

National Association of Probation Executives EXECUTIVE EXCHANGE

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PRESIDENT'S MESSAGE

"The secret of change is to focus all of your energy, not on fighting the old, but on building the new."

– Socrates

A belated Happy New Year! I hope all are doing well. New opportunities emerge each New Year for all of us and all of our organizations to continue to develop and better serve the public. The New Year also provides us with the opportunity to recognize those making remarkable contributions to our field. A reminder to everyone that NAPE is accepting nominations for the Sam Houston State University Executive of the Year Award and the George M. Keiser Award for Exceptional Leadership by May 1, 2017. You'll find further details regarding award nomination submission in a piece by Christie Davidson in this volume of *Executive Exchange*. The awards will be presented at our annual reception which will take place on Saturday evening, August 26, 2017, at the Marriot Marquis in New York City. We hope to see you there as it is always a great event.

During the holiday break I was fortunate to watch a NETFLIX documentary called "13". It was an excellent documentary on the state of our criminal justice system and our need for criminal justice reform. It illustrated the increase of our prison population based on the "war on drugs" and other "get tough on crime" strategies that have failed and placed a huge burden on our criminal justice system. When officials talk about reforming the criminal justice system rarely do they talk about Community Corrections. They discuss sentencing disparities, and incarceration but most don't understand the pivotal role that community corrections plays. This role can assist in transforming a dysfunctional criminal justice system. By doing the following three things we can greatly improve the criminal justice system and produce better outcomes that will produce safer communities and fewer victims.

First, we need to continue to educate and inform Judges, Prosecuting Attorneys, and Defense Attorneys on effective sentencing practices. We should share our data on the most



effective sentencing practices that produce the best results. Sharing this information can start a dialogue with stakeholders that leads to sentencing options that are aligned with the science of evidence based practices.

Second, we need to continue to incorporate, educate, and inform all criminal justice stakeholders on evidence based practices and our utilization of these practices. These practices when used with fidelity can drastically reduce recidivism, thus producing safer communities and fewer victims. We need to ensure that our treatment providers are utilizing cognitive behavioral strategies or other programs that research has shown to be effective in reducing criminality.

Third, we need to continue to inform stakeholders that incarceration is not the answer for all crimes. The majority of non-violent offenders are best served within community corrections systems where assessment, supervision, and treatment programs can assist in making them productive, law-abiding citizens. Also, most of us are facing a heroin/opioid epidemic. We need to utilize evidence based practices, cognitive behavioral strategies, and treatment to fight this epidemic. Mass incarceration is not the answer and will only exasperate the problem.

I challenge all of us to continue to take the time to educate and inform all stakeholders on criminal justice reform. Advise them of the important role of Community Corrections and that we need to be at the table when decisions are made that impact the criminal justice system. The entire system working together can achieve tremendous results.

Marcus M. Hodges
President

In addition to serving as the President of NAPE, **Marcus Hodges** is employed as a Regional Administrator for the Virginia Department of Corrections

CONTENTS

President's Message, <i>Marcus M. Hodges</i>	1
Editor's Message, <i>Brian Mirasolo</i>	2
Nominations for Awards Being Accepted, <i>Christie Davidson</i>	3
Building Communities by Building Community, <i>Phillip M. Lyons, Jr., J.D., Ph.D.</i>	4
From the Bookshelf, <i>Donald G. Evans and Todd Jermstad, J.D.</i>	6
New Standards for Offender Tracking Technology, <i>Joe Russo</i>	10
Consumer Education: Supporting Successful Reentry, <i>Lisa Lake</i>	11
News from the Field	12

EDITOR'S MESSAGE

by

Brian Mirasolo

It is with profound honor that I take over the duties of Editor for *Executive Exchange*. I'm certainly left to fill some big shoes. Without the vision and hard work of Dan Richard Beto, *Executive Exchange* would not exist. I'm looking forward to working with all of you to sustain the quality of *Executive Exchange*. Lucky for us, Christie Davidson will still provide support and guidance, and Dan will still contribute and provide guidance.

Executive Exchange has always offered significant value to community corrections executives interested in achieving better outcomes for their organizations and the communities they serve. Like you, I care deeply about the work we do and am passionate about improving public safety and the lives of those our agencies supervise. *Executive Exchange* will remain a publication that intellectually curious probation executives can count on for growth. Whether it be staying up-to-date with emerging practice or learning how



to better implement that practice, I'll work closely with Christie and our fellow NAPE members to ensure that *Executive Exchange* continues to deliver valuable content.

