
3) Integrity: Do we deal consistently with customers?

How does NAPE stand up to these questions? Favorably, from my perspective. Found on the back page of this issue of *Executive Exchange* is a membership application form, contained in which is a description of "who we are" and "what we do." It is clear that we know who we are and that we deliver what we say we will.

Over the past several years NAPE members have provided technical assistance and training throughout the United States. Since 1997 members of the Association have been involved in delivering the Executive Development Program for new probation and parole executives, a cooperative initiative with the National Institute of Corrections and the Correctional Management Institute of Texas at Sam Houston State University. In addition, NAPE members have fostered a national network for probation executives which promotes the sharing of information. And NAPE members, working in concert with the Manhattan Institute, have provided leadership in the "reinventing probation" movement, which have produced the critically acclaimed monograph *Transforming Probation through Leadership: The "Broken Windows" Model*. Finally, in recent months members of the Association have been called upon to meet with probation officials from other countries to provide technical assistance.

Our organization is strong, it is focused, and it is adhering to the values embraced when it was founded in 1981. NAPE is an organization with a rich past and a bright future. We all have reason to be proud of the progress made by our Association during the past three decades.

This Issue

Robert L. Bingham, Chief Probation Officer for the Marion Superior Court in Indianapolis and immediate past President of the National Association of Probation Executives, serves as Guest Editor of this issue of *Executive Exchange*. He and members of his staff have contributed four articles of inter- ***continued on p. 2***

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PRESIDENT'S MESSAGE *(cont'd)*

est to community corrections administrators. In addition to the contributions from our Indiana colleagues, we have two articles from Texas probation professionals that address relevant issues.

We are indebted to Bing for putting this issue together and to all those who took the time to write articles for our consideration and edification.

Denver 2002

As has become a tradition, the National Association of Probation Executives will meet in conjunction with the American Probation and Parole Association's Annual Institute in Denver, Colorado, this summer. On Saturday, August 24, 2002, we will have our enjoyable Members Reception, which provides a forum for probation executives to network and reestablish acquaintances. On Sunday, August 25, 2002, we will hold our Annual Awards Breakfast, where we will recognize the "Executive of the Year" and present the Sam Houston State University Award.

Please plan to attend these events and the APPA Institute. We look forward to seeing you in Denver!

Dan Richard Beto
President

TAKING OVER FROM THE OUTSIDE

by

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In the private sector, external administrative take over is a commonly accepted, every day practice. Fueled primarily by the need to remain competitive and fiscally sound, companies routinely determine that a new president, executive director, or CEO is necessary to guide and manage company operations. Irregularities in operation may need correction, profits increased, markets expanded, or new product lines and technology introduced.

While the above scenario seems alien and remote from the world of probation administration, rare occasions do call for court or executive-based probation departments to seek managerial/leadership expertise from outside of the department. For a variety of reasons to soon be presented, courts or local/state executive branch departments must seek outside, objective leadership to stabilize and pilot departments or agencies which have experienced significant internal turmoil and operational decline.

My knowledge base on the subject is directly drawn from contrasting experiences gained during an administrative career where I was selected to head up five separate probation agencies in three different states. All operations were medium to large systems involving the administration of juvenile or adult probation operations; in two Illinois assignments, I managed both adult and juvenile probation systems, with one of these two assignments also including administrative oversight of a small juvenile detention facility. Jurisdictions ranged from county populations of 125,000 to 1,100,000.

I certainly did not foresee this future for myself when I embarked on my career in probation; I stumbled into this specialty area and have learned from distinct, direct experiences as opposed to academic preparation. So what has been learned?

When outside administrative intervention is sought to manage a probation system, it should be recognized in the vast number of circumstances that a significant internal problem within the organization has necessitated the search. I know of very few instances within our industry where chiefs have been dismissed for professional incompetence. Rarely is a chief let go because of high recidivism rates, faulty intake practices, or reduced rates in fee and costs collection.

Outside chiefs are generally brought in because present internal candidates are thought to be under qualified or too associated with the previous administration so that their objectivity and decision-making is considered suspect or tainted. There also may be a "temperament" issue, that is, the judicial or executive supervisors of the department believe that some internal candidates do not possess the temperament, personality, or broad "people skills" required to work with all units of the operation; on paper, internal candidates may be very qualified, but there is an inconsistency or gap within their track record that cautions and discourages their promotion.

If the previous chief is linked to criminal or ethical wrongdoing, his or her close assistants and aides may be, rightfully or wrongfully, painted with the same brush. In severe circumstances of criminal wrongdoing, the chief's inner circle may be dismissed as well due to their immediate involvement with or complacent knowledge of criminal activity common to departmental operations.

Why are chiefs dismissed? Generally, forced terminations are related to the following: 1) criminal activity on or off the job, 2) ethical violations that violate local codes of judicial/administrative conduct, 3) political considerations.

Criminal misconduct may be connected to on or off the job behaviors. Internally, chiefs have fallen because they have stolen/misused departmental funds or equipment and/or manipulated receipt of collected costs and restitution, revenue streams, insurance benefits, mileage reimbursement, etc., for personal gain. There are also known examples where chiefs run clean departments, but they run afoul of the law in their private lives, and for these misdeeds, they must be replaced. Domestic violence and DUI arrests are good examples of criminal offenses which have led to resignation or dismissal for some probation chiefs across the country.

Much earlier in my career, I was entrusted to triage and stabilize a large suburban system which had been rocked by criminal wrongdoing by the former chief and the tacit knowledge of his close aides. Fortunately, these situations and circumstances are rare. However, my direct experience has taught me that most chiefs whom I have replaced erred not criminally, but ethically. Criminal wrongdoing was not their downfall, but operating departments which actively encouraged or tolerated ethically suspect workplace cultures eventually surfaced to force their removal.

Some chiefs, when well established within their departments, start to take liberties through a distorted sense that they are entitled to such latitude and unofficial perks. The taking of one liberty frequently leads to another, the chief loses focus on his/her true role and place within the organization, and a downward spiral eventually leads to dismissal. Personal misuse of governmental property (vehicles, computers, phones, furniture, etc.) is not an uncommon base for dismissal in these circumstances.

Regrettably, chiefs have lost their positions through sexual harassment of their employees and/or probationers. Chiefs who recklessly use and abuse alcohol and/or drugs, on or off the job, also expose themselves to inevitable dismissal. Thirdly, organizational cultures, as crafted and endorsed by the chief, which devalue fundamental fairness and respect within the workplace and provide token, insincere endorsement of diversity principles face termination as well through the development of office dissension and the likely anticipated filing of multiple lawsuits by wronged employees, past and current.

Finally, there are exceedingly infrequent circumstances where outside chiefs are sought and introduced to productive, stable yet stagnant organizational cultures because executive or judicial leadership believes that fresh blood or new vision would be helpful to the department and advantageous to the overall criminal justice response. Again, these situations are rare. This bold decision carries sizeable risk in that heightened resistance from legitimate internal candidates and their supporters is very likely to follow, consequently complicating the new chief's acceptance and effectiveness.

By now, we have an understanding of what the new chief may be inheriting within the new workplace and why he or she has been brought in. External recruiting and hiring of an outsider is generally thought to be a signal that internal problems can only be fairly approached, diagnosed, analyzed, and corrected through an experienced, balanced, and neutral perspective. Anyone who has been in the position of accepting outside administrative responsibility for a probation agency knows that you were brought in over internal candidates because, amongst many attributes, you offered fresh, unscathed, and unbiased opinion towards operations and personnel. The individuals responsible for your hire may actually view your operational and cultural ignorance of the department as an advantage.

Research

The new probation chief's study of the department should begin well before the interview. Due to the fact that the recruited chief will likely witness much smoke and even fire during the new assignment, the applicant well prior to the interview should make an exhaustive inquiry. Local, state, and national contacts should be exploited to ascertain as much as possible about the probation department in question. State regulatory agencies should be contacted. If possible, a comprehensive review of local newspaper clippings should be initiated if the department has been under media fire.

The key is to find out as much as possible in preparation for the interview since the interview team will certainly not reveal the depth and scope of internal difficulties since they may not yet be fully realized.

As part of the applicant's interview strategy, diplomatic, yet probing questions about the department's recent and current functioning need to be readied for the asking of the interview team. These questions signal to the interview team that you have done your homework, that you wish the fullest exposure to the problems and issues which are prompting consideration of outside intervention. The key here is to be both diplomatic and candid, and again, if you are selected as the next chief, you have already sent a message to your future superiors as to your thoroughness and preparedness.

The very bottom line is that the applicant is responsible for gathering as comprehensive an understanding of internal operations and personnel as possible. Especially, if you are relocating and making a physical move that impacts not only you, but also your family, you are obligated to the fullest extent possible to know what you are soon entering. You also need a firm, complete sense as to your marching orders upon accepting the position. Is there more housecleaning left to do? Is major reorganization required? Are programs healthy and productive, or is major restructuring necessary? What is the fiscal health of the agency? What of facilities? All of these questions and more should be shared with your potential superiors prior to accepting any offered position. Remember, this department may soon become "your" department, including all strengths, weaknesses, and liabilities.

Politics

In evaluating the current vacancy, it is essential for prospective chiefs to inquire as thoroughly as possible about the impact of politics on the selection process and the related operating of the department. In most instances where outside intervention is sought, politics is a low or non-consideration because the political card would have been played prior to seeking an outside chief. As part of their research, potential candidates need to subtly and directly seek as much political background and objective insight as possible on the system being considered.

As an example, I was considering a position with a large urban system a few years ago, and from my internal contacts within that system, I had a strong chance of being hired; however, my inquires suggested that my position could only be "protected" for one year since a change in chief judgeship would likely bring a change in probation leadership as well. For family

and career considerations, regardless of the attractiveness of the position, I was unwilling to take the associated risk.

While the patronage system may presently be less active, it remains a major force in some systems and considerations in chief selection. From past exposures, I tend to believe that patronage is more active and influential within executive branch supervised probation systems than judicially based; however, there are some judicial branch systems where patronage is an understood and very tangible factor in not only the selection of the chief but in the internal structuring and operation of the department. External candidates need to ask the question: "Do I retain my position as chief probation officer if there is a change in the governor, DOC director, chief judge, etc.?" Also, are there any political expectations or requirements outside of the workplace? Potential chiefs being interviewed from the outside need to discreetly bring these sensitive issues to the table when they are permitted to raise issues and concerns as part of the interview process. Will I be given responsible free rein or hamstrung from the start? An insincere, anxious, or incomplete response from the selection committee on any of these points should raise suspicion if not alarm.

