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PRESIDENT'S MESSAGE

How many times in the last month have you identified some function or initiative within your organization as being "evidence based"? Do you really know what that means? Does the function or initiative that you have identified as evidence based meet the criteria for this? Is it to scale or simply a small and segregated component of your organization?

These questions came to me last week when I was attending a training session on domestic violence. Toward the end of the training session, the presenter shared with us the new trend in prosecution: evidence based prosecution. It struck me that the new "in" descriptive term is to refer to something or anything as evidence based.

We've seen this before. We've seen this with restorative justice, case management, collaboration, accountability, and performance-based management. There is something that we perceive to be "new" and a practice that we should strive for to achieve better results. And, we start using the term or word to describe something that we are already doing. We do not necessarily change our practices to meet the benchmarks for restorative justice, collaboration, etc. Albert Einstein once described insanity as "doing the same thing over and over again and expecting different results." There is great danger that we will do this again with evidence based practices.

There is also the opportunity to act differently. We, as leaders, can take the time to learn, to actually lead change, to develop collaborative relationships, and to produce different and better results. One area where this is most important is collaboration. In their 2004 publication *Governing by Network: The New Shape of the Public Sector*, Stephen Goldsmith and William D. Eggers write that "Trust is the bedrock of col-

laboration. Without it, people will not collaborate or share knowledge."

Probation and parole agencies have traditionally operated very independently. That began to change in the last ten years. Several agencies have experienced documented success by developing relationships with educational institutions, the

non-profit sector, the community, law enforcement, and other entities. They have intentionally developed relationships, built on trust and common purpose, to improve the results of their organization.

So what does it take to have this level of trust as an organization? This is something that I am challenging not only myself but also my colleagues to consider. Trust is not something that you simply ask for and receive. It takes time to develop. It takes actions that are consistent with our words of support for other organizations as well as our employees. It takes acting in accordance with a common purpose with other organizations; not in our self and organizational interest alone. It means that we are

a part of something bigger than our organization alone. This might be public safety or safe communities. And, we have to do this whether there is or is not the opportunity for new and/or expanded resources.

We have some bad habits to break. Let's not become examples of "truthiness" as defined on *The Colbert Report*. Let's act and lead differently this time. I would expect nothing less from NAPE members.



Cheryl N. Townsend
President

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LOOKING BEYOND EVIDENCE-BASED PRACTICES: KNOWLEDGE DEVELOPMENT AS A KEY MANAGEMENT STRATEGY

by

Melissa A. Cahill, Ph. D.

Director

Collin County Community Supervision
and Corrections Department
McKinney, Texas

The topic of evidence-based practices has become the idea de rigueur in criminal justice; one only has to open any journal or conference agenda to see how pervasive it has become. Unfortunately, many who have embraced the idea of evidence-based practice have not grasped what I see as the core of the movement — development and dissemination of knowledge. The evidence-based practice philosophy assumes not only a base of knowledge in the field to which the practice is being utilized, but also the continued growth of that knowledge. Too often advocates have embraced a technique of the practice, such as the current craze over motivational interviewing, instead of the broader impact of the *philosophy*. It is not about programs or techniques, it is about developing a vision of what is (or should be) the purpose of criminal justice, then developing knowledge around that vision to accomplish the task.

This brings us to what I see as the critical, yet often missing, piece of the puzzle — an emphasis in the criminal justice field (not just academia) on the development of research and knowledge. This emphasis has been taking hold in the business world, as more and more leaders acknowledge the changing dynamics of business and management.

Criminal justice is no different, and we see various models become the idea of the moment: broken windows, “what works,” designer courts (drug courts, mental health courts, domestic violence courts, etc.), boot camps, etc. Each of these movements seems to try to focus our work in a particular direction, often due to political forces, recent research, the energy and charisma of a particular individual, or even savvy marketing by a vendor. But what is at the heart of these movements? Using evidence-based practices as a starting point, I would like to argue that what some of these movements are really about is moving management and leadership in criminal justice into the 21st century, where practice is dominated by knowledge and knowledge development.

Evidence-based practices is a movement that has grown out of the medical profession. One of evidence-based practices’ earliest advocates was the Cochrane Collaboration (www.cochrane.org), an international non-profit organization that produces and disseminates systematic reviews of healthcare interventions. The organization was founded in 1993 and is dedicated to providing up-to-date information for professionals and users of healthcare. As of 2005 there were more than 4,000 existing or proposed reviews of interventions. While these reviews are generally for health-related interventions, the impact of this approach has been felt in most service-oriented fields. There are now references to “evidence-based practice,” or some similar term, in everything from parenting programs, to training of hospital staff in mass casualty incidents, to the No Child Left Behind Act (2001).

In criminal justice the focus on evidence-based practices has exploded over the past several years, most notably with the work of the National Probation Service for England and Wales, closely followed by the 2004 publication of the National Institute of Corrections’ “Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention.” You will now find multiple trainings on evidence-based practices, as well as many interventions which now bill themselves as “evidence-based.”

There are several definitions of “evidence-based” in the various domains (medicine, substance abuse, mental health, etc.) but the following features outlined by Dunifon, Duttweiler, Pillemer, Tobias, and Trochim (2004) generally characterize evidence-based practice:

- Identification and definition of a topic that is important for practice.
- Systematic identification of all published research addressing this topic and screening of identified studies for quality and appropriateness. This is done by developing a detailed instrument in which each relevant study is evaluated based on established criteria. Criteria used to evaluate studies focus on the research design of the study (i.e., the use of control groups or longitudinal data), the sample size, effect sizes, and other important factors.
- Summary and analysis of the selected studies with recommendations for practice. This typically involves a combination of formal statistical meta-analysis and review by a panel of researchers.
- Development of guidelines that summarize evidence-based practices in a manner that is accessible to practitioners, indicating recommended practices and identifying areas where scientific evidence is currently insufficient.
- Diffusion and dissemination of evidence-based practice guidelines, programs, or treatment protocols and evaluation of changes in practice and outcomes that result.

Dunifon et al. (2004) rightfully emphasize that the power of evidence-based practice is its focus on quality research and a formal process for applying such research. They also point out that several criticisms have been leveled at evidence-based practice, most notably the effort (in terms of both time and money) that must be dedicated to such an endeavor. Critics have also argued that certain practices (and criminal justice could be considered one) are too complex and context-dependent to be adequately captured through research summaries and guidelines.

In their January 2006 *Harvard Business Review* article on evidence-based management, Jeffrey Pfeffer and Robert I. Sutton point out that, like criminal justice, businesses have been woefully

inadequate in developing an evidence-based culture for managers. They outline six standards that managers and leaders should begin to use in order to develop evidence-based management:

1. *Stop treating old ideas as if they were brand-new.* Pfeffer and Sutton emphasize that we should credit others for their contributions to our current state of knowledge not only because it is the right thing to do, but also because it will generate even better ideas. So we shouldn't ignore our past of risk control strategies, but incorporate them to continue to develop effective supervision practices.
2. *Be suspicious of "breakthrough" ideas and studies.* Too often we ignore all the little improvements made, or worse yet expect one strategy (such as motivational interviewing) to be the cure all for our clients.
3. *Celebrate and develop collective brilliance.* We need to stop looking to "experts" to transform our organizations. Develop knowledge from within and exploit the expertise that already exists in your organization. Such practices will not only lead to better ideas, but will also increase the commitment to the cause. As Pfeffer and Sutton point out, "implementing practices, executing strategy, and accomplishing organizational change all require the coordinated actions of many people" (p. 71). You are more likely to obtain that coordinated effort if you involve everyone in the development of the vision and change efforts.
4. *Emphasize drawbacks as well as virtues.* It seems in criminal justice we continue to jump from practice to practice, often ignoring potential problems, especially within the implementation stage of these new strategies. We need to be thoughtful about the advantages and disadvantages of all strategies, including evidence-based practices, and anticipate the challenges that will arise.
5. *Use success (and failure) stories to illustrate sound practices, but not in place of a valid research method.* This is one of the biggest errors criminal justice professionals make. We claim we don't have the time, expertise, or resources to adequately research what we do. But failing to carry out valid, unbiased research will only lead to continued mediocrity in our business.
6. *Adopt a neutral stance toward ideologies and theories.* We can't adequately address the issues facing criminal justice until we reach consensus on our mission and the problems we face accomplishing that mission, then critically evaluating all ideologies and theories that may help us accomplish our mission. Advocating for a particular ideology or theory will only blind us to learning from new evidence.

The need to transform management has been fueled by the transformation of work that has occurred over the past several decades. The work of employees has transformed from manufacturing and similar jobs in the Industrial Age to the knowledge workers of our current world. Indeed, much of the work done by individuals today can be characterized as knowledge work. In *The Future of Leadership*, Thomas H. Davenport (2001) discusses the knowledge worker and the role of management. The knowledge workers are those who both create and use knowledge. Creators develop new ideas and approaches, while users incorporate that knowledge into daily practice. Davenport further delineates between big and small ideas — those that dramatically change people and/or the organization, and those that improve the organizations' work or product. He argues that successful organizations in the future will be those in which "it's everyone's

job to be creating and using ideas that are both big and small" (p. 46). This concept has often been referred to as developing a "learning organization."

In *The Fifth Discipline*, Peter Senge (2006) describes the learning organization as one in which individuals are constantly improving their capacity to create results and continually learning to see the whole picture. He outlines five "disciplines" that help make the transformation to a learning organization: a focus on systems thinking (the ability to see the whole picture and the complex relationships between parts of the system); personal mastery (living in a continual learning mode, where personal vision and capability are constantly clarified and deepened); mental models (the ability to reflect on our ingrained assumptions and generalizations about the world); building shared vision (a genuine, shared picture of the future that encourages innovation); and team learning (shared learning that allows more rapid and insightful learning than what can occur individually).

While Senge's emphasis on developing a learning organization is critical, one cannot develop such an organization without first developing the shared vision he references. This seems to be a particular issue for criminal justice, for we continue to struggle to develop a clearly defined and constant sense of purpose. In other words, what are we in the business to do? Often the response "public safety" is heard, but that alone is at best a vague description. We do ourselves and our organizations an injustice if we do not take the time and effort to articulate a specific vision and mission for our profession.

Once we have clearly articulated our purpose we must build a culture of learning. We must allow, and perhaps demand, knowledge-oriented behaviors in the workplace. Too often supervisors and managers in criminal justice have not focused on developing such a culture, but instead have focused on the outputs of supervision — the number of contacts made, adherence to deadlines for risk assessment, etc. As Davenport aptly points out, there is very little emphasis on teaching employees how to search for knowledge, how to determine what sources are credible, and how to manage that knowledge. We must develop a culture that not only encourages, but in fact expects continued learning and development of knowledge in the field. Many executives in criminal justice do this themselves, through professional associations, reading, etc., but how many of us have pushed such an orientation downwards? Do we allow employees to read criminal-justice relevant material during work hours? Do we demand the use of knowledge in work? Davenport emphasizes that a knowledge orientation "support[s] decision making and action based on knowledge and facts, not gut feel and intuition alone. Managers of knowledge workers must set examples with their own decisions" (p. 56).

Perhaps an example is in order. Recently we were due to renew our urinalysis testing contract. I knew that officers disliked taking UAs (who wouldn't?), but beyond that, what data was necessary to make an informed decision regarding the contract? Two issues quickly came to mind: what was available on the market and what our budget could bear. In order to encourage knowledge development in the workforce I asked two line officers who are responsible for substance abuse caseloads to research the availability of various testing devices and their effectiveness. Over several months they made contact with multiple vendors and probation departments and came back with a recommendation for a new vendor. In order to determine what our "standard" drug testing should be, we pulled data from samples submitted over

the past year and determined the most common drugs found. I then provided this data, along with the cost proposal from the vendor, to several managers for feedback. What was important to me was not that they made a decision regarding the contract, but that they used the knowledge they had to generate questions about the contract. Indeed, some of the questions generated went to the heart of the matter, one we hadn't initially addressed: Why were we testing? What would we do with the results? How did urinalysis testing fit into the mission of our work? In the end we did make a decision on the contract, one that everyone felt good about because of the knowledge generation that occurred; it wasn't about the contract, it was about the culture of questioning. Certainly, it would have been easier to just renew the contract we had. But if we are to grow our field we must use every opportunity to instill the vision we set for our organization. For me, it is asking questions about everything we do. So we don't simply renew contracts, we use them as an opportunity to step back and analyze what we are doing, and how it might fit (or not fit) into our vision for the organization.

A culture of knowledge should include a flexible, responsive orientation to new ideas, but one which is fueled by a sense of purpose and vision. We should not emphasize the building of skills or techniques without first investing in our sense of purpose. As Ronald P. Corbett, Jr., has said, "Skills without vision lead to idle capacity". Some of the problems inherent in just focusing on techniques can be seen in Texas' recent focus on "evidence-based practices" for reducing recidivism. The grant award process from the state required detailed information regarding what techniques would be used for sanctioning probationers, but little to no emphasis on the purpose of those sanctions. As such, many are beginning to wonder whether we are just delaying revocations, rather than causing meaningful change in offender behavior. Now, the adult probation departments in Texas are working on a strategic plan for community supervision, but isn't that what should have occurred prior to allocating new money? We must have a cohesive picture that drives our financial and programmatic decisions, in order to not be driven by political forces or fads.

To be sure, this is not necessarily easy work for the leader, most notably because we must admit that *we don't know the answer*. In *The Future of Leadership*, Karl E. Weick writes about "Leadership as the Legitimation of Doubt," emphasizing that true leadership involves being able to state "I don't know." He points out that "the effective leader is someone who searches for the better question, accepts inexperience, stays in motion, channels decisions to those with the best knowledge of the matter at hand....is obsessed with updating....and is deeply aware of personal ignorance...it is less crucial that people have a specific destination, and more crucial for purposes of sensemaking that they have the capability to act their way into an understanding of where they are, who they are, and what they are doing" (p. 94).

Leaders can help ensure organizational learning through the process outlined above, as well as insisting on action reviews and reflective practice when developing, conducting, and evaluating programs. One way we have begun to do this in my organization is to start developing program evaluations for all existing programs. For example, we have a "Wilderness Program" that targets young male offenders and has been around for years. Before continuing the program I insisted that there be a review of existing research regarding the effectiveness of such programs. To the employees' dismay, research suggests that these programs were essentially ineffective. However, having observed several

sessions, I felt there was promise in the program: there were aspects of cognitive-behavioral interventions being used, and the non-classroom setting seemed to be attractive to these offenders. So, rather than eliminating the program, we set about 1) incorporating effective interventions and 2) setting evaluation measures. Although this is still a work in progress, we are pleased with the accomplishments so far: the employees involved have learned about cognitive-behavioral interventions and are developing a written curriculum based on the National Institute of Corrections' "Thinking for a Change" program. We have also begun data collection, including both self-report and compliance data (probation violations, rearrests, etc.), to see how the program evolves. While I'm certainly interested in whether we choose to continue the program or not, based on its effectiveness, I'm really more interested in how my employees have developed knowledge about evaluating research, designing programs, and evaluating program effectiveness, because that is knowledge they can use in other areas of their work.