Please feel free to reach out to me via email or by phone if you have topic ideas or would like to contribute to future issues of *Executive Exchange*. While my Boston accent may not be as pleasant as Dan's gentile Texas drawl, I promise I care as much as he does and am always happy to listen.

Brian Mirasolo, the Field Services Administrator for the Massachusetts Probation Service, serves as the Editor for *Executive Exchange*. Brian can be reached by phone at 617-909-3102 or by email at bmirasolo@gmail.com

INFORMATION ABOUT EXECUTIVE EXCHANGE

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

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Submissions for publication consideration should be formatted for letter size paper, double-spaced, with at least one inch margins. Persons submitting articles, commentaries, or book reviews should enclose a brief biographical sketch or resume and a photograph for possible inclusion. Submissions may be sent electronically to Brian Mirasolo, Editor of *Executive Exchange*, at bmirasolo@gmail.com: The submission deadline for the next issue is May 12, 2017.

Specific questions concerning *Executive Exchange* may be directed to Brian Mirasolo at (617) 909-3102 or to Christie Davidson at (936) 294-3757.

The Correctional Management Institute of Texas at Sam Houston State University serves as the secretariat for the National Association of Probation Executives.

NOMINATIONS FOR AWARDS BEING ACCEPTED

by

Christie Davidson

Each year the National Association of Probation Executives recognizes individuals who have contributed to the probation profession. In August 2016 the Association, meeting in Cleveland, Ohio, recognized three outstanding individuals: Leighton G. Iles was presented with the *Sam Houston State University Probation Executive of the Year Award*; Francine Perretta was named the recipient of the *George M. Keiser Award for Exceptional Leadership*; and Carl Wicklund was the recipient of the *Dan Richard Beto Award*, a discretionary award presented by the NAPE President to someone who has made significant contributions to the probation profession.

Members of the Awards Committee – comprised of active past Presidents – are soliciting nominations for two awards to be presented in New York, New York, in August 2017. The awards for which nominations are solicited are the following.

Sam Houston State University Executive of the Year Award

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

- Manager of a public agency providing probation services;
- Member of the National Association of Probation Executives;
- Contributed to local, state, regional, or national professional organizations;
- Demonstrated sustained exemplary performance as a manager in pursuit of the goals of the profession;
- Implemented new and innovative policy, procedure, program, or technology with high potential to enhance the standards and practice of probation which is transferable; and
- Has achieved outstanding recognition during the year or has outstanding achievements over time.

This award, the Association's oldest and highest honor, has been presented to the following probation executives: Barry Nidorf, California (1989); Don R. Stiles, Texas (1990); Donald Cochran, Massachusetts (1991); Cecil Steppe, California (1992); Don Hogner, California (1993); T. Vincent Fallin, Georgia (1994); M. Tamara Holden, Oregon (1995); Richard A. Kipp, Pennsylvania (1996); Ronald P. Corbett, Jr., Massachusetts (1997); Richard E. Wyatt, Nevada (1998); Rocco A. Pozzi, New York (1999); Ron R. Goethals, Texas (2000); Cheryl K. Townsend, Arizona (2001); E. Robert Czaplicki, New York (2002); Robert L. Bingham, Indiana (2003); Gerald R. Hinzman, Iowa (2004); James R. Grunzel, Illinois (2005); Joanne Fuller, Oregon (2006); Tom Plumlee, Texas (2007); Ellen F. Brokofsky, Nebraska (2008); Christopher Hansen, Nevada (2009); Sally Kreamer, Iowa (2010); Raymond Wahl, Utah (2011); Ronald G. Schweer, Kansas (2012); Todd

Jermstad, Texas (2013); Linda Brady, Indiana (2014); Phillip L. Messer, Kansas (2015), and Leighton G. Iles, Texas (2016).

George M. Keiser Award for Exceptional Leadership

The National Association of Probation Executives presents this award to an administrator, manager, or supervisor who has demonstrated exceptional leadership under challenging conditions which provide value added activity or service to the organization or community they serve.

This award, first presented in 2001, has been given to the following corrections professionals who have demonstrated leadership qualities: George M. Keiser, Maryland (2001); Carey D. Cockerell, Texas (2002); Dan Richard Beto, Texas (2003); Donald G. Evans, Ontario (2004); Rocco A. Pozzi, New York (2005); John J. Larivee, Massachusetts (2006); W. Conway Bushey, Pennsylvania (2007); Douglas W. Burris, Missouri, (2008); Robert L. Thornton, Washington (2009); Mark D. Atkinson, Texas (2010); Dorothy Faust, Iowa (2011); Cheryl K. Townsend, Texas (2012); Yvette Klepin, California (2013); Javed Syed, Texas (2014); Lynne E. Rivas, Texas (2015), and Francine Perretta, New York (2016).