Orientation

Depending on the assignment, some orientations may be arranged for you by your superiors, but more likely than not, you will be on your own. It is important to enlist the aid of your deputies or supervisors in developing and structuring a short-range and long-range plan. You should also seek input and priorities from your superiors since they have a better sense than anyone as to how and with whom some fences need to be mended.

Always make it a point during the very first day of employment, if not sooner, to privately meet with all internal candidates. Explain to them that you were not responsible for the hiring decision that you will strongly need their guidance, input, hard work, and support in the months and years to come. Avoid the loyalty issue because that variable must be earned through your association. However, be on record immediately with these employees that you are requiring their commitment, that any residual resentment associated with their denial of promotion must be resolved and closed. End the exchange with strong eye contact, a firm handshake, and your gratitude. This overall extension establishes firm and immediate control, lessens anxiety, and sends a loud and clear message that you are sensitive to their disappointment. It also resounds that you very much need their assistance in learning to run the department.

The Rule of Unequal Thirds

The receiving department's personnel are enormously curious as to the new chief's professional and personal background and administrative style. As a fair degree of natural and expected anxiety exists upon the new chief's arrival, he or she should expect major scrutiny. Some staff openly and warmly receive the new director; they view his or her arrival as a fresh beginning, a new start, a needed rejuvenation for a troubled or stagnant department. They are positive, optimistic, helpful, and instantly responsive to demands; such staff genuinely wish for improvements and agency betterment. Conversely, their expectations may be unreasonable, impossible to achieve, and fueled by selfish motivation.

The second unequal third and majority of agency personnel sits back and remains neutral during the initial acclimation period. These employees are not quick to run in and offer their support and assistance. They primarily wish to sit back, politely challenge, test, and observe. They do not offer blind support based upon the new chief's background or previous accomplishments. Their support will be earned over time through inclusion in accomplishment and recognition of effort.

Surprisingly, a very limited number of employees wish the new chief to fail. These individuals may have been passed over for the chief's position or a previous promotion. If they were previously a chief's candidate, they did not hear or heed the messages posed by the new chief in their initial meeting. Such workers' discontent is often exclusively fueled by external issues or variables unrelated to the workplace: a failing marriage; familial difficulties with parents, children, and other immediate relatives; financial problems; substance abuse and mental health complication; etc. This distinct, minority population bears close watching; recall the old adage to "keep your friends close and your enemies closer." Regardless of your efforts to convince and convert these resistant employees, they may always remain negative and oppositional out of personal need.

Programs or Persons?

As referenced previously, it is critical for the new chief to understand his or her direct and immediate marching orders from superiors. This is a needed and fair question to ask of superiors upon the new chief's hiring, if not during the interview process. What needs prompt attention and repair? What are the instant and potential crises which require swift address and resolution? In previous assignments, some of my initial assignments pertained to rebuilding intake operations, revisiting and revamping private institutional usage for juvenile probationers, improving relations with police and the county legislative body, uniting departments wounded and embittered by scandal or ethical irregularities, tapping new revenue streams, reestablishing or establishing credibility with the courts and state regulatory agencies, etc.

As is evident from a review of the above list, the majority of these assignments are not of overnight variety. Such broad, challenging assignments require clear strategy, hard work, prudent inclusion of key staff, and time. With needed direction and emphasis provided by superiors, the new chief must prioritize projects for immediate attention. The processes and timetables required for such project completion are best determined through direct participation of key personnel. Not only does the new chief need practical understanding of the factors impacting and possibly impeding project completion, he or she more importantly needs the investment and ownership of key aides in the journey to address and complete.

As the initial project activity is determined and scheduled for completion, the new chief should turn his or her attention towards a mutual acclimation with employees. This process is directly impacted by the size of the department. It is a sage use of the new chief's time to engage and join as best possible with key, direct reporting personnel. This process should be individualized and can be accomplished in private meetings, over lunch, etc.

Through the course of my tenure as a chief probation officer, I have utilized a format known as "firesides." These are 1½ - 2 hour meetings, usually held within my office. I deliberately turn off my phone and instruct my administrative assistant that I wish not to be disturbed save for emergencies. During this meeting time, I encourage the employee to talk openly and freely about their childhood and upbringing, parents and siblings, immediate family including husbands, wives, and children, schooling, previous employment, future goals and aspirations, hobbies, etc. Primarily, the focus is not about work or their role within the organization although many staff also wish to elaborate upon their departmental history.

The meeting is meant to be unique and memorable. I utilize every active listening skill that I have ever learned, I ask questions, I seek common ground, and in the process I typically reveal personal sides about which most staff are unaware. Most importantly, I truly listen and allow the employee to elaborate about self. The conversation is very much intended to resemble a leisurely chat before my living room fireplace on a winter's afternoon, as opposed to one held within the bureaucratic confines of a courthouse office.

At the conclusion of these meetings, I recognize and compliment employees for their hard work and dedication, and I stress my open door policy. I also emphasize that regardless of their opinion of my leadership and decision-making authority as chief — past, present, and future — that I have attempted to look beyond their role as an employee, and that I value them more as a human being than as a probation employee.

To further underscore such valuing of employees, the recognition by the chief's office of birthdays and anniversary dates with the agency is an easy, thoughtful response, which is well received by staff. Kudos from the chief's office announcing positive accomplishments should become a standard response upon the new chief's arrival.

What separates and individualizes us all as probation executives are our unique methods and styles in working with our staffs. The above suggestions are merely that, suggestions from one journeyman probation administrator which have been well received and proven consistently valuable and effective for me over the years in a variety of assignments.

Inclusion

A definitive need, especially within today's emerging workforce, is the need for staff inclusion in operational program response and decision making. In several of my previous assignments, former chiefs hastened their demise and termination by their casual, if not purposeful, even arrogant, dismissal of valuable and needed expertise within their respective offices. This indifference and disrespect needlessly but understandably facilitated the erection of barriers of misunderstanding and mistrust between line level personnel and administration.

Participatory managers, old or new, truly need to "walk the talk," and in doing so devise methods and vehicles for facilitation of input from all levels within the organization. Healthy, open systems value input, positive and negative. A variety of vehicles may be utilized to garner a consistent flow of feedback; some of the conduits that I have helped orchestrate over the years include: a Chief's Council; a Feedback Committee; a Retention Committee, periodic noontime exchanges with staff known as Chief Chats; regular attendance at unit and supervisory meetings; suggestion boxes; etc.

A courageous move is to seek staff input via confidential survey. If such a vehicle truly facilitates the candid exchange of opinions and recommendations, expect a fair degree of negative criticism. Remember the minority population, which wished you to fail upon assuming control? You will hear from this crowd in detailed and specific volume. Ironically, some current detractors will actually be neutralized through this activity as they will recognize and respect the courage involved in instituting the survey and responding to the suggestions, positive and negative.

Enhancing all options is the more basic need for a chief to regularly seek staff advice on a personal basis; perhaps a veteran staff's opinion can be asked during a routine contact on the floor or a specific phone call to a branch office: "Jess, you've got a lot of experience with this issue; what do you think? What do you recommend?"

Seeking staff opinion is only part of the response. Once the input is received, what do you do with it? Inherent to this tenet is the reality that not all staff input will be acted upon. Some of the suggestions received are impractical, costly, divisive, and antithetical to departmental philosophy and emphasis; even more basic, some suggestions are simply stupid and wrong.

In embarking on this path, you can never overemphasize the fact that not all input will be realized. Most employees have no conception, understanding, or respect of the variables and issues that one has to juggle as chief. Obviously, some input should be acted upon, must be acted upon, or instant distrust and incredibility will be established, a mindset that the chief will have difficulty dislodging since staff will view themselves as being duped and manipulated.

Finally, when ideas or suggestions are adopted, it is critical that respectful recognition and rightful praise be afforded the source. No response from a chief alienates and angers staff more than the new chief taking credit for a suggestion or accomplishment for which he or she is not responsible.

Patience

Positive, cultural change within a governmental department takes time. It takes time, frequently years — not months. The most critical element of all is the degree and extent of departmental pathology, which necessitated outside intervention in the first place. The most scarred and insecure department that I ever assumed required the hiring of an outside chief due to the previous chief being indicted and a half dozen of his top aids being fired in lieu of criminal prosecution. The office culture common to the department is not changed overnight. The process is long, deliberate, painful, and frequently dirty, a result that your superiors must recognize and accept.

Carl Wicklund, Executive Director of the American Probation and Parole Association, provides another slant on change within institutions: "Trying to do systems change is like trying to move a cemetery. It is hard, dirty, and meticulous work. People will resist and others will be uncomfortable with the idea. You get no help from the inside. You will uncover skeletons. It's done with bare bones resources. Even after you've completed the job, things may look the same."

The systems change, which is required, is not only difficult and stressful, but it is likely to be unpopular as well. Some employees clearly do not recognize or embrace the need for change because it may be professionally, even personally threatening on many levels. It is predictable that the new chief's industry knowledge and management/leadership abilities will

be challenged and purposely tested during the honeymoon take-over period. This process is totally understandable and expected; new chiefs should not be insulted or stressed due to this natural and needed process.

The best counter from the chief during the early weeks and months of transition is hard work and long hours. I have always espoused the parking lot theory that the new chief's car should be the first to arrive in the morning and the last to leave in the evening. An extended office presence sends a loud, clear message of genuine commitment to the local system and personal determination to its stabilization and improvement.

Expect some loneliness. Most likely, the new chief is separated from family, home, and familiar comforts and supports. During the transition period, the status quo will be challenged, the boat will be rocked to certain degrees, and the new chief's true supporters and detractors will be revealed on the local level. It is at this awkward time that the chief's established professional network, whether local, state, or national, should be tapped for reassurance and counsel.

At this stage when moral courage is surely tested, recall the motto of the British Special Air Service Regiment, "Who dares, wins" and the words of Roman poet, Terence, "Fortune favors the brave." Responsible, well-researched and well-calculated risks must be taken and are a clear expectation of the position. Be comfortable and accepting of that need and reality.