By insisting on processes like those outlined above leaders model the importance of continued development of knowledge and reflection on work processes. In "The Work of Leadership," Heifetz and Laurie (2001) describe this as "getting on the balcony." Leaders must be able to move between the day to day action and the overall patterns that are emerging and will shape the future. Effective leaders are those who can "move back and forth between the field of action and the balcony, to reflect day to day, moment to moment, on the many ways in which an organization's habits can sabotage adaptive work" (p. 7).

The development of a mindset that focuses on knowledge development and dissemination, while constantly evaluating what we do and how it impacts the mission of our organization, is critical to a successful evidence-based initiative. But we cannot accomplish this without first knowing our mission and vision for the future. We must force ourselves and our workers to develop a sense of who we are as a profession, then lead the way for developing the knowledge to further our profession. It is no longer enough to continue supervision contacts because we have always done it this way. It is no longer acceptable to insist on home visits, when we have no research on their effectiveness. It is not wise to insist that every officer be trained in motivational interviewing, when we have no research on its effectiveness in the criminal justice arena. But what we should do is ask these questions: "What is the vision I have set for my organization?" and "What am I doing to further knowledge, in myself and my employees, to accomplish this mission?" This is really the heart of evidence-based practices.

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A SURVEY OF PROBATION OFFICERS CONCERNING THE USE OF HAIR TESTING FOR ILLICIT SUBSTANCES

by

Michael M. Kaune, Ph.D.

Chair, Department of Sociology and Criminal Justice
St. Francis College
Brooklyn Heights, New York

Richard B. Callahan

Chief Probation and Parole Officer
Probation and Parole District No. 28
Virginia Department of Corrections
Radford, Virginia

The monitoring of subjects under community supervision for the use of illegal drugs is an ongoing task for the modern probation and parole officer in America. The most common means of detecting drug use in use today is based on an analysis of body fluids. Urinalysis is the preferred means of detection by most supervising authorities but new methods have been developed which include the analysis of saliva, perspiration and, in rare cases, the use of a blood sample. In the late 1970s, an innovative technology based on the analysis of a hair sample was patented and began the process of acceptance in the scientific, professional and legal communities as a valid and reliable means of detection (Ditton, 2002).

Funding for research on the use of hair analysis in a field setting was obtained in 1998 and over the course of the next four years, Virginia officers submitted 2,261 hair samples to the participating vendor. Of that number, 667 samples tested positive for cocaine, marijuana, amphetamines, opiates and / or PCP. One hundred and fifty nine samples were returned as quantity not sufficient for testing. Approximately thirty-two percent of the valid sample (2,102) tested positive for one or more of the listed drugs (see Figure 1). Cocaine was the most commonly reported drug, reported in 58% of the positive samples, followed by marijuana (36%), opiates (3%), amphetamines (3%), and PCP (less than 1%). These patterns are similar to those reported in other studies (Baer, et al., 1991; Knight, et al., 1995; Mieczkowski, et al., 1993) for similar populations.

Figure 1
Overall Results, January 2000-March 2003

N	=	2,261
QNS	=	159
Valid N	=	2,102
Positives	=	667. (31.7%)
(cocaine, marijuana, opiates, amphetamines and/or PCP)		
Negatives	=	1,435. (68.3%)

As a part of our research, we mailed a survey to 130 probation and parole officers, drug court counselors and drug-rehabilitation workers during the spring of 2001. The officers included in the sample had recently completed a four hour training program on the use of hair testing and were practiced in the collection of hair samples for drug testing. The results of the survey show that the participating officers are well satisfied with the use of hair testing and many added unsolicited comments on the survey indicating such satisfaction.

This article will first describe the basic stages in the hair testing process and will include brief comments on the techniques

utilized in the process. For a more detailed discussion of the controversies concerning sample collection, testing procedures and other issues surrounding hair testing see variously Mieczkowski (2000); Smith and Goodman (1996); or, Baumgartner and Hill (1996). In this article, we wish to focus on the perceptions of officers who have used the technology in the field. We summarize the responses to thirteen questions that asked the officers to rank-order preferences and policy recommendations. We also include some summary of sixteen open-ended questions that are exploratory in nature. We conclude with some comments on where hair testing is in the process of criminal justice policy implementation and make some predictions about the future of hair testing in American corrections.

The Hair Testing Procedure

The standard process of hair analysis includes the following steps: specimen collection, sample washing, digestion or extraction of the hair sample, immunoassay screening, and confirmation or quantitation of the various analytes (Henderson, et al., 1995).

The process of testing hair for drugs in our research begins with the collection of approximately 100 strands of hair from the client by the supervising officer. The sample is labeled in the client's presence and placed in a specialized envelope for shipment to the lab for analysis. Hair samples do not require refrigeration and can be shipped at later date. They should be placed in a secure area, such as a safe or locked filing cabinet in order to maintain the chain of custody.

Laboratory processing consists of three basic stages—sample preparation, initial testing, and confirmation testing. Each stage is an important process and some techniques are patented. Testing results can be returned to the collector via surface mail; they can also be faxed, phoned or viewed over the Internet at a secure, password-coded site. In our experience, all positive results were reported within three days of receipt of the sample by the lab—negative results had a quicker turnaround time.

The Sample Preparation Phase

The procedure of sample preparation focuses on chain of custody, contamination control, and dissolution of the sample into a medium appropriate for testing. The procedure varies by vendor, but these basic steps are necessary for accurate testing. Identification of sample is the primary step to establish a legal chain of custody.

Contamination control implies two things. First, that the sample is prepared in a controlled environment to prevent cross-contamination with other hair samples in the laboratory

environment. Second, it implies confidence that a positive test result is the consequence of drug ingestion and not a result of external contamination of the hair sample. To control for the possibility of external contamination, our vendor utilizes "a three hour and forty-five minute wash in six chemical solutions" as stated on the vendor's website and as observed during a tour of the testing facility. The effluent from the hair wash is preserved for subsequent analysis if the sample tests positive. This process is generally referred to as wash kinetics and is generally used to assess the potential of passive exposure and thus refute the argument of external contamination (Mieczkowski, 1992).

The culminating stage in the preparation process requires the hair sample to be put into solution for analysis. The one and one-half inches of the hair nearest to the root end is put into solution in a process sometimes referred to as "being digested". The remainder of the hair sample is discarded. Digestion methods may be patented, and different solvents and processes are utilized by various vendors. Once the hair is liquified, the initial testing stage can begin.

The Initial Testing Phase

The initial testing phase, sometimes referred to as the screening phase, utilizes a patented technique of immunoassay. In general, immunoassay techniques "tag" the sought-after chemical substance (referred to as the antigen) with a uniquely altered antibody. Some of the more common tags are enzymes (as in enzyme-multiplied immunoassay test), fluorescent materials (as in fluorescent polarization immunoassay) or radioactive materials as used in the hair testing procedure.

The antibody and antigen are combined in solution. The antigen-antibody compound will precipitate out of solution and the resultant "button" is assessed and the quantity of antigen inferred from the amount of antibody detected. The antigens may be parent drugs or metabolites from the drug ingestion process in the body. This technique is used to identify substances of abuse in urine, as well as hair.

The sample is retested following a positive result. The sample will also undergo wash kinetics and confirmation testing. Wash kinetics is a separate analysis of the solution used to wash the initial sample of hair and is considered to be a means of ruling out the possibility of external contamination of the hair sample. All three techniques are meant to rule out false positives.

The Confirmation Phase

The confirmation phase generally utilizes the techniques of mass spectrometry and/or gas chromatography. These analysis techniques are expensive, time consuming and labor intensive. Only those samples that test positive in the initial phase are subjected to confirmation.

Implementation of the Survey

An important part of field research is the measurement of the participants' perceptions of the process. We considered it to appropriate to take notice of the acceptance or non-acceptance by field officers of this new and innovative technology. Failure on the part of field officers to utilize hair analysis would curtail the effectiveness of the technology and would prevent valid evaluation of the technique. As a consequence, the researchers developed a questionnaire and disseminated it to over 130 Probation and Parole Officers, drug courts counselors and various other Virginia

state drug-rehabilitation workers in the spring of 2001. The officers were selected for inclusion in the survey based on their successful completion of a short training program on the use of hair testing. Sixty three surveys were returned for analysis.

All of the officers in the sample had undergone accredited training for hair sample collection during the course of the grant period. Five surveys by trained officers who had not collected a hair sample in the field were not included in the following analysis. These officers provided positive comments regarding training and the overall concept of hair analysis. The following summary is based on 58 returned surveys. The respondents collected between ten and fifteen hair samples on average.

From the start, we implemented a comprehensive approach for addressing officer concern over the use of hair analysis. The contracting service, Psychomedics, provided a standardized training course of about four hours to all participating officers. Any questions that the officers asked during the course of that training were answered by the Psychomedics trainer at that time. The officers were given Officer Callahan's office number and email address should they have any during the course of collecting hair for analysis or when they received the results from the lab. As might be expected, numerous questions were asked during the four-hour training session, but few follow-up questions were asked of Officer Callahan once the trained officers returned to the field. We took that as an indication of the adequacy of training, the ease of the collection method and the simplicity of interpreting the results provided by the lab.

Ease of use was only one dimension that we wished to measure. Another important dimension was the officer's "satisfaction" with the technique and their confidence in its use. A final dimension of interest was the officer's opinion on how to use hair testing in the field. We asked a number of questions about policies that allowed mandatory or discretionary use of hair testing by probation and parole officers.

Quantitative Responses on the Survey

The survey included 13 quantitative responses (on a scale from 1 to 10) and 16 qualitative or written opinion responses. The quantitative responses fell into the following topical categories.

Overall Satisfaction: Questions 1 & 2

Overall ratings of hair testing are positive, as evidenced by the responses to Question 1. The average score on a scale of 1-10 is 8.4. The range of the responses was 5-10, which indicates that no officer responded negatively, in that 5 is generally considered to be a neutral response. We believe that the respondents are well satisfied with the use of hair testing and indeed many added positive and enthusiastic comments on the survey indicating such satisfaction. A majority of respondents preferred the use of hair testing over urine testing, as evidenced by the responses to Question 2 (mean = 7.8).

Policy Recommendations: Questions 5, 6, 7, & 8

A number of questions were asked of the officers concerning policy implications and the proposed use of hair testing as a replacement for, or supplement to, urinalysis. Question 3 shows that most officers would not recommend that hair testing be used as the sole means of monitoring offenders (mean = 5.3). Rather, they are very supportive of a policy which utilizes hair testing as a supplemental means of monitoring offenders (mean = 8.7).

Executive Exchange

Question 5 (mean = 6.6) and Question 6 (mean = 7.5) addressed the timing of hair testing. The officers seemed somewhat neutral on testing all new probationers immediately following sentencing but were more positive on conducting semi-annual testing.

Finally, Questions 7 and 8 indicate that the majority of officers would be in favor of a policy which allows the supervising officer to hair test at her or his discretion. The responses indicate that the officers would not be in favor of mandatory testing but would prefer to exercise their professional discretion when determining the need for hair testing. These responses do not preclude the implementation of a policy that mandates testing at certain stages in the process and which also allows officer the discretion to use supplemental tests when he or she determines them to be needed.

Training Satisfaction: Questions 9 & 10

Question 9 (mean = 9.0) and Question 10 (mean = 8.6) indicate that the officers were very satisfied with their training and were confident of their ability to collect a hair sample after some practice. These results were gratifying to the researchers who endeavored to establish a comprehensive and professional training program which provided adequate opportunities for feedback, as well as questions and answers from the officers.

Interpretation of Test Results: Questions 11 & 12

Question 11 (mean = 8.8) and Question 12 (mean = 8.0) indicate that the officers felt that the hair testing results were easy to understand and these results were easily comparable to the standard results that they were accustomed to receiving from urine testing labs

Confidence in Results: Question 13

The final quantitative question (Question 13, mean = 9.0) is important in that it specifically assesses the officer's confidence in the use of the hair testing results in court. As the responses indicate, the officers express overwhelming confidence in hair testing and expect their courts to accept hair testing evidence.

Figure 2
A Summary of Quantitative Questions

1. On a scale of 1-10, with 10 being the most satisfied, how would you rate your overall satisfaction with hair testing?
range = 5 - 10 mean = 8.4
2. On a scale of 1-10, with 10 being the most satisfied, how would you rate hair testing in comparison to urine analysis?
range = 3 - 10 mean = 7.8
3. On a scale of 1-10, with 10 being the most highly recommended, would you recommend that DOC adopt hair testing as the sole means of monitoring offenders?
range = 1 - 10 mean = 5.3
4. On a scale of 1-10, with 10 being the most highly recommended, would you recommend that DOC adopt hair testing as a supplemental means of monitoring offenders?
range = 1 - 10 mean = 8.7

5. On a scale of 1-10, with 10 being the most highly recommended, would you recommend that DOC hair test all new probationers immediately following sentencing?
range = 1 - 10 mean = 6.6
6. On a scale of 1-10, with 10 being the most highly recommended, would you recommend that DOC hair test clients under supervision on a semi-annual basis?
range = 1 - 10 mean = 7.5
7. On a scale of 1-10, with 10 being the most highly recommended, would you recommend that DOC adopt a policy that allows the supervising officer to hair test at his or her discretion?
range = 1 - 10 mean = 8.9
8. On a scale of 1-10, with 10 being the most highly recommended semi-annual testing and 1 being most highly recommend a policy based on officer discretion, would you recommend that DOC adopt a policy which requires semi-annual testing rather than a policy based on officer discretion.
range = 1 - 10 mean = 4.2
9. How would you rate the hair collection training on a scale of 1-10?
range = 5 - 10 mean = 9.0
10. How would you rate your confidence in collecting a hair sample on a scale of 1-10 after collecting a couple of samples?
range = 5 - 10 mean = 8.6
11. How would you rate the "understandability" of the hair testing results on a scale of 1-10, with 10 being the most understandable?
range = 5 - 10 mean = 8.8
12. Were the hair testing results comparable to the urine results that you are familiar with?
range = 2 - 10 mean = 8.0
13. How confident do you feel if you were to use the results in court?
range = 5 - 10 mean = 9.0

Qualitative Responses in the Survey

We asked 16 qualitative questions that could be grouped into the following categories: questions about the training and practice of collecting hair samples (6 questions); use of testing results in revocation proceedings (4 questions); two questions were asked about clients who voluntarily confessed to drug use upon learning they were subject to hair testing; and, three solicitations for general comments, problems, or anecdotes were made.