Nominating Process

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

Nominations should be sent to Christie Davidson at the following address:

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

Nominations may also be sent via email to davidson@shsu.edu or by facsimile to (936) 294-4081.

All award nominations must be received by the NAPE Secretariat by May 1, 2017.

Please consider nominating one of your colleagues for either of these awards.

Christie Davidson, Assistant Director of the Correctional Management Institute of Texas at Sam Houston State University in Huntsville, Texas, serves as Executive Director of the National Association of Probation Executives.

BUILDING COMMUNITIES BY BUILDING COMMUNITY

by

Phillip M. Lyons, Jr., J.D., Ph.D.

Dr. Lyons presented this keynote address at the 8th Secured Cities Conference in Houston, Texas, in November 2016.

The ever-evolving and -expanding advances in technology and analytics continue to transform our efforts at keeping our communities safe and secure. Although these developments are certainly deserving of our attention, we must remain mindful of what lies at the core of most of the threats to that safety and security and nearly all of the efforts at maintaining and restoring them – people.

On one side of the balance sheet, common criminals, disaffected citizens, revolutionaries, and foreign powers, among others – all undermine our safety and security. On the other side of that balance sheet, patriotic members of the military, civic-minded public servants, non-governmental organizations, and business people are among those who work tirelessly to protect us from those and that which would do us harm. Arguably, what matters most about all of these people is the nature and quality of our relationships with them.

In 2000, Robert Putnam, a political scientist on the faculty of the John F. Kennedy School of Government at Harvard University published a book entitled *Bowling Alone: The Collapse and Revival of American Community*, in which he chronicled Americans' declining participation and engagement in social networks and social institutions – what Putnam calls “social capital.” Whereas ordinary capital refers to the wealth or value we have in money and other assets, social capital refers to the value we have in our relationships with others and social networks. Putnam summarizes and synthesizes a wealth of data and concludes that, from the 1960s to the end of the 20th century, America lost much of its social capital.

The loss of social capital matters because it affects the values on both sides of the aforementioned balance sheet. Those who are incapable of bonding to others, who are disaffected, or who have negative relationships with our country, its communities and community members are greater threats to us. By contrast, those who have positive relationships are more valuable assets in terms of mitigating risk, preparing, responding, and recovering. Therefore, building social capital makes us stronger.

In much the same way we must be strategic about where to invest our monetary capital, so must we be strategic about where to invest our social capital. Throughout much of the 1990s, I directed a Regional Community Policing Institute funded by the Office of Community Oriented Policing Services in the U. S. Department of Justice. When working with local law enforcement agencies and inquiring about their approach to policing, nearly all of them responded that they practiced community policing. Because everyone knew that was the “right” answer to give, I always probed more deeply to find out what exactly that meant in the context of their communities. Usually, the Chief or Sheriff would respond that he or she was the Tail Twister in the Lions Club or was a Rotarian. The agency head invariably reported having coffee every morning at a local diner with assembled

business leaders and proudly pointed out his or her attendance at homeowners' association meetings.

As of this writing, demonstrations are underway in major cities across the country protesting the outcome of the presidential election. How many of those protesters do you think are Lions Club members? When is the last time the Rotarians rioted? What percentage of arrestees of any kind in our communities are actively engaged in a homeowners' association? We tend to establish and maintain relationships with people who are a lot like us despite the fact that what we most desperately need may be relationships with people who are not like us at all.

To build relationships with others requires changing the way we think about and behave toward them. We can start by listening as both a means to an end and an end to itself. Listening helps us to understand others. It enables us to take others' perspectives and become aware of the experiences that contributed to those perspectives. Of equal importance, simply being heard is powerful. Tom Tyler is a leading scholar in the field of Procedural Justice, the idea that people's senses of fairness are enhanced if they feel as though they have been heard. In one study, Tyler studied people who had received traffic tickets. One group of violators had been tried, convicted, and fined. The other group had their citations dismissed. When the people in the study were asked about how fairly they had been treated, those who were fined reported greater satisfaction than those whose cases were dismissed. Economically, this makes no sense. The anomalous finding speaks to the power of having one's “day in court” or simply being heard.

Empathy and introspection are also important in building social capital with others, especially others not like us in terms of race, gender, sexual orientation, and so on. As for women, the differential treatment begins soon after they are conceived. Again, we all know the “right” answer is that the only thing that matters is that our child is healthy. But do we honestly believe that “It's a boy” and “It's a girl” really carry equivalent significance? Our differential reactions to females, as contrasted with males, start early and never end.