The new chief can do much to keep the train on track and running smoothly in the right direction through the consistent and orderly administration of the department. Likewise, by encouraging an administrative response which is open to and respectful of employee input and design, while setting demanding standards for service and program provision, the new chief is taking giant strides towards achieving operational success.

Consistency is critical, especially in regard to discipline. New chiefs are making a drastic mistake, especially during their initial tenure, if they do not impose a tough, even stance on discipline. With the full knowledge and support of superiors, they need not be afraid to suspend or terminate should just cause be established. A strong disciplinary stance needs to be established and consistently interpreted; in doing so, an immediate signal reverberates through the agency, which levels the playing field and lessens the likelihood for future disciplinary situations.

In closing, my son, Ben, plays football at Ball State University. In reporting as a "walk on" freshman last August, I vividly recall the welcoming words of wisdom as provided to the assembled first year players and parents by head coach Bill Lynch. Coach Lynch stressed the issue of patience over and over again. As freshman football players, most are red-shirted. Many "walk on" players quit out of frustration and disappointment. Very few first year players actually see game time during their freshman year. Really what Coach Lynch was saying was that the majority of freshman players are not ready for Division I-A playing time. They need to get bigger, faster, smarter. More importantly, they need to develop and understand the need for patience during their undergraduate athletic career.

While incoming chiefs from the outside do not necessarily need to be bigger and faster, they do need to be smart and grow even smarter from their experiences. From the very onset of their administration, chiefs from the outside must remain calm and steadfast while fully recognizing the hugeness of the task at hand; they need to accept that it most likely will take many years of patient, skilled attention, and hard work to formulate an institutional culture under their watch which is efficient and effective, thus meeting the mutual goals of community protection and offender rehabilitation.

Patience, chief...patience.

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. Beto Criminal Justice Center at Sam Houston State University unless so stated.

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.

Specific questions concerning *Executive Exchange* should be directed to Dan Richard Beto at (936) 294-1675. Facsimiles may be sent to (936) 294-1671. All correspondence regarding *Executive Exchange* should be sent to the following:

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LOCAL PARTNERSHIPS ENHANCE OFFENDER CAPABILITY

by

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and
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In 1997, the Marion Superior Court Probation Department began efforts to better focus on holding offenders more accountable while they were under supervision in the community. Community protection became an integral part of the mission, which lead to an increase in probation officers' presence in the neighborhoods. Two programs, in particular, highlight the Department's innovative attempts in becoming more proactive in response to neighborhood issues.

Indianapolis Violence Reduction Partnership

Indianapolis was faced with a record number of homicides and an increase in violence in our neighborhoods in 1997and much of this violence was drug-related. Because of the severe magnitude of the problem, law enforcement realized that they did not have the resources to solve this problem alone. It would take a coordinated effort between law enforcement, community groups, and the faith community to effectively address these issues. As a result, the Indianapolis Violence Reduction Partnership (IVRP) was formed in an effort to reduce the violence in our city.

The Indianapolis Violence Reduction Partnership consists of several local, state, and federal law enforcement agencies, corrections agencies, neighborhood groups, and faith-based agencies. The primary goal of the partnership is to create better, stronger, and more accurate communication between agencies. The participating agencies consist of:

- The Office of the Mayor
- Indianapolis Police Department
- Marion County Sheriff's Department
- Marion County Prosecutor's Office
- U. S. Probation Department
- Marion Superior Court — Juvenile Division
- Marion Superior Court Probation Department, Adult Services Division
- Indiana Department of Correction
- Indiana State Police
- Alcohol, Tobacco, and Firearms (ATF)
- Federal Bureau of Investigation (FBI)
- Drug Enforcement Agency (DEA)
- U.S. Attorney's Office
- Hudson Institute/Indiana University
- Various neighborhood associations
- Indianapolis Ten-Point Coalition

The IVRP meets twice per month and at least one high-ranking representative from each agency attends the meetings. At each meeting, recent and/or unsolved homicides are reviewed and the individuals involved are discussed at length. Specific areas of the city with a high potential for future violent acts are also highlighted so that agencies can become more proactive in working with the offenders in that neighborhood. Information regarding persons living in those areas or ones involved in recent violent events is openly shared with all agencies involved in IVRP. This interaction allows agencies to focus their efforts and additional resources where needed.

Another component sponsored by the IVRP is Lever-Pulling Sessions. It is widely accepted that individuals associated with homicide victims or perpetrators are at more of a risk for future violence, either as a victim or as a perpetrator. Subsequently, lists are made of all known associates of recent homicide victims or offenders who are under some form of community supervision (i.e., probation, parole, community corrections, federal probation). These individuals are then required as a condition of their release to attend a Lever-Pulling Session.

The Lever Pulling meetings were created to "wake up" the probationers whose names appeared on these lists. The name "Lever Pulling" stems from the idea that we all have different levers (or resources) that we can pull in life to assist us in accomplishing whatever it is we want to achieve. Oftentimes, however, there are other levers available that are never even acknowledged or touched. This meeting was created to make high-risk offenders more aware of the opportunities available, show them that they do have options, demonstrate the levers to be pulled, and then allow them to choose their path from that point. It is hoped that this meeting is another lever that individuals can use to assist them in achieving their goals.

As the meetings have evolved, presentations are becoming more creative. Initially, meetings consisted of lectures from key agency representatives of local law enforcement, prosecutor's office, U.S. Attorney's Office, and the Ten-Point Coalition, a faith-based institution that works closely with local law enforcement. They discussed the opportunities available to offenders and the consequences of their actions if they did not change their behaviors. However, this was quickly recognized as ineffective with this audience.

Recently, innovative means of communicating the same message have been implemented. A PowerPoint presentation is played repeatedly while offenders are arriving, showing a picture, age, and the cause of death of recent homicide victims. Words to relevant popular songs are handed out to participants while the music is playing (i.e., *I'll Be Missing You* by Puff Daddy). Pictures of past lever-pulling participants who are now deceased are placed intermittently on seats between the participants.

Another visual effect in these meetings is the number of IVRP participants that appear in uniforms or are easily recognizable. It is not meant as an intimidation tactic but to show a unified front by all agencies in holding offenders accountable. Simultaneously, however, is the strong presence of community groups and faith-based organizations. The Indianapolis Ten-Point Coalition is comprised of several churches within Indianapolis. They educate offenders on services that are available to assist them. Speakers, including successful ex-offenders, are available after the meeting to talk to offenders who want their help.

The primary goal of these meetings is to exhaust any and all excuses for not complying with their probation or parole. We want to provide any assistance that may be needed. The probationer then assumes all responsibility for him/herself and ultimately makes the decision to pull, or not to pull any of those "levers."

Operation: Probationer Accountability

The second program — Operation: Probationer Accountability — was developed to hold probationers accountable for their actions through increased supervision. Home investigations and searches are conducted by probation officers in conjunction with local law enforcement officers on high-risk offenders to determine if they are complying with their conditions of probation. In Marion County, probationers sign the Order of Probation, which includes a standard condition stating:

> You shall permit authorized representatives of the Probation Department in conjunction with local law enforcement agencies to enter your residence and you shall submit to a search of your person, your vehicle, or your property at any time.

In most cases, offenders included in the home investigations are high-risk offenders who have been convicted of drug, weapons, or violent offenses and are experiencing some level of non-compliance issues with their probation term. Also called "Probation Sweeps," each operation consists of four teams of one probation officer paired up with two uniform police officers. Approximately 50 houses are targeted for each sweep.

This operation has proven beneficial to all the agencies involved. It allows the Probation Department to monitor high-risk probationers at a closer level while improving probation officer safety. It also allows local law enforcement to become more familiar with the people who reside in their service area. Many of the probationers who are chosen for Operation: Probationer Accountability have already been discussed by the IVRP and been involved in a Lever Pulling Meeting.

Probation revocation rates over the past few years have remained relatively stable despite our increased field efforts. However, it appears that probationers have begun to realize through personal experience and word of mouth the consequences of their non-compliance and have made a more concerted effort to abide by the rules of probation. For example, the number of incorrect addresses given to the Probation Department by the probationer has decreased over the past four years. In its first year, it was noted that 30.6% of the probationers involved in a Probation Sweep were reporting incorrect addresses. In 2001, that number had decreased to 22%.

Conclusion

The key word for all of these programs is **accountability**. Offenders must be given the opportunity and tools to succeed. However, failure to comply with the courts' orders will have consequences. This is the message that the Indianapolis Violence Reduction Partnership, Lever Pulling Sessions, and Operation: Probationer Accountability strives to communicate to offenders in Marion County.

ONE OF A KIND: PROBATION-BASED DRUG TESTING LAB

by

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Drug testing is considered a staple in the supervision of offenders for most criminal justice agencies supervising offenders in the community. It is considered by most a major tool to hold offenders accountable for their actions. However, in the late 1990s, Marion County grew extremely limited on the number of tests and the type of tests that could be performed due to budgetary constraints. Subsequently, many offenders in the Marion County system were never tested during their term of supervision.

The development of an in-house, self-sufficient drug testing lab became a vision of our former Chief Probation Officer, George M. Walker, approximately five years ago. This lab became a reality in early 2001. The Marion Superior Court Probation Department Drug Testing Laboratory now serves as the sole collection and testing site for all offenders under supervision in Marion County, including those active with conditional release/pretrial services, drug treatment court, juvenile probation, and adult probation.

The primary goal of the lab is to provide quality testing services while significantly increasing the testing capacity. Subsequently, the lab was modeled after health care lab operations to ensure high standards of operation. During the first year of operation, the drug lab tested over 55,000 samples. This represented a 70% increase over the number of tests conducted in 2000. It is expected that the volume will increase to over 80,000 tests annually during the next year.

While accreditation for this type of laboratory is not required, its policies and procedures were developed from sources that routinely license forensic and clinical laboratories to ensure that accurate results are reported by the laboratory in the best interest of the offender, the supervising agency, and the court.