Collection Practices

There were few responses concerning training and sample collection practices. Very few respondents reported problems and those that did referred to returned samples because the quantity of hair submitted was not sufficient for testing — commonly referred to as a QNS. This problem was most likely to occur

during the first few samples collected, a consequence of collector inexperience. A recurrent theme was anxiety concerning the possibility of collecting hair from other sites on the body other than the head. However, no one noted that they were driven to collect such a sample

Use of Results in Revocation Hearings

Twenty-four of the officers (42%) reported that they had used or had pending revocation actions based on the hair analysis results. In every case the results were accepted by the presiding judge as a consideration for revocation. In the majority of cases the results were used to revoke probation. One officer reported "they [the test results] have not been challenged... and all who tested positive were revoked." Another officer reports "I have used the results in court and all clients were found guilty of show cause and given time to serve."

Voluntary Confessions

Half of the respondents (29) reported instances of clients voluntarily confessing to drug use when confronted with the demand to submit a hair sample for testing. The modal response was "1 or 2" confessions. One officer reported receiving five separate confessions during the course of a single substance abuse counseling session!

The Purpose of Drug Testing in a Corrections Setting

The results of this survey and numerous conversations with participating officers have led the researchers to think about the goals and purposes of drug testing. Drug testing, regardless of technique, can be used as part of a therapeutic regime or as a tool to achieve criminal justice and punishment goals. As a part of a therapeutic program, drug testing can be used to monitor client progress in a treatment program and as a means for positive feedback should the client continue to abstain from drug use. It can also be used as justification for negative consequences should the client abuse drugs during the course of treatment. As a tool for the realization of criminal justice goals, drug testing should act as a deterrent to drug taking, thus curbing criminal behavior often linked with drug taking. It also serves as a means for monitoring the client's compliance with court or Parole Board conditions of release and as a means of collecting evidence for revocation of supervision should the client fail to abstain from drugs.

Regardless of philosophy or emphasis, practitioners would agree that drug testing should have a deterrent effect on drug taking behavior. In terms of this goal, the drug testing technique itself seems to make a difference. Our research was conceived because many officers felt that urine testing failed to deter. In their own words, "it (urine testing) was a joke." At the moment, there is little hard data to support the deterrent effect of urine testing. See for example some of the comments made by reviewers to SAMHSA's recent request for input on establishing standards for determining the validity of urine specimens collected under the Mandatory Guidelines for Federal Workplace Drug Testing Programs (SAMHSA, 2004). On the other hand, our survey provided some anecdotal data, in the form of numerous confessions by clients when they discovered that they were going to have a hair sample collected rather than a urine sample, to support a conclusion that hair testing deters drug use by probationers and parolees. It is the hope of the researchers that this important topic will be explored in the future.

To return to the differences between the treatment goals and punishment goals, it has been our experience that there is some confusion on the part of practitioners concerning the purpose of drug testing. Should drug testing be used as a means of achieving criminal justice goals or as a part of a therapeutic treatment regime? Are these goals antithetical or can they be concurrently achieved? Perhaps more importantly, what do practitioners consider to be the purpose of drug testing?

We suggest that future research identify the job duties, responsibilities and titles of the respondents and ask respondents to identify what they consider to be the purposes of drug testing. Many field officers are employed with drug courts and day monitoring programs. Others actively supervise probationers and parolees. The nature of these jobs would lead to a reasonable conclusion that field officers may be more likely to emphasize deterrence and punishment; while drug courts and treatment programs would be more likely to pursue rehabilitation goals. Again, future research could address this dilemma in order that practices and policy be tailored to specific purpose.

The Process of Implementing New Technologies

Figure 3 illustrates the process of implementing new technology in the criminal justice workplace. It is safe to say that hair analysis has progressed to the Field Testing stage, but no further at the moment. The testing of technology in a field setting is an important part of establishing the reliability, validity and practical application of laboratory-developed techniques. Field testing is integral to the creation of a workable product that can withstand the rigors of a practical setting. The current research provides some insight into officer opinions on the use of hair analysis and is an important component in the fielding testing process.

Figure 3
The Process of Policy Implementation
in a Criminal Justice Setting

Theory and Model Development
Laboratory Testing
Field Testing
Policy Creation
Legal Review
Full-scale Implementation

An essential criterion of any drug testing technology is its admissibility in court. Currently, urine testing results have been accepted with little reservation by state and Federal courts. While hair testing is a recent technology, it has also been accepted by a number of state and Federal courts. The researchers are not aware of any court which has either refused admission of hair testing results or ruled against the use of hair testing as admissible evidence. The issue of hair analysis has been addressed in the Virginia courts and, at this time, Virginia courts are admitting the results of hair testing in the revocation process.

Some Comments on the Future of Hair Testing

Our survey shows that the respondents are well satisfied with the use of hair testing with an average response of 8.4 (on a scale

of one to ten) when asked to rate their overall satisfaction with hair testing. Many also added their own positive and enthusiastic comments to the survey indicating this. The majority of respondents preferred the use of hair testing to urine testing and expressed overwhelming confidence with the use of hair testing results in court. In terms of implementation, it is apparent that officers would prefer a policy that allows the supervising officer to hair test at his or her discretion. They also expressed a preference for adopting hair testing as a supplemental rather than as a sole means of monitoring offenders. It is our conclusion that hair testing was well received by Virginia officers and they would like to add it to their toolbox of techniques for monitoring clients.

Notwithstanding this positive response from field officers, there is a hiatus in the use of hair testing for corrections populations. No federal or state agency in the field of corrections relies on a drug testing regime that primarily employs hair testing at this time. The Virginia Department of Corrections has chosen not to continue the practice of hair analysis for probationers and parolees. This decision was based primarily on financial considerations and was implemented when the federal flow-through funding for the instant research project ran out in 2002.

In what was perhaps the only other state-wide use of hair testing, the Pennsylvania Department of Corrections has also curtailed the use of hair analysis. In the Pennsylvania program, hair analysis was used as an assessment tool to evaluate the effectiveness of their Drug Interdiction Program in select state prisons. The Program was designed "to rid Pennsylvania's prisons of drugs and to secure inmate and staff safety and [the program] showed dramatic declines in prison inmate drug use...prisons were virtually 99 percent drug-free" (Feucht, 1999:14).

The primary method of drug detection for corrections populations continues to be based on the analysis urine. This may be because of budget concerns over the cost of individual hair test kits (costs for a single hair test can range from \$40 to over \$100 depending on negotiated contract), or the convenience in maintaining the status quo and a reluctance on the part of administrators to invest in the uncertainty of new technology. In any event, the field of corrections has not embraced a widespread use of hair analysis at this time.

Currently, the overwhelming use of hair testing in the field of criminal justice is as a pre-employment screening tool for a number of police departments and as part of a post-employment monitoring program. For example, the New York Police Department currently tests all applicants for employment with the department and the Boston Police Department uses hair analysis as a testing device for randomly selected officers as a part of a post-employment monitoring program.

The largest consumer of hair analysis continues to be the private sector. Over 2,000 private employers purchase hair analysis from the Psychomedics Corporation, according to their website. Those businesses, much the same as the participating police departments, use hair testing as a pre-employment screening device and as a part of a post-employment drug monitoring program.

We believe that these usage patterns will continue in the immediate future, primarily as a consequence of tightening state corrections budgets and bureaucratic maintenance of the status quo. This is an unfortunate turn of events, because it is our opinion that hair testing provides the officer with a reliable and convenient means of monitoring client drug usage that has the potential to deter drug use in the corrections population. Officers like hair

testing, the Virginia courts accept it as evidence in revocation hearings and clients seem to respect its accuracy.

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A COMMUNITY GANG EXIT STRATEGY

by

Donald G. Evans
 President
 Canadian Training Institute
 Toronto, Ontario

For the past two years the Canadian Training Institute (CTI) has been involved in a project geared to assisting gang involve youth to discard their gang affiliations and to embark on paths leading to employment or further education. The project has been centered in Toronto, Ontario, and specifically targeted an area in the west end of the city. During the past number of years this area has experience rising crime rates and especially a dramatic increase in gun violence, leading to a number of deaths of young black men. The majority of these crimes have been committed by gang involved youth. Research indicates that gang membership is one of the strongest predictors of antisocial behavior and also suggests that gang members are generally more involved in anti-social behavior than non-gang members. There also seems to be a strong correlation between gang affiliation and violent acts as well as general anti-social behavior. Given this information, it was deemed wise to attempt to develop and design a program that would concentrate on facilitating gang involved youth in their efforts to exit or disaffiliate from gang activity. The result of CTI's work was the implementation of the youth ambassador's leadership and employment project. This project is part of CTI's "breaking the cycle of youth violence" approach.

Program Objectives

This project sought to address the conditions leading to aggressive, anti-social behaviors and criminal conduct of specific gang involved youth. The project also made an effort to deal with barriers to employment or education. The following four specific objectives were set for the project:

- Enhance the resiliency of the youth selected for the project through an asset based cognitive behavioral and conceptual skills development approach;
- Provide case management to support each youth enrolled in the project with individual support, referrals and follow-up, crisis and family intervention when necessary and facilitation of group activities;
- Create a peer support network, including training peer mediators and mentors for participants in the project; and
- Training the youth as ambassadors/peer educators who will conduct primary prevention education in schools, conferences, the media, and the community at large.

To date, two programs have been completed and CTI is preparing to launch two more. Each program is 28 weeks in duration and has a limit of 25 youth in each of the project periods. Youth who participate in the program are paid a stipend to attend with a bonus for successful completion. The program is divided into five main components:

Intake and Assessment

Upon receipt of an appropriate referral from probation officers, parole officers, family or relatives, or other social service agencies, a contact with the youth is arranged and an appointment is made to assess intent, target group eligibility, and complete an application form. Youth (either males or females) between the ages of 15-23 who are currently unemployed or not attending school, have a history of gang involvement, and agree to commit to the goals of the project are eligible to participate. An extensive social and criminal history is undertaken. This is augmented by a number of assessment instruments that are administered over the course of the program and include the Youth Level of Supervision Inventory, the Jesness Behavior Inventory, and the Trauma Symptom Inventory. When the youth are accepted into the program, they are enrolled in the 10 day intensive training program which is the first stage of the project.

Intensive Training

The curriculum for this stage of the program covers nine specific topics, as follows:

- General orientation that includes a discussion of group norms, and learning how to build a learning community. This session focuses on how staff and the youth will work together and involves building trust between the participants and the group leaders.
- Unlearning violence, sexism, homophobia, and racism is a section geared to raising the awareness and developing understanding of why people hurt each other and what can be done to change this behavior.
- Understanding and managing personal anger and aggression is another topic covered.
- A session of pro-social communication skills is taught.
- Working on self-esteem skills encourages and enables the youth to become capable of managing the life challenges they are facing and will continue to face is part of the instructional content of the curriculum.
- A session on building healthy relationships and one on setting goals is built into the curriculum.
- The final portion of this intensive program deals with making a difference in the youth's local community and leads to the next stage of the project, namely getting involved in working toward change through volunteerism, public speaking, letter writing, etc. The program closes with a personal evaluation of what the youth have learned and includes a personal mission/goal statement. A certificate of achievement is awarded upon successful completion of this stage of the program.

Executive Exchange

Graduates of the intensive session move on to the next stage, the ambassador program, this is the longest part of the program.

Job Readiness and Leadership Development

This is the youth ambassador section of the project and includes four major components: personal development training, skills practice and integration, developing and following up on community contacts and other outreach activities, and providing community presentations. Part of the training in this stage also deals with job readiness skill development.

The outreach part of the ambassador program has the participating youth working with staff of the project on making presentations in schools and to community groups on the following topics:

- The impact of socialization on violence.
- The romance and myths of gang membership.
- The personal stories of the youths.
- How to respond to bullying.

Case Management Process

The crucial element in this project is the case management process. The case manager builds on the identified strengths and initial set of goals agreed upon at the initial assessment. This process includes weekly face-to-face meetings with each youth and reviews their progress. The case management process also includes crisis management and problem solving when required. Many of the have youth encountered various issues and problems such as housing needs, threats of violence, family disputes, etc. The case manager works with a number of community resources in meeting these needs and involving the youth in learning problem-solving skills.

Ambassador Activity

By the end of the project the youth ambassadors had participated in a number of skill development programs that contributed to an increase in self esteem and self efficacy. These programs included:

- Leadership skills in conflict resolution;
- Emotions and anger management;
- Problem-solving skill development;
- Crisis intervention;
- First aid and CPR training; and
- Introduction to computers and software applications.

A number of the youth, as a result of participating in this project, returned to school to finish their education while others sought and, in most cases, were successful in finding employment before the project ended.

All of the youth participated in the outreach activities geared to educating younger youth and the community on the importance of personal skill development and the alternatives to violence. The majority of the audiences reached were students in elementary or middle schools. Sensationalism and details that might breach confidential or considered potentially dangerous information was screened out of the presentations. Audiences related very well to the messages about anti-bullying, self-esteem, zero violence messages, and the value of staying in school that were delivered by the now ex-gang involved youth.

An activity that was expected of the youth ambassadors through their public presentations was to increase public awareness of high-risk youth issues and encourage local agencies to support efforts aimed at minimizing high-risk behaviors and supporting troubled youth to reach a positive, pro-social lifestyle. Some of the youth were involved in both print and electronic media interviews participated in an open house that allowed them to meet potential employers and/or corporate supporters for the program.

All of these activities reinforced the leadership development aspect of this project and the self-confidence that each individual developed would be helpful in their future activities whether it as employment or a return to school. The project is concluded with a public graduation ceremony held at a local community college with family, friends, project workers, police, and local politicians in attendance.

Conclusion

We see the development of local social capital as an important outcome of the effort to reduce violence and gang-related activity in the targeted community. Social capital consists of networks, norms, relationships, values, and, in most cases, informal social control mechanisms that shape the quality of a community's social interactions. It can be seen in the quality of the relationships between family members, across groups, and among different social classes. Social capital is important because it contributes to a number of beneficial results, including efficient labor markets, improved school achievement, reduced levels of crime, and improved health. In other words, communities become safer and healthier when there is enhanced social capital available. The overall community impact that we envision from this project and the future projects includes:

- Reduced gang membership and involvement;
- Increased participation in the labor force by youths in the project;
- Increased positive contribution in the quality of the community by the youths in the project;
- Increased participation of members of the community in constructing positive solutions to community issues; and
- Improved image and economic development in the targeted community.

As this project continues, it is our hope that there will be an increased capacity of our agency partners in the provision of services to high-risk youths who have been difficult to serve. Our expectations also include the development of a pool of motivated youths who can serve as ambassadors in reaching out to other difficult to serve youths.

DRUG ABUSE RECOGNITION (DAR): A TOOL FOR FRONTLINE PROBATION AND PAROLE OFFICERS

by

Donald Mac Neil

Senior Criminal Justice Consultant
and DAR Program Director
MEDTOX Laboratories, Inc.
St. Paul, Minnesota

Drug Abuse Recognition (DAR) is a potent tool for criminal justice professionals who have responsibilities in managing offender substance abuse, rehabilitation of the addicted, or are responsible for the assessment of drug impaired motorists. DAR has additional capabilities as a tool to defeat drug test fraud and as an early warning mechanism in uncovering nascent signs of substance abuse relapse. In the hands of certified users, DAR can also lead to the determination of impairment caused by drug use; DAR can detect all drugs of abuse, unlike a fixed panel of screened substances in urinalysis or a narrow range of detectable substances in oral fluid screening. DAR is a tool that should be available to every probation officer, parole officer, and corrections officer who faces the challenge of detection and management of drug using offenders.

DAR was first developed in 1988 as the product of a traffic safety grant program in Glendale, California. The police department had already established a high performing Drug Recognition Expert (DRE) cadre in its ranks. The limitations caused by lengthy DRE training and the limited number of officers who could be trained frustrated police management which spurred them to develop a program that could be taught to all of their police personnel. A team of Glendale Police Department DRE trained personnel, DRE instructors, and drug enforcement officers worked to develop a program that would perform well with the existing DRE system, yet could be relied upon as a stand-alone drug detection system for use on the streets.

DRE is a complex, standardized drug use and drug influence detection system. DRE was launched in the 1970s as a program of the National Highway Traffic Safety Administration (NHTSA). DRE was developed to be a scientifically based diagnostic examination that could reliably and accurately assess drug and alcohol use by intoxicated motorists. DRE trained officers use a variety of biometrics in their evaluation of a suspected drug user or drunk. Blood pressure, body temperature, pulse, and respiratory rate are all important points of diagnosis in the DRE format. When conducted by a DRE certified officer, an accurate drug use assessment can be made of a drugged or drunk motorist, even in cases where an offender may have used multiple drugs. The DRE technique is used regularly throughout the country by state trooper organizations, highway patrols, municipal police, and sheriffs departments, and specialized investigative agencies. For the most part, DRE is used as an interdiction tool in the battle against drunk driving. The DRE trained officer regularly becomes a star witness in a DUI, to present expert testimony as to the state of intoxication of a suspect charged with a DUI offense.

DRE students must undergo hundreds of hours of training and clinical diagnostic work, as well as periodically re-certification. As a practical matter, DRE has limitations in most organizations.

Only limited numbers of officers can be DRE trained. Because of the substantial investment in time and work to become DRE certified, most law enforcement organizations can only reach limited DRE deployment levels, generally one such expert can be found in the field during any particular watch or deployment period. The Glendale Police Department's experience was no different. At the time of the DAR program development, there were 10-12 DRE officers scattered throughout the department. Glendale was an aggressive organization in its development of DRE and focused enforcement of DUI statutes. A specialized supervisor was assigned to grow the DRE program and to deploy DRE trained officers as efficiently as possible in the effort to interdict drunk drivers.

The Glendale Police Department at this time was staffed by 275 sworn police officers; approximately five percent were DRE trained. Glendale's DRE group theorized that if the core of the DRE format could be shortened to a 24-hour (3-day) course, many more officers could be trained in the technique. Their thinking was that a shorter program would empower and enable the average line level employee to make reliable drug use screening decisions in cases of simple drug or alcohol influence. In more complex cases — situations involving poly drug use, for instance — the pedestrian officer would then call on the more specialized DRE for assistance. Once the concept congealed, a series of expert group meetings convened and the process of DAR development began.

The DAR development team in Glendale was introduced to the California Office of Traffic Safety (OTS). Glendale had experience in dealing with OTS as they had previously managed a seatbelt traffic safety grant several years prior. Ever determined to reduce the rate of drunk driving in California, OTS was very interested in what the Glendale team was doing. In particular, OTS was curious as to how DAR might be disseminated for statewide use as an adjunct to DRE. Officials with OTS recognized the logistical limitations of DRE training and the relatively small user population of DRE trained officers and felt that DAR could substantially increase anti-drunk driving efforts by putting legions of DAR trained officers on the streets. OTS ultimately funded Glendale's effort to construct the DAR program and to deploy it in the San Fernando Valley area of Los Angeles.

The DAR development team consisted of a diverse and motivated group of veteran DRE officers, DRE instructors, medical doctors, pharmacologists, prosecutors, defense lawyers and substance abuse experts. Taking the best parts of DRE and incorporating new concepts in addiction and drug treatment, the group developed a 7-step diagnostic system that was capable of determining whether or not a drug was used by an offender and if it had, which one of the eight categories of drugs was involved.

Executive Exchange

DAR was structured in a 3-day, 24-hour instructional format. The program included a “live alcohol workshop” where students were evaluated on their abilities to properly use the DAR technique under the watchful eye of an instructor. Included in the course syllabus were presentations by a DUI defense lawyer, a DUI prosecutor, and a judge. A final written exam was administered to students as additional proof of learning.

Once the program was approved for instruction, DAR was taught to nearly every Glendale, Burbank, and Pasadena officers. The OTS and the Commission on Peace Officer Standards and Training (POST) soon approved DAR for statewide dissemination, and Glendale personnel began to travel up and down California training other police officials to teach DAR. When OTS funding ran out, the Glendale Police Department transferred ownership of DAR to the California Narcotic Officers Association (CNOA) with the association’s promise to promulgate DAR training and to provide support to DAR certified officers in the future. To this day, CNOA continues to teach the 3-day, 24 hour DAR course. Over 10,000 law enforcement officers have been taught and certified in the use of the DAR technique.

In 1991, officials with the California Department of Corrections, Parole and Community Services Division, contacted members of the Glendale team to explore the use of DAR in the monitoring of parolees and institutionalized offenders. A new group of experts was formed, a group that consisted of expert DAR instructors and physicians who were expert in substance abuse disorders. This team evaluated the needs of CDC-Parole against the structure and syllabus in the original 3-day DAR curriculum. After extensive research and discussion, the DAR-parole team produced a variant of DAR, one that was designed especially for use in the community corrections environment. Instruction modules that were originally designed for street policing application were modified to better fit the unique needs of the parole and probation community. This new version of DAR was developed in acknowledgement of the substance abuse complexities that probation and parole officers must manage. Ultimately, in 1992, CDC-parole was presented with a 16-hour course, a 2-day program that was ready for instruction to parole officers at every level of the organization. DAR has been a permanent part of the CDC-parole training system ever since.

This new 2-day version of DAR went forward as a program separate from the municipal police model DAR program that was being managed by CNOA. The goals of probation/parole DAR were markedly different from that of the street policing model. Whereas the original DAR was designed to interdict and facilitate the arrest of drunk and drugged drivers, or offenders who were walking the streets under the influence of drugs, corrections DAR was oriented towards creating a better surveillance and management system for California’s parolee population. For parole officers, early intervention in response to signs of relapse or new drug use is critical in the maintenance of public safety. By being able to detect the nascent signs of drug use, a parolee can be stopped and prevented from further recidivistic behaviors that harm and victimize the public. Parole and probation officials agree that success in dealing with offender substance abuse and addiction is greatly enhanced if appropriate action is taken in response to evidence of drug use early on in the process.

The corrections model of DAR has spread to a number of other states and is currently used by a variety of different parole and probation organizations. This dissemination of DAR into other states is in its early stages, initiated at its first venue in 2004. The

organizations that have implemented DAR all share common goals and objectives that can be summarized as follows:

- To better safeguard the public against victimization by drug using probationers or parolees;
- To educate probation and parole personnel to better understand the complexities of substance abuse and addiction;
- To increase the ability of probation and parole personnel to recognize the early signs of drug and/or alcohol use or relapse; early intervention is a potent act of crime prevention;
- To empower probation and parole personnel to an extent where offenders recognize that their efforts to cloak their drug use and/or deceive probation and parole personnel will not work — drug use can and will be detected;
- To attain a level of drug screening capability that detects offender drug use across the entire spectrum of abuse drugs, not just the limited number of substances of any given urinalysis screen; and
- To implement a comprehensive drug screening and substance abuse management system that can actually save money and reduce agency costs from year to year.

The corrections DAR program is a critical component of a system that achieves the organizational goals mentioned above. The DAR technique is easy to teach and easy to use. The DAR 7-step process is easy to remember. Over the course of the 2-day, 16-hour parole/probation course, participants will learn:

- DAR 7-step diagnostic screening system;
- Basic pharmacological mechanisms involved with substance abuse, addiction and rehabilitation;
- Outcomes of poly-drug use, the signs and symptoms that can be detected when users mix drugs;
- Basic drug recognition of the substances found in the eight prime categories of drugs of abuse: Stimulants, Hallucinogens, Opiates, Marijuana, Alcohol, Depressants, Inhalants and PCP;
- How to record and report observations of drug use; how to maintain officer safety when dealing with a substance-abusing offender;
- Toxicology; the basic mechanisms involved with drug metabolism and the process of detection of metabolites in bodily fluids; and
- How to immediately access physicians and other experts that are available around-the-clock via the “DAR Hotline.”

DAR can provide probation and parole agencies a number of strategic capabilities, capabilities that can broadly impact offender compliance with the terms of their probation/parole. Recidivism, criminal behavior by offenders while on probation or parole, is substantially driven by drug use. Offenders with substance abuse histories often lead lives that are minute-by-minute driven by psychological and physical cravings for drugs. Offenders who have received treatment services struggle just as much as those who have not. Treated offenders usually have tools to fight back, they have 12-step training, they often have a sponsor; treated offenders may have medical assistance that includes some very effective pharmaceutical agents. Critical forces in attaining offender sober-living are the services that are brought to bear by probation and parole officers. Active supervision, effective lines of communication and precise, quick-result drug testing are highly effective processes in managing offender behavior.

DAR training brings the science of addiction to a level that a lay probation or parole officer can understand. In fact, it is common for DAR students to approach instructors and thank them for making the science of substance abuse understandable. Post course evaluations regularly include accolades that tout the DAR substance abuse module as the best training that some students have ever encountered. Most important to DAR staff is to know that students can go back to work with an understanding of substance abuse that allows them to more readily engage and confidently interact with substance abusing offenders.

The 7-step DAR diagnostic process lies at the core of the program's effectiveness. The DAR 7-step process consists of the following diagnostic examinations:

1. **Horizontal gaze nystagmus** (involuntary bouncing of the eye as it follows a stimulus);
2. **Vertical nystagmus** (as dose escalates, vertical nystagmus can be detected in addition to horizontal nystagmus);
3. **Non-convergence** (inability of the eyes to track a stimulus as it approaches the nose);
4. **Pulse** (some classes of drugs cause heart rate to shift outside the range of normal);
5. **Romberg internal clock** (some classes of drugs impact the user's sense of time and balance);
6. **Pupillary size** (many classes of drugs cause the eyes to become dilated or to constrict outside the range of normal); and
7. **Pupillary reaction to light** (some classes of drugs cause slowing of the pupil's reaction to direct light).

The DAR 7-step technique is taught to students in the module that immediately follows the module on the pharmacology of addiction. Students perform the 7-step technique repeatedly during the course of DAR instruction. Instructors oversee the students as they conduct their exams. Students use the 7-step technique in a variety of different situations and conditions. Students learn how to interview the person being examined and how to record 7-step diagnostic results for inclusion in a DAR report. The logic of the DAR system flows from the organization of drug use symptoms into two categories; those drugs that *cause* nystagmus and those drugs that *do not cause* nystagmus. Alcohol, depressants (Valium, Xanax, etc.), inhalants and PCP/Ketamine are drug classes that cause nystagmus to occur; the stimulants (cocaine and methamphetamine), hallucinogens (LSD, MDMA) and opiates (Heroin, Oxycontin, Vicodin, etc.) are drug classes that do not cause nystagmus to occur. Since the first diagnostic steps in DAR screen for the presence of nystagmus, an evaluator quickly reduces by half the potential drug classes that may be in play in any particular exam. As the evaluator moves further through the process and conducts the remaining diagnostic steps, the potential drug class in play gets narrowed down to where ultimately the evaluator is left with one drug class as the probable agent(s) present in the person being evaluated.

Probationers and parolees are savvy users of drugs; these offenders understand the pharmacology of drug abuse better than most physicians. Drug using offenders become drug experts; they become experts because they have to. Offenders have the "drop" on most probation and parole officers. DAR changes the advantage and puts it back on the side of the probation or parole officer. Veteran offenders know how the criminal justice system works; they regularly exploit the weaknesses and blind spots of the system. To that end, they know the intricacies of urinalysis

and finagle their drug use so as to avoid detection. Offenders know that urine drug screens only scan for a limited number of abused substances. As school of "hard knocks" experts, the offenders quickly adjust their drug use to exploit the blind spots of urinalysis. Oxycodone abuse is just such an adjustment. Oxycodone is not included in most traditional urinalysis screens and as a result, the bulk of oxycodone abuse goes undetected. DAR however, detects oxycodone; it will also detect use of nearly every other opiate that is found on the streets today. It does not matter if an abused drug is a pharmaceutical agent or something cruder, a sort of drug *du jour* that has been cooked up in an illicit lab.

Offenders have a variety of options that can be utilized to defeat a drug test. An entire industry has evolved to aid the drug user in passing a drug test. The adulterant industry is well stocked; many of the agents that can be purchased today are effective products. Unfortunately, the news routinely features the exploits of movie stars and other public figures that have been caught engaging in some sort of urinalysis deception. These spectacles feed the interest in this nefarious business.