The lab is fully funded through offender-paid fees. The cost is only $5 per test (sample) as operational costs are kept at a minimum due to the volume of testing conducted. Each sample can be tested for up to eleven drugs of abuse, including THC, Cocaine, Opiates, PCP, Methadone, Amphetamine/Methamphetamine, Benzodiazepines, Barbiturates, Propoxyphene, LSD, and Ethanol. In addition, specimen validity tests (creatinine, specific gravity, and case-by-case adulterant checks) are performed to help detect any incidences of dilution or adulteration.

Timeliness of results was another issue that was improved through the new drug lab. Oftentimes results are available on the same day as collected with a goal of 95% reported by noon on the day following collection. In addition, positive specimens are now retained frozen for 60 days and are available for confirmation if requested by the offender or court.

Adequate space and staffing needs were also issues that had to be considered when planning for the new lab. With over 350 people reporting to the collection site each day, it was imperative that the space be able to efficiently process the flow. It was also recognized that there would be peak hours for reporting, primarily early in the morning and late afternoon/early evening.

The new lab now encompasses approximately 2500 square feet in the basement of the City-County building. The intake area is spacious enough to accommodate the approximately 350 donors who report to the lab each day. The area holds two PC workstations that are part of the laboratory's data management system. Unique sample numbers are generated here each time a person submits a specimen. Two large sex-segregated collection rooms allow four males and two females to submit specimens simultaneously by the five staff who directly observe collections.

Flexibility in planning allows for growth. The laboratory's testing room is an open space of 525 sq. ft. with only two anchored ends of cabinetry, one to house utility sinks and the other for storage/work area. All other work benches and the analyzer are stand-alone units on wheels which allow reconfiguration of the room if workflow changes occur. While the technical staff now includes two technicians and a program manager, the room could accommodate an additional technician and a second analyzer if needed. Computer data ports connecting to the building wide network are installed around the room's perimeter for convenience in workstation planning.

Although this lab is one of only a few probation-based labs in the nation, several benefits have already been realized:

- Offenders are tested more frequently as the collection staff and lab can handle increased volume.
- The program is able to test for up to 11 drugs of abuse instead of the 2 drugs that were standard prior to implementation.
- Specimen validity tests are performed to detect possible adulteration or dilution.
- The program is self-sufficient through offender-paid fees, thereby reducing the county's financial contribution.
- Results are reported back to the requesting agency by the next business day.
- Positive samples are retained for 60 days thereby allowing offenders the opportunity for confirmation.
- Conditional release officers are now able to more appropriately supervise their offenders, as they no longer are responsible for observing the collection process.

Because the program is still in its infancy, modifications and improvements to the process will continue to be made in the coming months. The primary goal, however, will remain constant — to assist the courts in holding offenders accountable for their actions.

AUTOMATION: A LONG ROAD TRAVELED

by

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Automating a probation department can be an exciting yet daunting task. True automation is an on-going process that involves not just a one-time installation of computer equipment and software but the vision and the commitment to stay abreast of technology and move forward. Probation departments have historically not been a part of this ongoing process. Lack of funds, knowledgeable personnel, and insufficient technology designed specifically for probation use has deterred most agencies from moving into the twenty-first century.

Our challenge, just as that of any probation department, was limited budgets, rising caseloads, tight labor markets (low pay), and meeting the expectations of the courts and the public, all the while drowning in paperwork. We needed to find tools to assist our line staff with supervision, to manage and reduce

high caseloads, and control the overwhelming amount of paperwork. At the same time, we needed to give managers and administrators the ability to monitor case management, show accountability, and provide accurate statistics to the state judicial center and the local judges.

In 1995, we began our journey to move Marion County Probation into the computer age. Our first move was to buy computers. We had no particular plan for their use — it just seemed like the thing to do to modernize our operation. They sat on desktops like trophies; some personnel played around with the word processor, learning to create letters and memos and of course playing the ever-popular solitaire. We then set up a network and interfaced to the county mainframe. This gave officers access to police and court information at their desks. This was just a beginning; we still needed to find a way to help officers manage their caseloads.

We had long had a secretarial pool that processed pre-sentence reports, memos, and violation reports. It could take several days for even important memos and violation reports to get processed and forwarded to court. We also had a storage room full of fill-in-the blank forms, and officers had drawers full of copies of various forms (travel permits, release of information, etc.) that were used daily with probationers. Templates were created in Microsoft Word for every form that we used; officers were trained in computer and software use and a typing tutorial was made available to those who needed it — and we were on our way to being a more efficient agency. Pre-sentence writers learned to compose while they were typing.

Officers became responsible for typing and printing their own violations and other court documents. Paperwork began to move through the system and arrive in court in a more timely fashion and the officers thrived on being able to control the movement of their paperwork. It was a significant transition period not only for probation officers but for support staff as well. All secretaries were reassigned to other areas within the department and had to learn new duties and responsibilities.

True case management was our next goal. We found a small Indiana company that was just beginning to market case management software that was designed around Indiana's state statistical reports. PBS Software was very interested in working with Marion County since we were the largest probation department in the state, and we subsequently became very interested in their Novell Informs product since it was a system that we could modify in-house to fit our departmental needs. Most computerized probation systems are only information gathering programs that track information and provide statistics. Informs not only gathered information but allowed officers to automatically complete the multiple letters, forms, and court documents with the vital information. We purchased our system in late 1995. After many in-house modifications, it was installed office wide in early 1996. We hired temporary employees to open approximately 10,000 active cases by doing data entry on approximately ten fields. Probation officers were then responsible for completing the data entry on each case as they saw their clients. Our Informs database allowed officers to keep their case notes as well as all of a client's vital personal and court information at their fingertips.

By using Crystal Reports, we were able to access our data and extract information. For the first time we were able to quickly and accurately produce statistics that were extremely difficult and time consuming (if at all possible) to extract from the court's information system. Using this information we were better able to review, restructure, and maintain control of our departmental structure. Crystal also allows for the creation of "run-time" reports. By creating these reports and distributing them to the officers, they are able to produce reports on their own caseloads. Administrators and managers are better able to track cases thus there are less lost, hidden, and mismanaged cases.

Automated case management had changed the face of what we did but we continued to search for technology to integrate with our system to continue to enhance our performance. Digital cameras were becoming a popular "toy" so we purchased a couple of them and looked for ways to use them within the Department. We soon replaced our field unit's Polaroid camera with a digital camera — it was the perfect fit. The digital camera was able to produce more and better quality evidence pictures more efficiently and cheaper. The cameras were found at almost all of the Department's special programs and functions to provide pictures for the annual report, bulletin boards, and the web page.

The digital camera also encouraged us to pursue modifying our probationer identification cards. We had been producing a laminated identification card with the probationer's information on it mostly for office use. We began to look at creating a picture database of offenders. We could produce picture identification cards and have the pictures available for other uses such as Warrant and Field Information Sheets — another use for our digital cameras and another couple of pieces of technology to add to our repertoire.

In 1999, we began to look at kiosk reporting for offenders. By the fall of 1999, we had reviewed the information on kiosk reporting, met with a vendor — Automon — and combed through our active cases. It was decided that there were both new cases and cases near completion of their term that could report to a kiosk and that this could have a significant affect on the workload of our officers. The kiosk system could be made to interface with our present case management system and information could automatically flow back and forth between the two systems. The kiosk system uses a card similar to a credit card which allowed us to combine our identification cards and the kiosk card. Kiosk registration and the identification card would be completed at the point of intake. The process was easy to design and implement. By this time staff had become used to having new technology thrown at them and there was very little resistance.

Storage of closed files is a problem for any government agency. Marion County had rooms full of closed files and was having difficulty managing the destruction process. Officers, particularly pre-sentence writers, spent a lot of time in the "tombs" looking for files that had ultimately been destroyed too soon or which seemed to have disappeared. In 1999, we began the long process of transferring all closed paper files to electronic media. Once these files were scanned and made available on the network, officers could access this information from their desktops. As cases are closed, the files are stripped to contain only the necessary information and they are then sent out to be scanned.

Partnering with other agencies and tapping available county resources is a great way to build your resources. The county adopted GroupWise as its e-mail program moving from an old mainframe messaging system. We quickly adopted this system which also has an electronic calendaring component. The efficiency of the e-mail and calendaring enhances office operations and subsequently eliminates the use of personal desk calendars. All appointments are maintained on the network calendaring system, thereby allowing other staff immediate access to schedules.

One of our most interesting partnering opportunities is with the Marion County GIS agency. The county has invested money and resources to installing and maintaining an up-to-date GIS Program. We are able to access this information at no cost to our agency. We presently use this mapping technology to track offenders, verify addresses, ensure sex offenders do not live near licensed day-care facilities, and to assign cases geographically.

For most probation agencies, computers in the field are an expensive dream. The radio modems that the police agencies use cost about $5,000. The complete setup for a car is between $10,000 and $15,000. We wanted to be able to provide our officers with up-to-date information and allow them to update case information as well as their case notes while in the field. We were able to develop a program using handheld computers that are about the size of a novel and weighing less than three pounds. Officers can download their cases onto the handheld, work on them during the day, and then upload them when they return to the office. These are much nicer than bulky road books and reduce the amount of time spent typing in notes that were handwritten in the field.

Marion County Probation has made a concerted effort to stay abreast of the quickly advancing field of technology. Our officers have access at their desks to information that they would not have dreamed of having even five years ago. However, it is important to introduce new technology in a carefully orchestrated manner. If your users find the technology overwhelming to learn and use, they will not find it helpful and the benefits will not be realized.

REINVENTING PROBATION ON A LOW RENT BUDGET

by

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To invent means to use ingenuity in making, developing, or achieving creativeness. It means to be ingeniousness. To reinvent is to continue this process again and again. These concepts are invading the worlds of both adult and juvenile probation through the theme of "reinventing probation." Reinventing probation is a national probation movement affecting Texas and definitely the Jefferson County Juvenile Probation Department in Beaumont, Texas. It has called one local department to examine the fact that while the probation department is rightfully the base of probation supervision, the neighborhood should be the real place of supervision. As the world of court appearances, paperwork, and devising meaningful statistics place their demands on a Juvenile Probation Officer's time, adjustments must be made to ensure a balance is maintained to also supply casework and supervision. Meaningful casework and supervision must be composed of first hand knowledge of where the offender lives, his family, and his immediate and extended environment. Home visits, spending time on school campuses, face to face curfew checks, insisting that victims are paid their restitution, and mandatory attendance at drug treatment sessions or anger management groups must be enforced. The concept must continually be explored that holding youthful offenders to the responsible course is not demeaning, but affirming.