DAR cannot be deceived. Physical symptomology is involuntary and cannot be controlled. Adulterants do not work on DAR. Offenders who are put through the DAR 7-step process quickly learn that the system is very different from any they have encountered in the past. Drug abusers do not understand DAR, and as a result, they are put off by it. DAR trained officers regularly report high "cop out" rates when offenders are confronted with DAR symptomology. It is not uncommon for an offender to blurt out some type of alibi to their evaluator halfway through a DAR exam. When allowed to keep talking, a drug-using offender usually cracks the case himself/herself and reveals what it is that they are using.

DAR becomes a psychological tool that can be brought to bear on an offender's battle for sobriety. If a sober addict knows that he/she may be subjected to a DAR exam at some point (at any time, any where), this possibility may aid the addict in mustering the power needed to deflect cravings and relapse and stay clean. When mixed in randomly with a regiment of urinalysis, an offender may not really know when a DAR exam might be conducted in lieu of a urinalysis screen. Fear of getting caught is a potent psychological force in maintaining sobriety. DAR contributes to this fear, especially for those who are the most calculating and shrewd.

DAR is the only drug-screening tool available to combat designer drug use. A vexing problem today is the rising use of the over-the-counter cough suppressant, dextromethorphan. At the levels that abusers ingest this drug, dextromethorphan can deliver a potent hallucinogenic high. The drug can also lead to a medical emergency that could result in death. Offenders using dextromethorphan are also found behind the wheels of cars, where intoxicated offenders are responsible for a number of highway deaths in the Midwest. DAR trained officers are capable of detecting dextromethorphan abuse; the symptomology is very consistent with the profile of the hallucinogen category in DAR. DAR is the best tool that an officer has for dealing with sudden shifts in trends of drug use.

DAR can be used in a manner called "DAR Baseline." In this scenario, a newly placed or assigned offender undergoes on-site urinalysis along with a DAR exam that is conducted by the assigned probation or parole officer. The results are recorded as "baseline" if it appears that the offender is in fact sober and clean. These "baseline" measurements are kept in the offender's file as

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the biometric profile of the offender when he/she is sober. This early-on DAR exam also communicates a message to the offender that the probation or parole officer understands drug abuse and that he/she will be vigilant for drug use violations in the future. With this not so subtle psychological dynamic introduced into the process of offender supervision, no longer does the offender have the drop on the probation or parole officer.

Drug relapse is a frustrating phenomenon in probation and parole. DAR enables an officer to detect early, nascent signs of drug relapse. The DAR "baseline" technique may reveal some subtle changes in an offender's profile, changes that may prompt an officer to dig deeper into the situation. It may be that periodic drug use, "chipping" for instance, is detectable at this point with the use of DAR. Early intervention can bring to bear the resources necessary to prevent a runaway relapse and the potential for serial criminal behavior.

DAR is about creating more knowledgeable probation and parole officers, professionals who understand the critical aspects of drug use and addiction. DAR is also about equipping these officers with vital tools that can be brought to bear in the detection of drug use. DAR is a necessary companion to urinalysis programs, especially those urinalysis programs that are being applied to offenders with drug use histories and/or records of serious offenses. DAR can be periodically substituted for a urine drug test; this strategy can save drug-testing money while making overall drug surveillance more comprehensive and effective.

DAR is a tool that can be deployed anywhere and at anytime. DAR does not require body fluids, electricity, reagents or anything else other than a trained DAR officer. The versatility of DAR makes it one of the most important tools that parole and probation administrators can put in the hands of their personnel. DAR can be taught in a 2-day course, a relatively small commitment

of time and resources when compared to the dynamic results. Once certified in DAR, a parole or probation officer is set with the substance abuse tools that he/she can use for years to come.

NAPE CHICAGO EVENTS

Mark your calendars and plan to attend! As in previous years, the National Association of Probation Executives will hold its annual events in conjunction with the American Probation and Parole Association's Annual Institute. This year's events will take place at the Chicago Hilton Hotel in Chicago, Illinois, on July 22-23, 2006, immediately preceding the APPA Institute.

On Saturday, July 22, 2006, from 4:00 to 6:00 PM, NAPE will host its annual members reception, during which members can become reacquainted, meet new colleagues, and engage in networking activities.

On Sunday, July 23, commencing at 8:00 AM, NAPE will have its annual awards breakfast, during which the *Sam Houston State University Executive of the Year Award* will be presented to a NAPE member. In addition, the *George M. Keiser Award for Exceptional Leadership*, the *Arthur Neu Award for Exceptional Policy Development*, and the *William Faches Award for Exceptional Community Service* will be presented.

Also during the breakfast Cheryl K. Townsend will pass the gavel to incoming President Rocco A. Pozzi. In addition, newly elected officers will be recognized.

Following the awards breakfast, the annual business meeting will be held. NAPE members are encouraged to remain in Chicago for the APPA Annual Institute.

INFORMATION ABOUT EXECUTIVE EXCHANGE

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

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may be sent electronically to drbeto@shsu.edu or dbeto@tca.net or by conventional mail to:

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

Specific questions concerning *Executive Exchange* may be directed to Dan Richard Beto, Editor, at (979) 822-1273, or to Christie Davidson at (936) 294-3757.

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MOTIVATIONAL INTERVIEWING AND THE PROBATION EXECUTIVE: MOVING INTO THE BUSINESS OF BEHAVIOR CHANGE

by

Michael D. Clark, MSW

Director

Center for Strength-Based Strategies
Mason, Michigan

Motivational Interviewing (Miller & Rollnick, 1991) is a way of talking with people about change that was first developed for the field of addictions but has broadened and become a favored approach for use with populations in a variety of settings (Burke, Arkowitz & Dunn, 2002). It has been transitioned to criminal justice in general (Birgden, 2004; McMurrin, 2002; Farrell, 2002) and probation efforts specifically (Walters, Clark, Gingerich, Meltzer, forthcoming, In Press; Clark, 2005; Ginsburg et al., 2002; Harper & Hardy, 2000; Miller, 1999). It represents a turn to moving probation departments into the "business of behavior change" (Clark, 2006). This article will suggest several benefits from the importation of Motivational Interviewing into probation practice.

This article posits eight reasons to consider the Motivational Interviewing approach:

1. Motivational interviewing aligns your department with evidence-based practice.
2. It can help your staff to get "back into the game" of behavior change.
3. It suggests effective tools for handling resistance and can keep difficult situations from getting worse.
4. It keeps your officers from doing all the work, and makes interactions more change-focused: interactions are more changed-focused when officers understand where change originates; changed-focused interactions place the responsibility for behavior change on the offender; and motivational interactions create an appetite for change in offenders by amplifying their ambivalence.
5. Motivational Interviewing will change who does the talking.
6. This approach will help prepare offenders for change.
7. Motivational Interviewing changes what is talked about.
8. It can teach your officers how to enforce probation orders and deliver sanctions *without leaving a motivational style*.

Motivational Interviewing Aligns With Evidence-Based Practice

Go back beyond the last two decades and you'll find that criminal justice suffered from a lack of proven methods for reducing offender recidivism (Andrews & Bonta, 2003). Today, it is almost unimaginable that our field ever operated without practice methods being studied and empirically validated through rigorous science. Science-based methods for probation work continue through the National Institute of Corrections "Evidence-Based Policy and Practice" initiative (NIC, 2004). This article discusses Motivational Interviewing, a practice included among the eight principles of effective interventions to reduce the risk of recidivism. Within these eight principles, the second principle of evidence-based practice cites:

"2. Enhance Intrinsic Motivation - Research strongly suggests that "motivational interviewing" techniques, rather than persuasion tactics, effectively enhance motivation for initiating and maintaining behavior change" (p.1).

This article attempts to lend substance to that recommendation by reviewing possible benefits offered to probation departments from the integration of motivational strategies into community corrections.

It Can Help Your Officers Get "Back into the Game" of Behavior Change

Historically, motivation has been viewed as a more-or-less fixed characteristic of offenders. That is, an offender usually presented with a certain motivational "profile" and until he was ready to make changes, there was not much you could do to influence his chances on probation. Under this model, the probation officer becomes an enforcer of the court's orders, but not necessarily an active participant in the behavior change of the offender. One officer described his role:

The defendant, in consultation with his lawyer, negotiates for the consideration of probation supervision (and conditions) in lieu of jail time. In our initial meeting, and throughout our work together, I tell the probationer what is expected of him and make it clear what the penalties will be should he fail to comply. We have regular meetings to verify that he is making progress on his conditions and I answer any questions he might have. If he breaks the law or shows poor progress on his conditions, I see to it that appropriate sanctions are assessed. Throughout the process, the probationer is well aware of the behavior that might send him to jail, and if he ends up there, it's his own behavior that gets him there.

Reflected in this statement is an officer who is essentially cut out of the change process, except as an observer. However, recent evidence suggests there may be quite a lot that an officer can do to influence probationer's chances of successfully completing probation. Motivational Interviewing places staff "back in the game" of behavior change.

It Suggests Effective Tools for Handling Resistance and Can Keep Difficult Situations from Getting Worse

Since motivation has been viewed more like a fixed offender trait, it has been thought that if offenders enter probation depart-

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ments displaying little motivation, then the best strategy is to attempt to break through the probationer's denial, rationalization, and excuses:

- You got a problem.
- You have to change.
- You better change or else!

Space prohibits a review of the many studies (Miller & Rollnick, 2002; Hubble, Duncan & Miller, 1999) that find a confrontational counseling style limits effectiveness. One such study (Miller, Benefield and Tonnigan, 1993) is telling. This study found that a directive-confrontational counselor style produced twice the resistance, and only half as many "positive" client behaviors as did a supportive, client-centered approach. The researchers concluded that *the more staff confronted, the more the clients drank at twelve-month follow up*. Problems are compounded as a confrontational style not only pushes success away, but can actually make matters *worse*. Although many probation staff rightly object, "We're not counselors! — our job is to enforce the orders of the court," this claim only serves to highlight the need for strategies to help staff get back in the game of behavior change.

Other staff shy away from a heavy-handed approach, using instead a logical approach that employs advice or reasoning:

- Why don't you just...
- Do you know what this behavior is doing to you?
- Here's how you should go about this...

Unfortunately, both of these approaches can end up decreasing motivation. When these methods fail to begin behavior change, officers will ramp up their energy and begin to push — only to find the offender pushes back. Staff escalates the confrontation or reasoning, only to find the offender has escalated as well. Locking horns creates a downward spiral that satisfies neither. Research finds that when we push for change, the typical offender response is to defend the problem behavior:

- "You've got a problem" / "No, I don't"
- "Why don't you...." / "That won't work for me"
- "You better change or else!" / "Take your best shot!"

We clearly don't want to create a situation where the offender is only defending the "don't change" side of the equation. Part of the equation involves using known techniques to draw out more positive talk, while the other part of the equation is having a collaborative style where offenders feel more comfortable talking about change. For instance, research suggests that characteristics of the staff person — even in a brief interaction — can determine the motivation, and subsequent outcome, of the offender.

It Keeps Your Officers from Doing All the Work, and Makes Interactions More Change-Focused

Interactions are more change-focused when the officer understands where change comes from. Staff trained in Motivational Interviewing can turn away from a confrontational style or logic-based approaches as they become knowledgeable of the process of behavior change. Many in probation believe that what causes change are the services provided to the offender, whether that involves treatment, the threat of punishment, advice, education or "watching them" and monitoring their activities. These conditions and services represent only part of the picture — and not

necessarily the most important part. Research finds that long-term change is more likely to occur for *intrinsic* reasons (Deci & Ryan, 1985). Often the things that we assume would be motivating to the offender simply aren't. Thus, motivation is, in part, a process of finding out what things are valued and reinforcing to the individual probationer.

Change-focused interactions place the responsibility for behavior change on the offender. We use an attractive (and accurate) phrase when training the Motivational Interviewing approach, "When Motivational Interviewing is done correctly it is the offender who voices the arguments for change." So, how does the officer do this? The first step in getting the offender thinking and talking about change is by establishing an empathic and collaborative relationship. Staff can watch and listen to find out what the person values and if their current behavior is in conflict with these deeply-held values. Motivational Interviewing calls our attention to this key idea:

It is discrepancy that underlies the perceived importance of change: no discrepancy, no motivation. The discrepancy is generally between present status and a desired goal, between what is happening and how one would want things to be (one's goals).

If there is a rift between what one values and current behavior, this gap is called "discrepancy." It is within this gap that the material will be found for amplifying *the offender's own reasons for change*. When working with offenders who see no problem with their illegal behavior, it is essential that an officer have the skills to create an "appetite" for change. Creating this appetite for change involves creating ambivalence.

Motivational interactions create an appetite for change in offenders by amplifying their ambivalence. Motivational Interviewing assumes a certain degree of offender ambivalence (I should change, but I don't want to). They literally feel two ways about the problem. To consider the Stage of Change theory (Prochaska & DiClemente, 1983) some probationers will enter our courts in the precontemplation stage, seeing their problem behavior as "no problem at all." A few more enter probation supervision in the preparation or action stage, having acknowledged the problem during the first appointment and needing only minimal assistance to begin change efforts. Throughout this process, ambivalence is an internal battle between "I want to do this very much, but I know that I really shouldn't." This pull in two directions generally lies at the heart of compulsive, excessive behavior. The majority of probationers already have both arguments within them — A side that wants to be rid of the problem (pro change), and a side that doesn't believe change is possible or beneficial (stay the same).

Staff have long been taught to see ambivalence as a classic form of "denial," yet for the motivationally-inclined officer it demonstrates a reason for optimism! Rather than being a sign that a person is moving away from change, ambivalence is a signal that change may be on the horizon. *Ambivalence makes change possible—it is the precursor to positive behavior change.*

Offenders can change if they can successfully negotiate their ambivalence. The challenge therefore, is to first identify and increase this ambivalence, and then try to resolve it by creating discrepancy between the actual present and the desired future. The larger the discrepancy, the greater the desire to change.

There will be a very small percentage of offenders who have no discrepancy or ambivalence over their current behavior — and no amount of strategies can create it where there is none to start with. However, the good news for probation staff is that large majority of offenders will enter our departments with a certain amount of concern regarding their behavior. Whether the discrepancy can be harnessed for change depends on whether an officer understands how to recognize it — and use it — to elicit self-motivational speech.

Motivational Interviewing will Change Who Does the Talking

Training in Motivational Interviewing teaches techniques to strategically steer a conversation in a particular direction — yet steering in itself is worthless without the ability to move the conversation forward. Consider how probation officers often work much harder than their probationers. As part of a qualitative research project, Clark (2005a) videotaped actual office appointments between offenders and their assigned probation officers. The finding was that, in office visits averaging 15 minutes in length, officers “out-talk” offenders by a large margin. For instance, in one session, 2,768 words were spoken between officer and offender. The breakdown? The officer spoke a hefty 2,087 words out of this total while the probationer was allowed only 681 words. Another example demonstrates slightly less talking overall but the ratio of “talk-time” remained similar. Total number of words spoken in this interview was 1,740. The word count found the officer spoke a robust 1,236 words while the offender was relegated to 504. Although listening by itself is no guarantee of behavior change, using strategies to get the offender talking, is a prerequisite to being an effective motivational interviewer.

In interactions like this, officers are literally talking themselves out of effectiveness. The problem is not so much that the officer is doing all the talking, but rather that *the offender is not*. It stands to reason that the more the officer is talking, the less opportunity there is for the probationer to talk and think about change. Compliance can occur *without* the officer listening and the probationer feeling understood — the same cannot be said if one wants to induce behavior change.

This Approach Will Help You Prepare Offenders for Change

When you get the offender talking, officers are taught to strategically focus on encouraging productive talk. Frequently, officers want to jump straight to problem solving. However, this approach ignores the fact that most people need to be prepared for change. Getting offenders to do most of the talking is the first step, followed by preparing people to think about change. Motivational Interviewing trains staff in basic listening and speaking strategies:

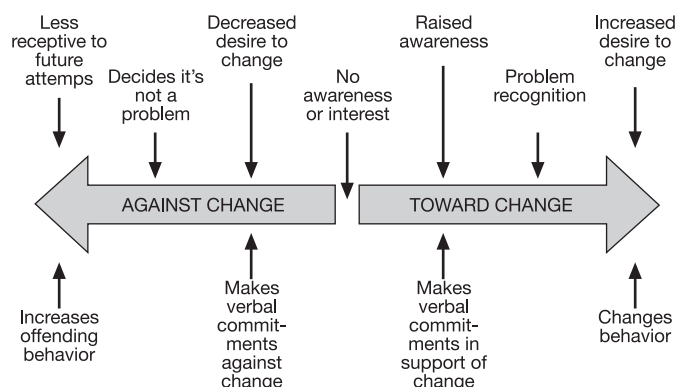
- Ask Open Questions
- Affirm Positive Talk and Behavior
- Reflect What You are Hearing or Seeing
- Summarize What has Been Said

These four techniques (sometimes referred to by the “OARS” acronym, for Open Questions, Affirm, Reflect, and Summarize) will help an offender think about change, and help to gather better

quality information so we can assist the person in planning. In some instances, we don’t need offenders to talk much, especially when officers are simply gathering information or documenting compliance. But in other instances, when staff are focused on behavior change, the use of OARS will increase the probability that the probationer will speak more—and think more—in a more productive direction. These techniques become a “gas peddle” for conversations.

Figure 1 illustrates some of the markers that help to determine whether the interaction is a good one, that is, whether the probationer is moving closer towards change.

Figure 1

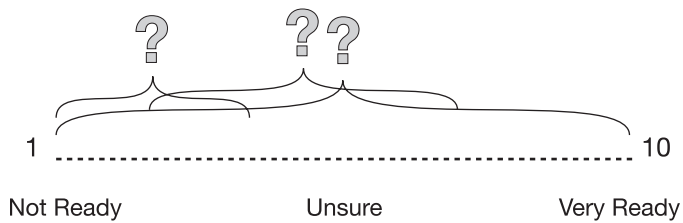


Another benefit from the use of OARS is evident in how it can move troublesome conversations back to productive ends. Unfortunately, a great majority of the responses typically used by probation staff tend to make bad situations worse. Initially listening to and trying to understand an offender’s anger will lower frustration levels and make future conversations more productive. Understanding an offender’s point of view is not the same as agreeing with it. As any argument must involve two people, the motivationally-inclined officer — using OARS — simply takes him or herself out of the mix. It takes two people to argue — *it is impossible to fight alone*. An angry and a combative attitude can often be reduced by simply reflecting back to the offender what they are feeling or thinking. The focus should not rest between the officer and the probationer (force and coercion) but rather between the probationer *and their own issues* (discrepancy and ambivalence).

Motivational Interviewing Will Change What Is Talked About

There is good evidence to suggest that people can literally “talk themselves in and out of change” (Walters, et al., 2002). For instance, there are linguistic studies that suggest that the speech of the provider sets the tone for the speech of the client, which in turn, influences the ultimate outcome (Amrhein, et al., 2003). In short, certain statements and questions — and especially a certain provider style — seem to predict whether people decide to change during brief conversations. Offenders may come in with a certain range of readiness, but what the officer says from that point on makes a difference in how the probationer speaks and thinks, and ultimately in how they choose to behave.

Figure 2
Motivational Continuum



*People come in with a certain range.
What you say makes a difference from there.*

Eliciting “change talk” (self-motivational speech)

There has been an increasing interest in short Motivational Interviewing sessions that have been able to match the improvement of several months of outpatient work. As a result, linguists (Amrhein, et al., 2003) began to study the speech content of these motivational sessions — the actual words spoken between a staff person and their client — looking for what speech content proved to determine positive behavior change. What they found were five categories of motivational speech — desire, ability, reason, need and commitment language. These conditions have been placed in an easy-to-remember acronym of “DARN-C”:

- D esire (I Want to, prefer, wish)
- A bility (I Can, able, could, possible)
- R easons (I Should, why do it?)
- N eed (I Must, importance, got to)
- C ommittment (I Will, I’m going to...)

The researchers were quick to point out that not every dimension had to be voiced for behavior change to start. Simply getting the offender to verbalize one of the four constructs (DARN) might be enough. However, the same could not be said for Commitment. It was Commitment talk that actually predicted behavior change. For this reason, staff should be aware of techniques to help increase motivational talk in a general sense — especially navigating conversations towards commitment language.

It Can Teach Your Officers How to Enforce Probation Orders and Deliver Sanctions Without Leaving a Motivational Style

One of the things that make probation officers unique is their conspicuously dual role. They help a probationer to plan, but dispense sanctions if he fails; they ask for honesty, but also report to the court. Indeed, it is understandable why some officers have a hard time navigating this dual role. The tendency is to move to one side — to become too harsh or too friendly — when a more middle-of-the-road approach is called for. In reality, probation officers are more like consultants, in that we manage the relationship between court and probationer. This is not as far-fetched as some would believe. In truth, we neither make decisions for the probationer nor for the court. If we treat the position from the perspective of a consultant, we can avoid some of the pitfalls inherent in this dual role. Adopting this middle-of-the-road stance makes us not only an effective advocate for the court, but also allows us greater power to influence the actions of the probationer.

Motivational Interviewing can make change more likely, but it is by no means a magic bullet. When violations occur, there are a couple of strategies for keeping a motivational edge.

Explain your dual roles (Become the “go-between”). Motivational Interviewing encourages officers to be honest with offenders about all aspects of their probation, including conditions, incentives, and sanctions. Officers should fully explain up front to the probationer about their dual role — yet do so as someone who represents “both sides.” For instance:

I want to make you aware that I have a couple roles here. One of them is to be the court’s representative, and to report on your progress on the conditions that the court has set. At the same time, I act as a representative for you, to help keep the court off your back and manage these conditions, while possibly making some other positive steps along the way. I’ll act as a “go-between” — that is, between you and the court, but ultimately you’re the one who makes the choices. How does that sound? Is there anything I need to know before proceeding?

Address Behavior with an “Even Keel” Attitude. Adopting a new approach like Motivational Interviewing is clearly a process. Even after an initial training, there is a common pitfall for many officers when compliance problems occur. At some point, if a probationer remains ambivalent (e.g., lack of progress), they believe it makes sense to move out of a motivational style and switch over to more coercive and demanding strategies. Staff who initially found the benefits of motivational work will justify heavy-handed tactics — perceiving them to be a natural response to resistance, even remarking that difficult offenders seem to be “asking for it.” A critical idea missed — *there is a difference between enforcing sanctions based on lack of progress, and switching styles to a more heavy handed approach.* One can enforce court orders and assess sanctions as appropriate, without leaving motivational strategies behind.

Force, for all its bluster, can often make a situation worse. This is especially true when addressing violations. Offenders may already be on the defensive about their progress, and an agitated officer can make the offender’s attitude worse. For this reason, we suggest that officers address violations with an “even keel” attitude, addressing the behavior, dispensing the appropriate sanction, but not getting agitated or taking the violation personally.

Motivationally-inclined officers offer their support — and their regrets — to the probationer who might be considering a violation of probation orders:

PO: We’ve talked about this before. In another two weeks, you will be in violation of this court order. We have also talked about how it is up to you. You can certainly ignore this order but sanctions will be assessed.

Probationer: “Darn right I can I can ignore it — this is so stupid!”

PO: “It seems unfair that you’re required to complete this condition. It feels to you like it might be a waste of your time.”

Probationer: “Yeah. I can’t believe I have to do this!”

PO: "It's important that I tell you that my (supervisor, judge, responsibilities, policy, position) will demand that I assess a consequence if it's not completed before the next two weeks."

Probationer: "You don't have to report this."

PO: "Unfortunately, that's part of my job. I have to follow orders here. So, this will be something I'll have to do."

Probationer: "You mean you can't just let it go?"

PO: "No, I don't have a choice. But — you have a choice, even if I don't. Is there anything we can do to help you avoid these consequences before the end of the month (next meeting, court deadline)?"

Probationer: "I'll think about it, it just seems unfair."

A confrontational approach is always an option, but at this point simply recognizing the offender's reluctance, and fairly informing him or her about what is likely to happen, can improve the likelihood that a decision for compliance will eventually overtake the emotions of the moment.

In this example, the officer refuses to leave the middle, neither defending the court's order, nor siding with the offender to stop the sanction. When it comes to the specific sanction, the officer defers to the court, and re-emphasizes a collaborative relationship: "How do we (you, significant others and myself) keep them (the judge, the court, agency policy) off your back?" Finally, the officer emphasizes the offender's personal responsibility. Offenders don't have to complete their conditions; they always have the option of taking the sanction.

Motivational Interviewing steers clear of both the hard and soft approaches. The "hard" approach is overly-directive and defends the court's authority ("You better do this!", "Drop the attitude, you're the one who broke the law," "Don't blame the court"). Less examined is the "soft" approach. This approach leaves the officer defending the probationer, ("I won't tell this time — but don't do it again," "Do you know what the court would do if I brought this to their attention?"). A positive alliance is not the same as ignoring violations to keep a good relationship at any cost ("You better get it together or I'll have to do something"), nor is it the same as allowing the situation to become personal and attempting to "out-tough" the offender ("I'll lock you up!"). Both approaches miss the mark as they prevent the officer from occupying the "middle ground."

A motivational approach is about finding the middle ground of a consultant who works with both sides (the court and the offender). Officers can work in partnership with the offender, while still being true to their court roles. Officers can respect personal choice, but not always approve of the offender's behavior. By their skills and strategies, agents can supervise for compliance and, at the same time, increase readiness for change.

Postscript

With training dollars always at a premium, it's not always an easy choice in deciding how they will be spent. Professional training in Motivational Interviewing (MI), as on many other topics, is often delivered via skill-based workshops. Recent stud-

ies (Miller & Mount, 2001, Rollnick, Mason & Butler, 1999) investigated MI training effectiveness by gathering taped practice samples before and after training, which were coded for staff behavior. On paper-and-pencil measures, participants reported large increases in motivational interviewing skills. Observational measures reflected more modest changes in practice behavior that were often retained 4 months after training. These articles called for more effective learning transfer to improve staff skills — and thereby increase client responses that were predictive of behavior change.

From this research, implications for training and quality control of implementation strategies have been developed. Following the conclusion of training sessions, continued followed-up is offered onsite within probation departments by utilizing digital recording of probation appointments and having these recordings sent offsite for coding and professional feedback. The protocol has the officer and probationer:

- Officer and Offender sign a "release of information to allow audio-taping for educational purposes." This release can easily be rescinded at any time by offender or officer.
- Explanations are given to the offender at the time this release is to be signed describing that the taping is not for the court's review but is entered into only for educational and training purposes.
- Department purchases a digital recorder (<\$75 avg.) that allows the recording to be transferred into a computer via USB cable.
- Sessions are recorded simply by placing the digital recorder between the offender and officer. Once the session has been completed, the audio file is uploaded into a department's computer (Windows® Audio File format) and sent via email attachment to a coder (MI trainer who has completed training — Motivational Interviewing Treatment Integrity MITI Coding System — and holds proficiency as an MI "coder"). This coder reviews the audio tape, summarizing the content and offering commentary.
- Coder sends back an Excel® spreadsheet via email attachment that lists summary of various behavior/response counts from session content. (i.e., reflective statements, resistance-lowering techniques, change talk, MI-adherent responses, etc.)
- Inserted into the session recording are interspaced taped statements made by these MI-trainers/coders who offer feedback and suggestions to the officer regarding session content. This feedback may be generalized (pro's and con's of the session) or specific to a juncture in the dialogue (For example: "You might have tried to use a reflection here instead of a closed-ended question.")
- Department executives are included in the coding arrangements to determine issues of progression, availability and handling of these audio tapes.

As noted, this coding for further training and fidelity to the approach stems from training research (Miller & Mount, 2004) that concluded with a call for practice proficiency:

Specific information provides (staff) with corrective feedback, and points to particular practice behavior changes that can be made. The extent to which (staff) has made these changes over time can be documented objectively through use of the same coding of subsequent practice tapes. Specific target goals and reliable

feedback of current performance are two important components in effective skill acquisition, which are too often unavailable to (staff) in gaining and improving practice proficiency (p. 20).

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FROM THE BOOKSHELF

The reviews found in this issue of *Executive Exchange* are provided by Donald G. Evans, President of the Canadian Training Institute in Toronto, Ontario, and Dan Richard Beto, Chair of the Governing Board, Texas Regional Community Policing Institute in Huntsville, Texas.

Moral Regulation, Risk Society, and Moral Panics

Review of *Moral Panics*, by Kenneth Thompson. New York: Routledge, 1998, pp. 157, \$20.00 (softcover).

The current concern with child sex offenders and the creation of a discourse of fear and risk is reminiscent of the sociological concept of "moral panic." Kenneth Thompson, a Professor of Sociology at the Open University in England, has written an informative guide to this concept and provides a useful tool of analysis for our understanding of how the actions of a few offenders can arouse or cause to be aroused the public's fear and anxiety about them. He accepts that we are living in an age of moral panics whether it is concerns over children who kill, rise of female violence and girl gangs, child sex offenders, muggings, and club culture and raves. All of these topics are current headlines in our daily newspapers, television news and documentaries. The issues and concerns are also the current preoccupation of legislators in the developed countries.