The Jefferson County Juvenile Probation Department takes seriously its mission statement which, in part, states that it is "to direct the rehabilitation, education, care, and security of youthful offenders and to protect the community." In light of that mission and the concept of reinventing probation, the Jefferson County Juvenile Probation Department identified its Intensive Supervision Unit (ISP) to break new ground through this concept. This Unit was chosen as the pilot due to its emphasis on being assigned hard core offenders and working smaller caseloads. Its creation in the early 1980s allowed hard core repeat offenders to be isolated onto ISP caseloads, freeing other line officers to spend more time with clients whose records were not so extensive or complicated. The word intensive defines the type of work accomplished through these smaller caseloads. Often these clients are seen three to five times a week by an ISP officer in the office, home, school, and through curfew checks.

Several goals were selected by this Unit and the management team to institute reinventing probation themes. Those goals are as follows:

- caseloads divided according to home school;
- clients referred to the Communities In Schools (CIS) Program;
- ride along curfew checks with local police;
- flexible working hours to accommodate clients and their families after 5:00 PM and on weekends; and
- instituting Moral Reconation Therapy (MRT)

Caseloads Divided According To Home Schools

Through dividing the caseloads according to home schools several positive impacts occurred immediately. It was a time

saving device to assign an officer to one school where he could see all of his clients by making one stop. Positive relationships were developed with school personnel through dealing with one person day after day rather than several officers. The presence of an officer in a school had a positive effect upon probationers knowing that poor behavior will be addressed immediately. Seeing clients on such a regular basis enables the officer's knowledge of the clients to assist in being proactive in addressing needs and ongoing issues. A side benefit was that the schools saw probation officers more regularly and offered valuable input on the students' progress. Also there was a sense that the schools felt more supported, a team player concept if you will, by having direct input to the probation officer regarding problems being faced on campus.

Clients Referred to the Communities In School Program

Communities in Schools (CIS) is a state funded program for students who are considered high risk of dropping out of school. There is no financial limitation for students to be eligible for these services. Arrangements were made for all clients on the ISP caseloads to be enrolled in the Communities in Schools Program. CIS provides a team of counselors who mentor, tutor, and provide educational groups for students. Joined with the probation staff they often can settle a student down or redirect their behavior before a situation gets out of hand on the school campus. The benefit of partnering with CIS was that the probation officers had the use of offices on campus away from administration to regularly visit their clients at school. It also created a bonding between CIS and probation staff, who now meet quarterly to evaluate the project. The CIS counselors now provide daily contact with probation youth who previously had not been on their caseloads.

Ride Along Curfew Checks With Local Police Agencies

A partnership was established with the local law enforcement agency to assist the probation officer in making face to face curfew checks after normal working hours. The probation officer actually rides with the police as they provide surveillance for local neighborhoods. Seeing the probation officer at the probationer's door making a curfew check has curbed a number of those violations. The police presence gives added emphasis to the seriousness of probation rules. A well know side benefit has been that the police officer and the probation officer are afforded an opportunity to interact, learn more about each others' duties, and gain a new respect for the job and responsibilities of the respective professions. The police also feel supported in their work knowing that probation officers are holding the juveniles accountable. In addition, on other nights random curfew checks are made by phone. Electronic monitoring is also used to ensure that probationers remain at home and further monitors their whereabouts.

Flexible Working Hours
To Accommodate Clients and Their Families

Several times a week, the probation officer works after hours and on weekends to reduce the friction that a normal 8:00 a.m. to 5:00 p.m. schedule can create. Making later hours available enables parents to be more involved in visits with the probation officers, as well as input into treatment plans and family counseling. Often on weekends community service hours are performed and participation in Ropes courses are possible. The probation officer benefits from the flexible hours by having free time during the work week to spend with their own families or take care of personal business not afforded on a 8:00 AM to 5:00 PM schedule.

Instituting Moral Reconation Therapy

Another activity performed after hours is the Moral Reconation Therapy (MRT) groups. MRT is a 12-step program that is based on cognitive behavior changes. It is a group process, which identifies negative thinking and targets behavior changes in the juvenile offender. Each probationer is assigned a workbook and weekly assignments are discussed in the group process. Juvenile offenders are encouraged to stop and consider their actions in a number of different situations. The program encourages self-control and a new level of maturity, which inhibits delinquent behavior. The ISP officers have reported much success through this group process. Probationers who have graduated from the group have not been re-referred for new law violations.

Conclusion

One thing certain in life is change. As a profession we must continually be willing to question the effectiveness of our organizations and those questions will often bring change not only within an organization, but its professional staff. Probation departments must continue to be willing to change, reorganize, and adapt as it attempts to meet it's daily mission. Reinventing probation has brought about many positive changes in the casework methods of the Jefferson County Juvenile Probation department. Its effects will be far reaching for many years to come.

The good news is that the concept of "reinventing probation" can be implemented with little or no cost, thus the title of a "low rent budget." The greatest cost is a change in the mind set probation has been operating in for many years. The Jefferson County Juvenile Probation Department experience had no new funds for this model. No new employees were hired, nor new offices constructed. The department simply rearranged schedules, negotiated memorandums of understanding, partnered with agencies in the community, and redesigned how probation services would be delivered.

It is believed that reinventing themes can be replicated anywhere. Jefferson County is a mid-size jurisdiction with 350,000 residents. Large departments could have several units operating within this framework. Smaller, more rural departments can adopt many of the concepts of this model and tailor them to their individual situations. Probation departments could pilot this project with only a few staff members and then expand as they see the need or the benefit. The "Nike" motto seems to be appropriate in this instance: "Just Do It."

UNITED STATES v. KNIGHTS AND THE DIMINISHING LIBERTY INTERESTS OF PROBATIONERS

by

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Late last year, the United States Supreme Court render an opinion that strongly endorsed the imposition of a search condition on a probationer. Since this decision approved of a search condition imposed by a state court, it will have a profound impact not only on federal practices but also on state jurisprudence. This article will examine various courts' understanding of the constitutionality of search conditions prior to the holding in *United States v. Knights*. This article will then review the holding of the Supreme Court in the *Knights* decision and assess the degree of liberty that probationers now must be afforded by the United States Constitution. Finally, this article will discuss recent state appellate court decisions resolving search and seizure issues and discuss the viability of these holdings in light of the *Knights* decision.

Since the early 1970s federal courts had shown a general sympathy to claims raised by persons confined or supervised in the criminal justice system. Not only were persons placed on probation or granted parole afforded certain due process guarantees,[1] but inmates confined in prisons were affirmed to retain certain fundamental constitutional rights. Indeed, in a seminal prisoner rights case, the United States Supreme Court expressly stated that "though his rights may be diminished by the needs and exigencies of the institutional environment, a prisoner is not wholly stripped of constitutional protections when he is imprisoned."[2]

Since the federal courts had recognized substantial constitutional rights for prison inmates, it was logically assumed that persons under some form of supervision and left on the streets retained even greater rights. Persons on probation or parole were generally categorized as having a "conditional liberty interest" and assumed essentially to retain the same guaranteed rights as other citizens. Nevertheless beginning in the late 1980s, various court holdings, including those of the United States Supreme Court, called into question this assumption, at least vis-a-vis the fourth amendment guarantee against unreasonable searches and seizures. Now the *Knights* decision may question common assumptions regarding the extent that other constitutional protections must be afforded to persons under community supervision.

***Griffin v. Wisconsin* and its Progeny**

In 1987, the United States Supreme Court had its first opportunity to examine the constitutionality of conducting searches of probationers. In *Griffin v. Wisconsin*, 107 S. Ct. 3164 (1987), a defendant, who had a prior felony conviction, was convicted of resisting arrest, disorderly conduct, and obstructing an officer and was placed on probation. While the defendant was on probation, a probation officer received information from a detective that the defendant had a gun in his apartment. A warrantless search did in fact reveal a handgun at the apartment. Consequently, the defendant was convicted of the offense of possession of a firearm by a convicted felon and sentenced to two years in prison.

Under Wisconsin law probationers were placed in the custody of the State Department of Health and Social Services and made subject to conditions set by the court and rules and regulations established by the department. One of the department's regulations permitted any probation officer to search a probationer's home without a warrant as long as his supervisor approved and as long as there were "reasonable grounds" to believe that contraband, including any item that the probationer could not possess under the probation conditions, would be found at the premises. Finally, the regulations set forth what factors an officer should consider in determining what constituted reasonable grounds. During the suppression hearing the trial court ruled that a search warrant was not necessary in order to conduct the search, that the search itself was reasonable, and that the fruits of the search could be admitted as evidence in the trial.

The issues before the United States Supreme Court were whether a warrant was necessary in order for the officials to conduct a search of the probationer's apartment and whether the search itself was "reasonable" for purposes of the fourth amendment to the United States Constitution. The Court noted that a probationer's home, like anyone else's, was protected by the fourth amendment's requirement that searches must be "reasonable." However, the Court held that a search under these circumstances did not need to be made pursuant to a warrant. The Court found that the state's operation of a probation system presented "special needs" beyond normal law enforcement that could justify departures from the usual warrant requirement and that the supervision of probationers constituted a "special need" of the state that dispensed with the need to obtain a warrant in order to conduct a search of the probationer's home.

The Court further found that these special needs of the state justified a departure from the requirement that a search be based on probable cause. The Court stated that the special need to supervise a probationer permitted a degree of infringement upon the privacy of the probationer. Because of the nature of the probation system, it was proper for the state to replace the probable cause standard with a "reasonable grounds" standard as the test for justifying the search. Moreover, the Supreme Court stated that a determination of "reasonableness" was not based on a federal "reasonable grounds" standard. Instead reasonableness was determined by a state court's finding that the search conformed to the regulations issued by the state. Since the Wisconsin state court found that the search was made pur-

suant to a valid regulation governing probationers, the Supreme Court held that the search of the defendant's residence was reasonable within the meaning of the fourth amendment.