The author provides a concise survey of the development of the concept of moral panic and attempts to analyze how public perceptions are shaped and reflected through the media. The book is comprised of eight tightly written chapters that examines the development of the idea of moral panic and draws out useful analytical concepts for our understanding of how claims-makers and moral entrepreneurs are able to shape public perception of specific issues. In the opening chapter Thompson raises the question "why the panic?" and discusses the topicality of the moral panics concept. He introduces us to the history and meaning of the concept, beginning in the 1960s when English society was concerned with the "mods and rockers" and later the "drug-takers" through to the rise of mugging, to the current preoccupation with sex and violence, all of which are activities claimed to lead to moral decay and the subsequent decline of civilization.

He highlights the spiral effect of the interactions between the media, public opinion, interest groups and politicians that give rise to a moral panic. Generally a panic starts when someone or something is identified as a threat to current values or interests. This threat is easily portrayed in the print or electronic media and there follows a rapid build up of public concern. This results in a response from opinion-makers or actors on the political sphere. The panic runs its course and either recedes or results in changes in social regulation or control. In the chapters that follow his introduction, Thompson selects specific studies of moral panics to illustrate the development of theoretical approaches to the study of this phenomenon.

In chapter two he looks at what he calls the classic moral panic the concern over the emergence of the mods and rockers, the so-called folk devils. This was a panic about the moral condition of British youth. Thompson uses the analysis of this event to demonstrate the role of the media, especially how exaggeration, distortion, prediction, and symbolization by media reports and stories foster the idea of a threat to values. This of course leads to a social reaction led by social control agents and moral

entrepreneurs and subsequent demonization of youth (an issue still very much with us).

His next chapter builds on the issue of moral panics about youth and examines responses to club culture and raves. For a period of time the studies of moral panics centered on the youth subculture. There has always been a concern about the youth and this not surprising given its transitional nature, occupying ground somewhere between childhood and adulthood. Thompson notes that "Youth presents a problem for the social regulation and the reproduction of the social order. But the relationship between the generations and generational cultures is also problematical for young people themselves, and youth cultures and subcultures can be read or decoded as responses and attempted solutions to these strains."

Thompson, in his discussion regarding the moral panic about mugging, is interested in the advances of theory in decoding media narratives. He is especially drawn to the concept of the "signification spiral," a process he notes of publicly signifying issues and problems which is intrinsically escalating. This chapter is particularly useful in helping us to understand how the media selects what it constitutes as "good news." The end product, that is the news story, is the result of a fairly complex process of selecting events and topics in accordance with a predetermined concept of what a good story is.

The author continues to build his analysis of moral panic and the development of new tools for investigating the phenomena by examining panics about sex and aids, family, children and violence, female violence and girl gangs, and sex and television. By looking at these studies he attempts to show how each of the panics are not simply discrete, isolated episodes which flare up and then recede but, he claims, are symptoms of wider social and cultural tensions.

As the author notes in his conclusion: "It is only recently, in the 1990s, that the continuing rapid succession of phenomena commonly described as 'moral panics' has begun to force a reappraisal, and we have reintroduced the possibility of regarding moral panics as symptomatic of developments that are of wider significance, rather than viewing them simply as unrelated episodes of collective behavior." This reappraisal takes a number of changes into account, namely:

- Structural changes: economic restructuring and deregulation, immigration and international population flows, changes in the division of labor.
- Technological changes in communications: computerized newspaper production, satellite broadcasting, cable and video, and the Internet.
- Cultural changes: increased diversity, fragmentation of cultures, conflicts over identity, lifestyles, and morals.

What is the result? Thompson has shown that the at-risk character of modern society is magnified and is particularly inclined to the formation of moral panics and that such events are characteristic of the modern "risk" society.

Given the current climate in our post 9/11 world, Thompson's survey of studies and theories related to the growth and develop-

ment of moral panics is particularly useful to our understanding of the interaction between the media, interest groups, social control agents, and the political sphere. Without agreeing with all of Thompson's analysis, there is a wealth of insight in these few pages to warrant a closer look at the development of recent "moral panics" such as child pornography, sexual offending, youth gangs and guns, and, of course, "terrorism" in our own settings. This book is a worthwhile read, especially for those of us who have been out of the academic environment for a period of time. It brings a sociological concept into focus that I believe will assist us in decoding current media narratives on crime and disorder.

Donald G. Evans

Interagency Partnerships: A Case Study

Review of *Making Police-Probation Partnerships Work*, by David Murphy. New York: LFB Scholarly Publishing, 2005, pp. 202, \$60.00 (hardcover).

The title of the book — *Making Police-Probation Partnerships Work* — with the emphasis on the word "partnerships," offers considerable promise, and for \$60.00 one would be reasonable in assuming an instructive treatment of a vitally important aspect of community policing and community corrections in their collective efforts to combat crime, address quality of life issues, and engender community support. Unfortunately, the book, written by David Murphy, an assistant professor at Weber State University in Utah, does not do justice to its title.

Rather than providing a detailed examination of the police-probation partnerships that have existed or continue to flourish in the United States, the author focuses on a single interagency collaboration that has enjoyed success in Spokane, Washington. Compounding the book's weakness is that it reads like a master's thesis or a doctoral dissertation. In fact, this book is the result of Murphy's doctoral research at Washington State University. In addition, it does not contain the most recent references dealing with this subject.

On a positive note, the author, relying on the experiences in Spokane, does a fairly credible job of addressing such issues as mission distortion, mission creep, organizational lag, and program maintenance that tend to plague multi-agency initiatives.

Murphy has produced a modest volume that is not without some merit; it does provide a relatively complete case study of a Washington State police-community corrections partnership. However, he could have enhanced his effort and reinforced his points by including information on the collaborative relationships found in other jurisdictions, such as Boston's Operation Night Light, the Indianapolis Violence Reduction Partnership, and Project Spotlight in Texas. Including the lessons learned from these three initiatives — and they are many rather than few — would have substantially increased the value of the book.

In the final analysis, this book it is not worth the purchase price. Persons interested in the subject of police-corrections partnerships would do just as well to visit the Internet and download *Police-Corrections Partnerships*, a 1999 publication of the National Institute of Justice written by Dale Parent and Brad Snyder.

Dan Richard Beto

A Comprehensive View of Capital Punishment

Review of *The Death Penalty: Constitutional Issues, Commentaries, and Case Briefs*, by Rolando V. del Carmen, Scott Vollum, Kelly Cheeseman, Durant Frantzen, and Claudia San Miguel. Cincinnati, Ohio: Anderson Publishing, 2005, pp. 326, \$29.95 (softcover).

One of the best known, widely respected, and beloved experts on the legal aspects of the criminal justice system is Rolando V. del Carmen, Distinguished Professor of Criminal Justice at Sam Houston State University in Huntsville, Texas. A prolific contributor to criminal justice scholarship, del Carmen has authored or coauthored countless books and articles dealing with relevant issues impacting the justice system. In his latest effort — *The Death Penalty: Constitutional Issues, Commentaries, and Case Briefs* — del Carmen is joined with four of his former doctoral students to produce an excellent text dealing with the complexities of capital punishment.

In describing the purpose and the intended audience of the book, the authors write:

This text is written to fill a need for a book that brings together all the legal issues related to the death penalty. There is no such book available to the general public at present, except perhaps those used in law schools and in full case form. It classifies the death penalty cases according to legal issues, provides a commentary on the various sub-topics, and then presents legal material in an easy-to-digest and understandable form. The main audience of the book are undergraduates and criminal justice practitioners. The book should also prove useful, however, for anyone who has an interest in the legal issues surrounding the death penalty.

A cursory review of the material presented reveals that del Carmen and company have achieved their clearly articulated objective.

The book is divided into four sections. The first section, comprised of the first two chapters, provides a history of the death penalty and thoroughly discusses the foundation cases of *Furman v. Georgia* and *Gregg v. Georgia*. Chapters 3, 4, and 5, which make up the second section of the book, focus on the death penalty as it relates to special populations, including racial considerations, the mentally impaired, and juveniles.

The largest section of the text, covered by Chapters 6 through 11, addresses a variety of constitutional issues; covered in this section are such subjects as the role of juries, the right to effective counsel, due process, aggravated and mitigating factors, the appellate process, evolving standards of decency, and cruel and unusual punishment. The concluding section, consisting of a single chapter, examines the justifications for imposing punishment, with particular focus of the death penalty. In addition, it explores the future of the death penalty.

Each chapter is preceded by an outline and is concluded with briefs of cases discussed, a list of suggested Internet sites for additional research, and cited references. Accompanying the book is a CD-ROM with the full text of all cases cited.

The Death Penalty: Constitutional Issues, Commentaries, and Case Briefs is an excellent text dealing with a much debated aspect of the criminal justice process. Del Carmen and his former students have made a significant contribution to criminal justice scholarship.

Dan Richard Beto

NEWS FROM THE FIELD

GANG EXPERT IS NEW CRIMINAL JUSTICE DEAN

Vincent J. Webb, one of the nation's foremost authorities on gangs, has been selected as Dean of the College of Criminal Justice and Director of the George J. Beto Criminal Justice Center at Sam Houston State University in Huntsville, Texas.

Webb is now Director of the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University. He takes over from **Richard H. Ward**, who has directed the SHSU criminal justice program since 1999.

"The prospect of being a leader in the leading college of criminal justice is very exciting," said Webb. "I am really looking forward to being part of the Sam Houston State University team and working with students, faculty, staff, and administrators."

"I believe we can continue to build on the strong tradition of the College as a leading center of excellence and innovation in criminal justice education, research, and outreach."

Prior to accepting his present position at Southern Illinois last September, Webb was professor of criminal justice at Arizona State University West, where he developed and implemented the Arizona State University Center for Violence Prevention and Community Safety.

During that time, 1996-2005, he was also a research consultant to the Office of the Provost at Arizona State University West (2003-2005) and chairman of the Department of Administration of Justice there (1996-2003).

Previously he was chairman of the Department of Criminal Justice at the University of Nebraska at Omaha (1982-1996) and director of the Center for Applied Urban Research there (1980-1986).

Webb received his bachelor's and master's degrees in sociology from the University of Nebraska at Omaha in 1967 and 1969 and his doctorate in sociology from Iowa State University in 1972.

Webb's major publications include a book he wrote with Ward in 1984, entitled *Quest for Quality*. His latest book is *Policing Gangs in America*, which he co-authored with **Charles Katz** and which was released earlier this year.

Webb and Katz spent three years studying police gang units in four Western cities, including hanging out with two gang units as they completed their daily operations. They found that officers in those units generally had little training or assigned duties and little supervision and often had relatively little to do with gang members.

David Payne, SHSU Provost and Vice President for Academic Affairs, said, "We are very pleased to have Dr. Webb join our university. He has a distinguished career and will bring great strength to the college and Sam Houston State University."

Cheryl K. Townsend, President of the National Association of Probation Executives and who worked with Webb while he was at Arizona State University West, spoke favorably of his appointment: "Vince Webb not only places considerable emphasis on scholarly pursuits, but he values the work of practitioners. He will be a wonderful fit at Sam Houston State University, which enjoys a strong and nurturing relationship with criminal justice practitioners."

Also favorably commenting on Webb's appointment was **Dan Richard Beto**, past President of the National Association of Probation Executives and Chair of the Governing Board of the Texas

Regional Community Policing Institute, who said: "Vince Webb is one of those quiet servant leaders who adds quality to everything he touches. The selection committee made an excellent choice in choosing him for this important position."

JUVENILE JUSTICE LEADER PASSES AWAY

Charles Shireman, Professor Emeritus in the School of Social Service Administration (SSA) and a leading scholar on juvenile delinquency, died Friday, February 24, 2006, in his home in Portland, Oregon. He was 90.

"He was a key figure in the juvenile justice field in Cook County, the state and federal scene, with special interest in probation, outreach to delinquent youth and gang work," said **Irving Spergel**, the George Herbert Jones Professor Emeritus in SSA. "He was responsible for the development of SSA graduate training units in county and federal probation and an outstanding teacher. Many of his Ph.D. students became productive scholars and leaders of criminal justice policy at the state level."

Shireman was a former Chairman of the Advisory Board, Juvenile Division, Illinois Department of Corrections; Chairman of the Illinois Delinquency Prevention Commission; and Chairman of the Subcommittee on Probation Services of the Citizens Advisory Committee to the Juvenile Court of Cook County.

He also was director of the Correctional Outcomes Project, which was a joint effort between the School of Social Service Administration and the Illinois Department of Correction. He also co-directed the National Survey of Alternatives to the Use of Secure Detention for Juveniles.

"Chuck was devoted to the institutions of which he was a part. He was truly an institution builder," said **John Schuerman**, Professor Emeritus in SSA. "He held administrative positions at the School of Social Service Administration, but more importantly, he led many committees, initiatives, dean searches, and other efforts to further the organization. He played an important role in the University's response to the student unrest in the 1960s. Basically sympathetic to the student beliefs, he was determined that they not threaten the foundations of the institution and found ways to respond that were creative and respectful."

Shireman received a B.A. in 1939 from the University of Puget Sound and did graduate-level social work at the University of Washington from 1941 to 1942. He worked for the King County Juvenile Court in Seattle from 1941 to 1948. From 1948 to 1952, Shireman served in the U.S. Military Government in Germany, becoming Deputy Chief of the Social Service Advisory Staff in what was then West Germany. During his tour of duty, he helped establish the first juvenile probation system in that country.

Shireman worked for the California Youth Authority in 1953 and received an M.S.W. in 1954 from the School of Social Welfare at the University of California at Los Angeles. He joined the Chicago faculty in 1958, after serving for four years as director of the Hyde Park Youth Project, a demonstration project in treatment and prevention of juvenile delinquency sponsored by the Welfare Council of Metropolitan Chicago. In 1966, he received a Ph.D. from SSA.

He was the co-author of *Rehabilitating Juvenile Justice*, published in 1986, and co-editor of *Social Work Practice and Social Justice*, published in 1973. Shireman was a Fulbright scholar at the Max

Planck Institute for Criminology at the University of Freiburg in the former West Germany from 1976 to 1977. Upon his return to the University, he praised the work of dealing with juvenile offenders, who he said were handled as "child welfare problems. Imaginative service networks have been set up to meet the needs of not only status offenders (such as truants and runaways), but also of all other offenders below the age of 14."

He retired in 1985, and moved to Portland, where he was an adjunct professor in the Graduate School of Social Work at Portland State University. He continued his involvement in community life in Portland, serving on the Multnomah County Citizen Review Board and working on numerous committees concerned with issues in juvenile corrections.