While the *Griffin* decision resolved several questions regarding the legality of conducting warrantless searches of probationers and parolees, the Supreme Court left uncertain other matters that remained open for further consideration. First, although the Supreme Court recognized a reasonableness standard for conducting warrantless searches, the Court did not define what constituted 'reasonable'. Instead, the Court held that reasonableness would be determined by the courts in individual states.

Second, while the Court in *Griffin* found that Wisconsin's regulations in question permitting searches were "reasonable," the Court did not address whether a court-imposed condition, in lieu of an express regulation, permitting searches of probationers or parolees would be reasonable. Finally the Court did not address the issue of whether law enforcement officers could rely on a statute, regulation, or condition for conducting an independent search of a probationer or parolee or whether only a supervision officer, either acting alone or accompanied by a law enforcement officer, could conduct the search. These unresolved matters meant that there would be divergences of opinion when appellate courts across the country were confronted with these issues.

After the Supreme Court's decision in *Griffin v. Wisconsin*, supra, states that allow searches of probationers followed the suggestion of the Supreme Court and universally adopted a reasonableness standard that was less than a probable cause standard. Nevertheless, as one would expect, the exactness of such a judicial test varied from state to state. For example, the Colorado Supreme Court had earlier held that a warrantless search was appropriate if the supervision officer had "reasonable grounds" to believe there had been a violation.[3] A lower New York State court had held that the standard for conducting a search of a probationer was upon "reasonable suspicion."[4] Finally, the Missouri Supreme Court had held that the standard for conducting a search of a probationer must be based on "sufficient information to arouse suspicion"[5] and a Nebraska appellate court stated that a search of a probationer must be conducted in a "reasonable manner."[6]

When courts applied this approach both subsequent to the *Griffin* decision and even before, they often said that the totality of the circumstances must be considered, including the complaining party's status as a probationer or parolee.[7] Thus the implications were that the amount of information required before action could be taken against a probationer was less than in the case of a member of the general public. Nevertheless courts in almost every jurisdiction still held that a mere hunch that a probationer had violated the conditions of probation was insufficient to justify a search of that individual.[8] Even the California state courts, which had allowed investigative searches of probationers by law enforcement officers, had held that a search could not be arbitrary, capricious, or harassing.[9]

Although the United States Supreme Court in *Griffin* approved a search conducted pursuant to a state regulation and not imposed as a condition of supervision, following that decision numerous courts concluded that a search conducted pursuant to a condition imposed by a court or board of parole was equally valid. Most appellate courts that approved of searches conducted in accordance with a condition imposed by a parole board or court based their decisions on the legal theory that said condition was "consensual." These courts reasoned that by accepting probation in lieu of serving a prison sentence, the offender had agreed to a condition allowing a probation or parole officer to conduct a search of his person, residence, or automobile.[10]

Another issue with which appellate courts had to struggle concerned the scope and breadth of the search. Even though an appellate court of a state might approved a search conducted pursuant to a court-imposed condition, these same jurisdictions might nevertheless limited a search to certain items, e.g., illicit substances and drug paraphernalia or pornography and sexually oriented devices. For example, some courts had held that a search condition must be tailored to the offense for which the offender was granted probation.[11] In addition, even if an appellate court held that a search condition was not inherently invalid, that court might still strike down certain search conditions as being overbroad or vague and not being narrowly drawn.[12]

Finally there were significant differences among various appellate courts across the country concerning whether the justification for conducting a search of the probationer could only be for "probationary" purposes or whether the search could also be conducted for law enforcement or "investigative" purposes. Thus a federal appellate court in *United States v. Ooley*, 116 F. 3d 370 (9th Cir. - 1997), held that the legality of a warrantless search depended upon a showing that the search was a true probation search, i.e., a search that advanced the goals of probation, and not an investigative search.

Nevertheless, other courts took a much more expansive view of the permissible justifications for conducting searches of probationers. In *In re Tyrell*, 876 P. 2d 445 (Cal. 1998), the California Supreme Court held that a search condition authorized a police officer to conduct a search of the person of a juvenile, even though the police officer was unaware that the juvenile was on probation, much less of the existence of the search condition.[13] Considering that the United States Ninth Circuit Court of Appeals differed markedly from the California Supreme Court concerning the propriety of police officers conducting searches of probationers for law enforcement purposes only, it is not surprising that the case that the United States Supreme Court finally heard raising this issue originated from the seizure of evidence made pursuant to a California state court's imposition of a search condition and the affirmation of the suppression of that evidence by the Ninth Circuit Court of Appeals.

United States v. Knights and its Implications

In *United States v. Knights*, 122 S. Ct. 587 (2001) decided on December 10, 2001, the defendant had been placed on probation by a California state court for the offense of drug possession. As a condition of the defendant's probation, he was required to "submit his person, property, place of residence, vehicle, [and] personal effects to search at any time, with or without a search warrant, warrant of arrest or reasonable cause by any probation officer or law enforcement officer." Three days after having been placed on probation, a transformer belonging to the Pacific Power and Electric Company and a telecommunications vault belonging to Pacific Bell were vandalized, causing approximately $1.5 million in damages. The defendant was suspected of committing the act of vandalism.

The police began conducting a surveillance of the defendant's apartment. A police officer, aware that a search condition had been imposed on the defendant, also conducted a search of the defendant's residence without first obtaining a warrant. The police officer found explosive devices on the premises and the defendant was indicted in federal court for conspiracy to commit arson, for possession of an unregistered destructive device, and for being a felon in possession of ammunition.

The defendant moved to suppress the evidence seized as a result of the search of his apartment. The district judge, finding that reasonable suspicion existed for conducting the search, nevertheless granted the defendant's motion on the grounds that the search was conducted for "investigatory" purposes rather than for "probation" purposes. The United States Ninth Circuit Court of Appeals upheld the ruling of the district judge. Thus the Supreme Court was confronted with two issues, to-wit: whether a search conducted pursuant to a probation condition and supported by reasonable suspicion satisfied the fourth amendment to the United States Constitution and whether the fourth amendment limited searches conducted pursuant to a probation condition to those with a probationary purpose only.

In analyzing these issues, the Supreme Court first noted that the touchstone of the fourth amendment was reasonableness, and the reasonableness of a search was determined "by assessing, on the one hand, the degree to which it intrudes upon an individual's privacy, and, on the other hand, the degree to which it is needed for the promotion of legitimate governmental interests." The Court recognized that this particular condition significantly diminished the defendant's reasonable expectation of privacy. Nevertheless the Court also noted that this condition furthered two primary goals of probation — rehabilitation and protecting society from future criminal violations.

In balancing the interests of the individual and that of the government, the Supreme Court observed that the status of a person on probation already deprived the individual of certain freedoms enjoyed by law-abiding citizens. Moreover, the Court stated that the State's interest in apprehending violators of the criminal law and thereby protecting potential victims of criminal enterprises could justifiably focus on probationers in a way that it did not on ordinary citizens. Thus the Court stated that the factors favoring the legitimate interests of the State greatly outweighed the diminished privacy interests of the probationer.

Therefore, the Court concluded that when balancing these various considerations the fourth amendment required no more than reasonable suspicion to conduct a search of a probationer's house. Moreover the Court further held that the same balancing factors that allowed searches of a probationer on a basis of less than probable cause also dispensed with the need to obtain a warrant in order to conduct the search. Finally, the Court stated that as long as a search condition had been imposed on a probationer, it did not matter whether the search in question was conducted for probation purposes or solely for law enforcement purposes.

What is surprising is not the breadth of the holding of the *Knights* decision but the expansive role that the Supreme Court saw for community corrections — one that focused more on public safety than the rehabilitation of offenders. In applying the balancing test between the diminished privacy interests of a probationer and the interests of the State, the Court in *Knights* relied heavily on statistical data showing that persons on probation had a very high recidivism rate. The Court in its opinion unanimously assumed that, although the rehabilitation of probationers was an important goal of probation, the primary goal of probation was the protection of the public. Perhaps because this opinion was decided after the events of September 11, 2001, the Court placed greater stress on public protection than rehabilitation. Nevertheless it is clear from the context and tone of this opinion that the Supreme Court's overall expectation of probation was to be much more oriented toward law enforcement than serving the needs of probationers.

This opinion resolves several matters that had been left unaddressed in the Supreme Court's holding of *Griffin*, supra. *Knights* affirmed that a search could be based on a condition imposed by the court as well as pursuant to an agency regulation. In addition, *Knights* held that peace officers, along with probation officers, were authorized to search the premises (and presumably the person) of a probationer. Finally, the Court dispensed with the notion enunciated by certain state courts and federal appellate courts that the search conducted pursuant to a condition of supervision had to be for "probationary" purposes only and not for independent "investigatory" or law enforcement purposes.

Nevertheless the *Knights* decision still has not finally resolved all of the questions surrounding the propriety of conducting searches of probationers. For example, while the Supreme Court clearly has stated that the standard for conducting a search of a probationer need not be based on probable cause and that state courts must define what constitutes "reasonable suspicion," the Court has yet to determine how the standard of "reasonableness" must be applied. Thus while the Court in *Knights* assumed that there had been reasonable suspicion for conducting the search of the defendant's apartment, the Court was not clear whether the standard had been established by independent facts brought to the attention of the police officer, whether "reasonableness" was inferred simply by the fact that the judge had imposed a search condition, or whether the Court premised its decision on the fact that the search was "reasonable" because both parties did not question the reasonableness of the search and thus did not contest this matter on appeal.

While the Supreme Court in the *Knights* decision did not explicitly state whether an officer had to form an individualized reasonable suspicion that a probationer had violated the conditions of his/her probation, the fact that the California courts utilized search conditions as one of the "general" conditions of supervision would lead one to surmise that the Supreme Court, in its opinion in *Knights*, had implicitly dispensed with the need for forming reasonable suspicion on an individualized basis in order to conduct a search of a probationer. However, this question regarding whether or not there needs to be established an individualized basis of reasonable suspicion in order to conduct a search of a probationer may revolve around the particular wording of the condition. In California, search conditions regularly required the probationer to "consent" to a waiver his fourth amendment rights. Under the general legal precepts controlling search and seizure law, no basis of suspicion need be established for conducting a search if it is determined that a person consented to the search.