In 1942, Shireman married **Analie Duncan**; she died in 1966. In 1967, he married a colleague at Chicago, **Joan Foster**, who survives him. Also surviving him are his daughter **Patricia Fernbach**, his sons **William** and **David**, six grandchildren and two great grandchildren.

SENTENCED TO SHAKESPEARE

To some, they are the bad seeds of the county, reports **Jenn Smith** in an article appearing in the *Berkshire Eagle*. They are the teens who fought authority and got busted and have since been ordered under the watchful eye of Berkshire Juvenile Court in Pittsfield, Massachusetts. But instead of ordering them to trash duty or other community service, Judge **Paul E. Perachi** sentenced them to Shakespeare.

In April 2006 the Berkshire Juvenile Court and Shakespeare & Co. of Lenox, Massachusetts, celebrated their partnership in a program called Shakespeare in the Courts. Eleven teens performed scenes from William Shakespeare's tragedy "Macbeth" at the First Baptist Church on South Street, carrying their sentence to term. The scenes were directed by company directors/educators **Barby Cardillo** and **Michael Toomey**. They performed for their toughest audience: family, friends and members of the juvenile justice system.

Now in its fifth year, the 10- to 12-week program is assigned in the spring to adjudicated youths selected by the court as part of their sentencing, meaning the kids don't have a choice in the matter.

"If they don't do this then there are other consequences," said probation officer **Nancy Macauley**, a court liaison for the program.

The four girls in the play said they were mad when they first found out they had been sentenced to the program. "Education's not our thing. We don't do it so well," said 15-year-old **Kayla**. "But it's better than picking up trash," she said.

Her peer, **Gabby**, associated Shakespeare with being "snotty." "Unfortunately, that's how Shakespeare is presented to them. They're told 'You can't do this. You're not in the AP class, the honors,'" said **Kevin G. Coleman**, director of education for Shakespeare & Co. "Schools used to be a banquet, now it's just french fries," he said. "They cater to some kids and the rest of them are starving."

Perachi said there is often a lack of communication between rebellious youths and the people around them. He said he often quotes a line from Macbeth delivered by a character named Macduff: "I have no words. My voice is in my sword."

He said a lot of the youths he works with often come into the system filled with anger, frustration, and resentment. "I hope this

program helps by equipping people to express themselves more readily. I hope these kids will feel better about themselves," he said.

Many of the kids disliked each other at the start of the program, but have since formed a bond. "I love 'em now," said 14-year-old **Allie**. "I'm gonna be a little sad when it's over," she said.

Although Perachi and Macauley said they've seen some improvement in some of the youths, in areas such as literacy and self-esteem, for example, they said that the actual long-term benefits of the program are tougher to quantify.

"I hope people recognize that they've done something really out of the norm here. But they stuck with it," said Cardillo.

"This is something they'll always have and no one can take that away from them," said Macauley.

Shakespeare in the Courts was launched in 2001 with funding from the National Endowment for the Arts, and is currently supported by the Massachusetts Cultural Council Youth Reach Initiative, the Rosenberg Foundation, the Evelyn Nef Foundation, Berkshire Life Insurance Company, and the Pittsfield Cultural Council.

There is also a summer alumni session of Shakespeare in the Courts, created in 2004, specifically designed for alumni of the program out of the desire of several past graduates who wanted to continue acting with Shakespeare & Co. on a voluntary basis beyond their probationary term.

LOS ANGELES CHIEF DIES

On the afternoon of April 8, 2006, **Paul Higa**, Chief Probation Officer for Los Angeles County, California, died at the UCLA Medical Center after suffering a massive stroke on March 31, 2006. He was 53 years of age.

Higa started with the department as a deputy probation officer when he was 22 years old. Over the years he assumed positions of greater responsibility and was named Chief in April 2005, overseeing an annual budget of approximately \$547 million, more than 5,200 employees, and the supervision of approximately 60,000 adult and 20,000 juvenile offenders.

"He was an extremely caring man who was dedicated to youth and services to the community," said Deputy Chief Probation Officer **Robert Taylor**.

Higa is survived by his wife Jane, and children Josh and Jennifer.

PILOT PROGRAMS WELL WORTH INVESTMENT

According to a report from the *Connecticut Law Tribune* dated January 23, 2006, two pilot programs aimed at reducing the number of people jailed for probation violations in Connecticut are proof that the more interaction an inmate has with a probation officer, the less likely they are to reoffend. The Probation Transition Program (PTP) and the Technical Violations Unit (TVU) were developed by the Judicial Branch's Court Support Services Division and initiated in October 2004. Their creation was in response to Public Act 04-234, which was aimed, in part, at reducing the number of people jailed for probation violations in the state by 20 percent.

"We're very satisfied with the results," said **William H. Carbone**, the division's executive director. "The preliminary results, based on about one year and three months, seem to show lower violation rates compared to other sample groups."

The PTP program targeted inmates who have terms of probation left to serve upon their release from prison, a halfway house, parole or other transitional supervision. It prioritized probationers who did not have housing upon release, had a long history of substance abuse or who had mental health problems. The TVU program focused on probationers about to be reincarcerated for technical violations, such as failure to report to their probation officer, as opposed to violations based on new crimes. TVU subjects were not necessarily in state custody prior to their probation.

The 62-page report on the pilot programs was authored by **Stephen M. Cox** and **Kathleen Bantley** of the Department of Criminology and Criminal Justice at Central Connecticut State University, and **Thomas Roscoe** of the Department of Criminal Justice at Westfield State College in Massachusetts. Both programs used volunteer officers with greatly reduced caseloads, averaging 25 as opposed to about 130. That allowed probation officers to have more interaction with the probationers. When possible, services such as shelter and job assistance, and substance abuse and mental health counseling were set in place as quickly as possible, in some cases before the inmate was released from custody. Both initiatives were launched in Bridgeport, Hartford, New Haven, New London and Waterbury, with the TVU program also having an office in New Britain.

"When you think of the history of probation, that's the way it used to be," Carbone said. "You met your officer before you were released. But over the years caseloads have grown."

Three or four years ago, Carbone said, a typical probation officer could have about 250 cases. Nearly 100 probation officers have been added since then. "But 130 is still a lot of cases," he said. "If you have someone who doesn't come in for an appointment and he isn't at home, but you know you could probably find him, are you going to go out looking, or are you going to see the 20 [other probationers] waiting there to meet with you?"

Chief Public Defender **Gerard A. Smyth** also found the results to be promising, and is hopeful the legislature will find both the money and the political will to expand or at least continue the programs.

"Especially with the Technical Violations Unit, you are dealing with people who may have checked in with other probation officers that month, or forgot to notify them of a change in address," Smyth said. "These are not people who need to be incarcerated for the safety of the public."

State lawmakers, he added, have been "coming up with more funding in recent years. And if they don't want to look at it as spending money on [convicts], they can look at it as saving money by not spending [tens of thousands of dollars] to incarcerate people who don't need it."

Initial results found that 8 percent of the PTP participants violated their probation in the first four months of the program, as opposed to 13 percent in a control group chosen from a prior legislative study. TVU clients had a violation rate of 30 percent, though the report noted that a higher violation rate, at least initially, was expected because the participants were already in danger of violating probation when they came into the program.

"It is important to [state] that the baseline violation rate for TVU was 100 percent," the report said. "That is, without the TVU, all of the TVU probationers" would have violated their terms of probation.

The report recommended expanding the programs to other jurisdictions throughout the state.

NEW CHIEF IN LOS ANGELES COUNTY

On April 18, 2006, the Los Angeles County Board of Supervisors turned to a retired police commander to take over the Los Angeles County Probation Department in California. **Robert Taylor**, age 63, joined the probation department only last month, but he spent 29 years at the Los Angeles County Police Department. According to an article appearing in the *Los Angeles Times*, Taylor "has indicated he plans to implement sweeping reforms."

NEW JERSEY SUPREME COURT STRIKES DOWN ARMING OFFICERS LEGISLATION

In an article written by Associated Press writer **Beth DeFalco** and appearing in *Newsday*, it is reported that a state law allowing probation officers to carry firearms and receive law enforcement training was ruled unconstitutional by the New Jersey Supreme Court on April 19, 2006.

In their 6-0 ruling, the justices said that since probation officers are under the state's judiciary branch, the Legislature cannot pass laws that restrict the judiciary's authority to control its own employees. Two lower courts have also ruled the law unconstitutional.

In 2002, the Legislature passed the Probation Officer Community Safety Unit Act, which creates a specially trained probation team to enforce warrants. The unit was to consist of no less than 200 probation officers who would have been required to undergo law enforcement and firearms training. The measure also mandated that at least five officers from the safety unit be assigned to each county. However, the measure never went into effect because court administrators quickly challenged it, claiming it infringed on the powers of separate and independent branches of government.

"As an arm of the court, (probation officers) are required to avoid any perception of favoring one side or another or of being in league with any party, particularly law enforcement," Justice **Barry T. Albin** wrote for the court. "Because the act fatally compromises the independence of the judiciary, and hopelessly blurs the line between the role of our courts and law enforcement, we have no choice but to declare the act unconstitutional."

Besides supervising people who receive probation sentences, the officers also help carry out court orders, collect fines and fees and prepare reports for judges, among other duties. They differ from parole officers, who work under the state's executive branch.

George Christie, president of the Probation Association of New Jersey union, said the decision was expected but still disappointing. "We think the court has lost sight of the real issue, and that's protecting the public and probation officers," he said.

The union, which supported the state's position, represents New Jersey's 2,800 probation officers and their supervisors.

Probation officers were armed until 1973, Christie said, when the court put out a directive banning the practice. Noting that federal probation officers in New Jersey are armed, Christie said probation officers are peace officers in approximately 40 states, and that probation officers are permitted to carry firearms in 31 states.

According to Christie, there are 130,000 adults and 20,000 juveniles currently on probation in New Jersey and there also are 30,000 active bench warrants. "They've become increasing more dangerous over the years," he said. "The judiciary will tell us, 'If

it looks dangerous, don't go in.' So depending on where you live, you may not be supervised. And that's just wrong."

Christie said the union would appeal the decision in federal court. In the meantime, it's working to get a bill passed that would move oversight of probation officers to the executive branch with parole officers, hopefully resolving the courts' issues.

LAW ENFORCEMENT CONDUCTS SWEEP FOR PROBATION AND PAROLE VIOLATORS

About 50 law enforcement officers and 20 support staff conducted a major sweep of parole and probation violators on April 14, 2006, in Oroville, California.

According to an article written by **Paula M. Felipe** for the *Oroville Mercury Register*, the Strategic Tactical Operation Program (STOP) began at 2:00 PM with law enforcement officers from various agencies heading to 102 locations and targets to see if they were in compliance with the terms and conditions of their parole or probation, Butte Interagency Narcotics Task Force (BINTF) Commander **Keith Krampitz** said.

By 8:00 PM, 12 people had been arrested and another 50 "targets" had yet to be searched to see if they were in compliance. "Those targeted in the sweep included people who had either absconded, had not been reporting in, or authorities suspected they were in violation of their parole or probation," Krampitz said.

"More arrests are expected," he said. "This is one of a series of sweeps, which will continue throughout the year."

Oroville Chief of Police **Mitch Brown** said, "The City of Oroville police will conduct sweeps on a regular basis — at least monthly — to determine compliance in terms of parole and probation as well as targeting drugs and gang locations."

The BINTF and the Oroville Police Department co-sponsored Friday's sweep, which included officers and agents from the Butte County Sheriff's Office, the California Highway Patrol, the Butte County District Attorney's Office, the Department of Corrections, Probation Department, the Department of Justice Division of Firearms, the Oroville Police Department Code Enforcement, and the police departments of Gridley, Chico, and Paradise.

Officers appreciated the Senior Team of Active Retired Seniors for assisting in providing meals and refreshments for the officers.

NEW MEMBERS

During the period following the last issues of *Executive Exchange*, the Association received 18 new members; they are as follows:

Paul D. Becker, Deputy Director, Harris County Community Supervision and Corrections Department, Houston, Texas (Southern Region);

Donald H. Blevins, Chief, Alameda County Probation Department, Oakland, California (Western Region);

Bruce W. Gipson, Director, 287th Judicial District Community Supervision and Corrections Department, Farwell, Texas (Southern Region);

Robert Haness, Director of Probation Operations, Department of Corrections, Atlanta, Georgia (Southern Region);

Clifton J. Howie, Regional Director, South Carolina Department of Probation, Parole, and Pardon Services, Columbia, South Carolina (Southern Region);

Delma Leapheart, Court Services Administrative Officer, Wyandotte District Court Services, Kansas City, Kansas (Central Region);

Peggy Lero, Director of Parole, Kansas Department of Corrections, Topeka, Kansas (Central Region);

Jennifer D. Lester, Chief, District 18 Probation and Parole Office, Norton, Virginia (Southern Region);

Robert W. Mitchell, Jr., Regional Director, South Carolina Department of Probation, Parole, and Pardon Services, Columbia, South Carolina (Southern Region);

Kim D. Oats, Chief Probation Officer, Toledo Municipal Court, Toledo, Ohio (Central Region);

Colleene Preciado, Chief Probation Officer, Orange County Probation Department, Anaheim, California (Western);

James Rieland, Chief Probation Officer, Allegheny County Probation Department, Pittsburgh, Pennsylvania (Mid-Atlantic Region);

Lonnie Rolls, Director, Haskell County Community Supervision and Corrections Department, Haskell, Texas (Southern Region);

Deon E. Roth, Director, Lancaster County Adult Probation and Parole Services, Lancaster, Pennsylvania (Mid-Atlantic Region);

Christopher D. Shortt, Chief, District 43 Probation and Parole Office, Tazwell, Virginia (Southern);

Thomas H. Slater, Executive Deputy Director, Division of Probation and Correctional Alternatives, Albany, New York (Mid-Atlantic);

Lelia Van Hoose, Director, Division of Probation and Parole, Kentucky Department of Corrections, Frankfort, Kentucky (Central); and

C. Jerry Walters, Court Services Administrative Officer, Osceola County Corrections Department, Kissimmee, Florida (Southern Region).

CORRECTION

In the last issue of *Executive Exchange*, incorrect information was provided about two new members. The correct information is as follows:

Jim Buzard, Chief Probation Officer, Coconino County Adult Probation Department, Flagstaff, Arizona (Western Region); and

Richard B. Callahan, Chief, District 28 Probation and Parole Office, Radford, Virginia (Southern Region).