Nevertheless, if the wording of the condition simply orders the probationer to allow a probation (or peace) officer to search his person, vehicle, or residence and does not include a waiver of his fourth amendment rights, then appellate courts may not treat this condition as a consent to search. In such a case it would then probably be necessary to establish on an individu-

alized basis that the officer conducting the search had a reasonable suspicion that the probationer had violated a condition of his/her probation. Until the Supreme Court actually addresses this matter, one will in all likelihood see appellate courts in the country taking varying stances regarding whether an individualized basis must be shown in order to conduct a search of a probationer.[14]

In addition, this case did not clarify whether reasonable suspicion must be established only when a police officer conducts a search or must be demonstrated even when a probation officer performs the search. Moreover, this case did not indicate whether a reasonable standard for conducting a search must be established only if the search is for evidence showing the commission of a new criminal offense by the probationer or whether reasonableness must be established for conducting a search to determine compliance with the general conditions imposed by the court. If it were held that this standard must equally apply to searches conducted by a probation officer and in order to perform searches for the monitoring of non-criminal activity of a probationer, then random searches, including drug testing, might be proscribed. While it is highly doubtful that the Supreme Court in its decision intended to prohibit random searches by probation officers, this remains an issue for future litigation.

After *Knights*: The Viability of Court Created Restrictions on Searches of Probationers

The State of California arguably had the broadest search requirements for probationers in the country.[15] Thus the Supreme Court's approval of California's search condition *in toto* is particularly significant for other jurisdictions in the United States that had adopted permissible, but more restricted, search conditions on probationers. Following the *Knights* decision, state appellate courts will now have to decide whether to adopt the Supreme Court's position in its entirety or to limit the application of the Court's holding either upon state constitutional grounds or because of a state statute.

For example, shortly after the Supreme Court rendered the *Griffin* decision, a Massachusetts appellate court had the opportunity to examine the propriety of the imposition of a search condition on a probationer by a state district court. In *Commonwealth v. LaFrance*, 525 N. E. 2d 379 (Mass. 1988) the trial judge imposed a special condition on a probationer that "she submit to a search of herself, her possessions, and any place where she may be, with or without a search warrant, on request of a probation officer." The defendant appealed this condition, arguing its invalidity because 1) the condition did not contain a restriction that any search must be based on reasonable suspicion, and 2) that it dispensed with the necessity of obtaining a warrant to conduct the search of the probationer.

The Court, fully cognizant of the Supreme Court's decision in *Griffin*, nevertheless recognized that the defendant also had rights guaranteed under the Massachusetts Declaration of Rights. In addition, the Court found these state rights to be guarantees that were independent of the rights of the defendant secured under the fourth amendment to the United States Constitution. Thus the Massachusetts appellate court concluded that in order to conduct a search of a probationer, the probation officer must first have an individualized reasonable suspicion that the offender had violated a condition of his/her probation and also that the officer could conduct a search without a warrant only under the same circumstances that had traditionally created an exception to the need to obtain a search warrant.

Nevertheless other state appellate courts may be much more inclined to follow the precedent established by the Supreme Court in *Knights*. This is particularly true if prior state court holdings relied solely on the Supreme Court's interpretation of the fourth amendment and paid no heed to any state constitutional grounds for delineating searches of probationers. For example, in *Green v. State of Indiana*, 719 N. E. 2d 426 (Ind. App. - 1999) an Indiana appellate court suppressed the seizure of marijuana found in a probationer's vehicle that was stopped on an isolated country lane by an area narcotics task force agent.

In this case the defendant argued on appeal that the investigatory stop of his vehicle was illegal and therefore his consent to allow the police officer to search his vehicle was equally invalid. Even though a "Fourth Waiver" had been imposed as a condition of a work release program, the Indiana appellate court nevertheless agreed with the defendant's contention that a condition to submit to a search without reasonable suspicion was overly broad. However in doing so, the Court relied solely on the Supreme Court's holding in *Griffin v. Wisconsin*, supra, for authority. Thus, this Indiana appellate court might reconsider its position in light of the Supreme Court's subsequent holding in *Knights*.

In addition certain state appellate courts may require an individualized basis for conducting a search not on state constitutional grounds but on state statutory grounds. In *State of Oregon v. Guzman*, 990 P. 2d 370 (Ore. App. - 1999), a probation officer conducted a search of the residence of a probationer, even though the trial court had not imposed a search condition. Although the State claimed that the defendant had consented to the search, the trial court at the revocation hearing suppressed the evidence seized from the residence.

The State appealed the ruling of the trial court. The Oregon appellate court noted that state statute expressly provided that a convict did not lose any of his civil liberties solely by virtue of conviction. Thus the Court stated that a probationer retained all civil liberties except those which were taken away as conditions of probation. Due to this statute, the appellate court concluded that even if a defendant had consented to a search of his residence, that search had to be predicated on a reasonable belief that the defendant was in violation of his probation.

Since the appellate court determined that the search in question was not based on reasonable suspicion, the Court upheld the order of the trial court suppressing the seized evidence. Thus, even in light of the *Knights* decision, an Oregon appellate court might still hold, if confronted with this issue again, that state statute affords greater protection to a probationer against unreasonable searches and seizures than the federal constitution does.

Finally, it is not certain whether certain state courts would authorize searches of probationers to the breadth permitted by the Supreme Court or would instead limit the scope of these searches to a lesser degree, perhaps by allowing searches for only certain categories of offenders, for certain specified contraband or allowing searches to be conducting only by probation officers. The law addressing permissible searches of probationers in the State of Texas points to the uncertainty of whether state appellate courts would follow the *Knights* holding in its entirety.

The only decision by the highest appellate court in Texas dealing with the search of probationers was decided in the

1970s. Not surprisingly, during a time when courts across the country were affording probationers extensive rights, the Texas Court of Criminal Appeals strongly dissuaded, if not outright prohibited, a trial court from imposing a search condition on a probationer. In *Tamez v. State*, 534 S. W. 2d 686 (Tex. Cr. App. - 1976), a case decided prior to the Supreme Court's decision in *Griffin v. Wisconsin*, supra, the Court examined the validity of a probationary condition that required a probationer to submit "his person, place of residence and vehicle to search and seizure at any time, night or day, with or without a warrant, whenever requested to do so by the Probation officer or any law enforcement officer." Evidence seized by a border patrol agent at a border checkpoint was used as the basis for revoking his probation.

The defendant argued on appeal that the fruits of the seizure should have been suppressed because the evidence was seized pursuant to an illegal condition of probation. The Court stated that a probationer had the right to enjoy a significant degree of privacy. In addition the Court noted that a diminishment of the fourth amendment protection could be justified only to the extent actually necessitated by the legitimate demands of the probation process. Thus the Court stated that a probationer's expectations of privacy could only be diminished to the extent necessary for his reformation and rehabilitation. As such, the Texas Court of Criminal Appeals held that the contested probationary condition was too broad, too sweeping and infringed upon the probationer's rights under both the United States and Texas Constitutions.

Since the Supreme Court's recognition of the validity of a search condition, intermediate appellate courts in the State of Texas have gradually been eroding the notion that no search condition can be imposed on a probationer. Nevertheless courts in Texas have yet to recognize a search condition as broad as the one approved by the Supreme Court in *Griffin v. Wisconsin*. Instead, courts have recognized a search condition as valid provided that it had a rational relationship to the offense for which the defendant was placed on probation, restricted the search only to specified items or identified contraband, and did not allow a police officer to conduct the search of the probationer.16 Whether these limitations on search conditions will remain in the State of Texas or whether courts will follow the lead of the Supreme Court in Knights remains to be seen.

Conclusion

Over the last two decades, there has been a dramatic shift in the sympathy displayed by courts regarding the rights of prisoners and those under supervision in the criminal justice system. One way to gauge this shift is in reviewing not only the recent holdings of appellate decisions but also examining the number of votes cast by appellate judges in favor of prisoner rights. When the *Griffin* decision was rendered, only five justices approved of the legal principle of allowing searches of probationers to be conducted on a basis of less than probable cause. In the *Knights* decision there were no dissenting justices. Thus while *Griffin* and *Knights* only dealt with one facet of the constitutional rights afforded to probationers, these holdings indicate that in the future courts will continue to give greater deference to the arguably legitimate interests of the State rather than to the rights of prisoners, parolees, or probationers.

End Notes

1. See *Morrissey v. Brewer*, 408 U. S. 471 (1972); see also, *Gagnon v. Scarpelli*, 411 U. S. 778 (1973).
2. See *Wolff v. Bell*, 94 S. Ct. 2963 (1974); see also, *Bell v. Wolfish*, 99 S. Ct. 1861 (1979), in which the United States Supreme Court, in a federal pre-trial detention case, stated by way of dicta that "convicted prisoners do not forfeit all constitutional protections by reason of their conviction and confinement in prison."
3. See *People v. Anderson*, 189 Colo. 34, 536 P. 2d 302 (1975).
4. See *People v. Santos*, 368 N.Y.S. 2d 130 (N.Y. County Sup. Ct. 1975).
5. See *State v. Williams*, 486 S. W. 2d 468 (Mo. 1972).
6. See *State v. Sievers*, 511 N. W. 2d 205, 2 Neb. App. 463 (1994).
7. See *Souders v. Kroboth*, 547 F. Supp. 187, (U.S.D. Pa. 1982); see also *Hunter v. State*, 139 Ga. App. 676, 229 S. E. 2d 505 (1976) and *State v. Davies*, 9 Or. App. 412, 496 P. 2d 923 (1972).
8. See *State v. Epperson*, 576 So. 2d 96 (La.App. - 1991).
9. See *People v. Reyes*, 968 P. 2d 445 (Cal. 1998).
10. See *People v. Hale*, 692 N.Y.S. 2d 649, 93 N.Y. 2d 454, 714 N.E. 2d 861 (1999); see also, *People v. Woods*, 981 P. 2d 1019, 88 Cal. Rprt 2d 88 (1999).
11. See *State v. Moses*, 618 A. 2d 478 (Vt. 1992).
12. See *United States v. Consuelo-Gonzales*, 521 F. 2d 259, 262 (9th Cir. 1975).
13. The California Supreme Court extended its holding in *Tyrell* to parolees in *People v. Reyes*, 968 P. 2d 445 (1998).
14. See *Carswell v. State of Indiana*, 721 N. E. 2d 1255 (Ind. App. - 1999), which, while noting the difference in language ordering a probationer to "waive" his fourth amendment rights and language that ordered a defendant to allow probation officers to conduct searches of his person and property, nevertheless concluded that the Indiana probation statute implicitly limited all searches of probationers to being conducted only upon reasonable cause.
15. It should be noted that in addition to allowing both a probation and police officer to conduct searches of the person, places, and vehicles of probationers, California courts had routinely imposed this particular condition on all persons placed on probation, both felons and misdemeanants and regardless of the nature of the offense for which the offenders were granted probation. See *People v. Chardon*, 91 Cal. Rptr. 2nd 438 (Ct. App. Calif., 1999). See also *People v. Balestra*, 76 Cal. App. 4th 57 (1999).
16. See, for example, *McArthur v. State*, 1 S. W. 3d 323 (Tex. App. - Fort Worth, 1999) in which an appellate court approved the imposition of a search condition on a sex offender granted probation that required him to "permit your supervision officer to search your residence, vehicle and possessions for the presence of sexually explicit material."

NEWS FROM THE FIELD

GEORGE ALEXANDER HONORED

George B. Alexander, Commissioner of the Erie County Probation Department in Buffalo, New York, was honored by Governor **George Pataki** with the *Governor's Tribute to African American Leaders of Excellence in State Service Award*. This award was recently established as one of New York State's highest honors for state service. It was presented to Alexander by Governor Pataki in Albany, New York, on February 5, 2002.

Alexander was one of thirty recipients statewide. Of particular note, Alexander was the only recipient who was not a state employee. According to **Sara Fasoldt**, State Director of Probation and Correctional Services, this award is a testament to the leadership abilities and dedication of Alexander in providing services to his community as well as his support of state initiatives in the area of community corrections.

Erie County Executive **Joel Giambra** had high praise for Alexander, stating that he is "extremely proud to have him" as a member of his executive management team. Giambra went on the say that Alexander "serves as an excellent example of the high caliber of the Erie County department heads and their notable professional standing within their chosen field."

Alexander was initially appointed Director of Probation in Erie County in February 2000. In January 2002, he was appointed Commissioner of Youth Services, thus serving in a dual capacity for Erie County.

EXECUTIVE DEVELOPMENT PROGRAM FOR NEW PROBATION AND PAROLE EXECUTIVES HELD

On April 1-6, 2002, the George J. Beto Criminal Justice Center was the site of the twelfth Executive Development Program for newly appointed probation and parole executives. This national program, a joint effort of the National Institute of Corrections, National Association of Probation Executives, and the Correctional Management Institute of Texas, has trained well over 100 community corrections leaders since its creation in 1997. Topics covered during this week-long course included budgeting, changing the organizational culture, working in the political arena, strategic planning, presentation skills and media relations, legal issues, staff safety concerns, individual problem sets, and reinventing probation.

Members of the faculty included: **George B. Alexander**, Commissioner of the Erie County Probation Department in New York and a graduate of the program; **Dan Richard Beto**, Executive Director of the Correctional Management Institute of Texas and President of the National Association of Probation Executives; **J. Richard Faulkner, Jr.**, Community Corrections Specialist with the National Institute of Corrections; **Bernard Fitzgerald**, Chief Probation Officer in Dorchester, Massachusetts; **Ron R. Goethals**, Director of the Dallas County Community Supervision and Corrections Department and a member of the Board of Directors of the National Association of Probation Executives; and **Diane L. McGinnis**, Executive Director of the Pima County Adult Probation Department in Arizona.

In addition to the core faculty, **Richard H. Ward**, Dean of the College of Criminal Justice, and **Rolando V. del Carmen**, Distinguished Professor of Criminal Justice at Sam Houston State University, assisted in the training process. Providing logistical and technical support for this program were **Christie Davidson** and **Sharese Whitecotton**, Program Coordinators with the Correctional Management Institute of Texas, and **David Epps**, Media Specialist with the Criminal Justice Center.

Invited participants included: **Alan A. Adams**, Georgia Director of Probation; **John J. Carway**, Director of the Nassau County Probation Department in New York; **Bryan Collier**, Director of Texas Parole; **Rudy Evenson**, Deputy Administrator for Idaho Community Services; **Scott M. Fulton**, Director of the Licking County Municipal Court in Ohio; **Gene J. Funicelli**, Director of the Putnam County Probation Department in New York; **Thomas K. James**, Director of the New Jersey Parole Division; **Joan Meacham**, Director of South Carolina Probation, Parole, and Pardon Services; **Chris Mechler**, Court Services Specialist with the Kansas Judicial Branch; **Robert P. Sebastian**, Chief Probation Officer in Camden, New Jersey; **William C. Segrest**, Executive Director of the Alabama Board of Pardons and Paroles; and **Michael A. Wright**, Chief Probation Officer in Richmond, Virginia.

The Institutional Division of the Texas Department of Criminal Justice supported this program by providing transportation between Houston Intercontinental Airport and the Criminal Justice Center.

TEXAS ORGANIZATIONS RECOGNIZE NAPE MEMBERS

On April 9, 2002, the Texas Probation Association, the largest community corrections professional organization in Texas, honored three members of the National Association of Probation Executives for their contributions to the probation profession. The awards were presented during the Association's annual conference in Beaumont, Texas.

Rick Zinsmeyer, Director of the Williamson County Community Supervision and Corrections Department in Georgetown, Texas, was recognized as the "outstanding adult probation administrator" and was presented with the *Brian J. Kelly Award*. This award is named in memory of former Chief Adult Probation Officer **Brian J. Kelly**, a strong advocate for community corrections. Zinsmeyer, who serves on the executive committee of the American Probation and Parole Association and chairs the Texas Probation Training Academy Advisory Board at Sam Houston State University, is a past President of the Texas Corrections Association. In addition, he is a member of the Texas Reinventing Probation Strategy Group. Zinsmeyer, who has served as the department's director since 1974, has introduced a number of innovative programs and initiatives.

Dan Richard Beto, Executive Director of the Correctional Management Institute of Texas and President of the National Association of Probation Executives, was presented with the *Sam Houston State University Award* for scholarly contributions to correctional literature. Beto, who has devoted over three decades to the corrections profession, is widely published and has served as editor for a number of professional journals. A past President of the Texas Probation Association, Beto is a member of the Reinventing Probation Council of the Manhattan Institute and has served as convener of the Texas Reinventing Probation Strategy Group. In addition, Beto serves on the faculty of the Executive Development Program for new probation and parole executives.

Ron R. Goethals, Director of the Dallas County Community Supervision and Corrections Department in Dallas, Texas, was presented with the Texas Probation Association highest honor — the *Charles W. Hawkes Lifetime Achievement Award*. This award is named in memory of **Charles W. Hawkes**, who was a pioneer and leader in probation in Texas. In addition to leading one of the most progressive departments in the country, Goethals is active in a number of professional organizations. He serves on the Board of Directors of the National Association of Probation Executives and the American Probation and Parole Association; in addition, he chairs the Texas Probation Association's Adult Legislative Committee and serves on the Texas Probation Training Academy Advisory Board. Goethals, who's service to the community corrections profession spans over a quarter of a century, is a member of the Texas Reinventing Probation Strategy Group and serves on the faculty of the Executive Development Program for new probation and parole executives.

On May 5, 2002, the Texas Corrections Association, meeting in Corpus Christi, Texas, presented the *George J. Beto Hall of Honor Award* to Goethals. This award, the highest honor bestowed by the Texas Corrections Association, is named in honor of the late **George J. Beto**, a minister, educator, and correctional administrator.

NEW MEMBERS

Since the last issue of Executive Exchange, twelve new members have joined the National Association of Probation Executives. These new members are as follows:

John Carway, Director, Nassau County Probation Department, 101 County Seat Drive, 3rd Floor, Mineola, New York 11501-4823.

Bryan Collier, Director, Parole Division, Texas Department of Criminal Justice, P.O. Box 13401, Austin, Texas 78711-3401.

Daniel R. Craig, Director, First Judicial District Department of Correctional Services, 314 East 6th Street, Waterloo, Iowa 50704

Cindy S. Engler, Division Manager, Sixth Judicial District Department of Correctional Services, 951 29th Avenue, SW, Cedar Rapids, Iowa 52404.

Scott M. Fulton, Director, Licking County Municipal Court, 33 West Main Street, Lower Level, Newark, Ohio 43055.

Gene J. Funicelli, Director, Putnam County Probation Department, County Office Building, 40 Glenedia Avenue, Carmel, New York 10512.

Michael R. Gelvin, Director, Fourth Judicial District Department of Correctional Services, 801 South 10th Street, Council Bluffs, Iowa 51501.

Thomas K. James, Director, New Jersey Division of Parole, P.O. Box 863, Trenton, New Jersey 08625-0863.

William J. McDevitt, Jr., Director of Grants and Standards, Board of Probation and Parole, 1101 South Front Street, Suite 5400, Harrisburg, Pennsylvania 17104-2520.

Robert P. Sebastian, Chief Probation Officer, Camden Probation Division, P.O. Box 1928, Camden, New Jersey 08101.

William C. Segrest, Executive Director, Alabama Board of Pardons and Paroles, P.O. Box 302405, Montgomery, Alabama 36130-2405.

Michael A. Wright, Chief Probation Officer, Probation and Parole District 1, 829 North 17th Street, Richmond, Virginia 23219.

NAPE

NAPE EVENTS SCHEDULED FOR DENVER

Make plans to attend the annual NAPE functions in Denver, held in connection with the Annual Institute of the American Probation and Parole Association.

On the afternoon of Saturday, August 25, 2002, there will be the traditional NAPE Members Reception.

On the morning of Sunday, August 25, 2002, the Annual Awards Breakfast will be held, during which the *NAPE Executive of the Year* will be presented with the *Sam Houston State University Award*.

Following the Awards Breakfast, the newly constituted NAPE Board of Directors will meet to conduct the Association's business.

Additional information will be forthcoming.

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 _____

DATE OF APPLICATION _____

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:

NAPE Secretariat
ATTN: Christie Davidson
Correctional Management Institute of Texas
George J. Beto Criminal Justice Center
Sam Houston State University
Huntsville, Texas 77341-2296
(936) 294-3757