Likewise, in his recent return to the limelight, Dave Chapelle said, “If I could quit being black today, I'd be out of the game.” Although intended to be funny, Chapelle's comment likely rings a bell of truth. Indeed, a study a decade ago by Philip Mazzocco and Mahzarin Banaji had whites actually quantify the cost of being black. Although the study participants understood well that there are costs, they seemed not to understand the extent of those costs at all.

We are similarly lacking in empathy for gay, lesbian, and bisexual people. Imagine that you are given an assignment for this weekend to change your sexual orientation. Assuming you're straight, that means you need to switch your sexual attraction from persons of the opposite sex to persons of the same sex.

There is no need to act on it or otherwise change your behavior – just change your sexual orientation. Do you think you could complete the assignment? Seem ridiculous? Then why would it be any different for the gay guy at work or the lesbian couple down the street? We must be aware of how we think about others and be willing to change it.

Our behavior also needs to change if we are to build relationships with others. When others are complaining, expressing, emoting, or otherwise communicating about themselves, we should Say That which Furthers Understanding – or STFU as the youngsters apparently abbreviate it. Let them say what they have to say and respond in ways that communicate that you have heard them. Seek to understand more. Then seek to be understood. We also need to take a look at other things we are doing that might make us seem unwelcoming, uninviting, or even hostile. Henry Ward Beecher, the 19th century abolitionist famously said that in order to build a sense of community – that is, social capital – we should “multiply picnics.” The sunny, warm, welcoming, and friendly imagery this evokes stands in stark contrast to that recently horrific incident brought to light last month by a San Antonio police officer who served a homeless man a literal sh*t sandwich.

Fundamentally, our work is about people. They are at once the threats and the solutions to those threats. If we are to be successful in promoting safety and security, we must build better relationships with more people and with a broader range

of people. Building a stronger sense of community will build stronger communities.

Phillip M. Lyons, Jr., is the Dean and Director of the College of Criminal Justice and the George J. Beto Criminal Justice Center at Sam Houston State University in Huntsville, Texas. He was appointed to the post in the summer of 2015, during his 20th year as a member of the faculty. Dr. Lyons joined the faculty of Sam Houston State University after completing a year-long pre-doctoral internship in Forensic Clinical Psychology at the Federal Medical Center in Fort Worth. Dr. Lyons studied at the Law and Psychology Program at the University of Nebraska-Lincoln, earning M.A., J.D., and Ph.D. degrees after earning his B.S. degree from the University of Houston-Clear Lake. He has written or coauthored dozens of scholarly and professional works, including books, book chapters, and journal articles. Previous posts at Sam Houston State University include serving as Interim Chair of the Department of Security Studies, Director of the Division of Professional Justice Studies, and Executive Director of the Texas Regional Center for Policing Innovation. Before graduate and law school, Dr. Lyons spent several years as law enforcement officer at the Hillcrest Village Marshal's Office, the Alvin Community College Police Department, and the Alvin Police Department.

FROM THE BOOKSHELF

Executive Exchange welcomes reviews of books and periodicals dealing with community corrections, the criminal justice system, research and evaluations of correctional programs, and management and leadership issues. The reviews found in this issue have been contributed by: Donald G. Evans, a Senior Fellow with the Canadian Training Institute, a Contributing Editor for *Executive Exchange*, and a former President of the American Probation and Parole Association and the International Community Corrections Association; and Todd Jermstad, J. D., Director of the Bell/Lampasas Counties Community Supervision and Corrections Department in Belton, Texas.

COMMUNITY SAFETY REQUIRES A RETREAT FROM MASS INCARCERATION

A review of Mass Incarceration on Trial: A Remarkable Court Decision and the Future of Prisons in America, by Jonathan Simon. New York: The New Press, 2014. 207 pp. \$26.95.

In recent years, there is a trend towards viewing the high incarceration rate as no longer normal and even a push to see it as unacceptable. Although there has been a slight decline in prison numbers, the term mass incarceration is still applicable. Criminologists and correctional practitioners are concerned about the impact of mass incarceration as a strategy to promote community safety. The best expression of this perspective is in Jonathan Simon's latest book – *Mass Incarceration on Trial: A Remarkable Court Decision and the Future of Prisons in America*. Simon is the Adrian A. Kragen Professor of Law at the University of California, Berkeley. He has previously published *Poor Discipline: The Parole and the Social Control of the Underclass, 1890-1900* (1993) and *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (2009). The author's interests and academic work concerns the role of crime and criminal justice in the governance of modern societies. *Mass Incarceration On Trial* is a continuation and outgrowth of his interests and scholarly work.

Simon has chosen to examine the problem of over incarceration through the lens of a series of court decisions related to the California prison system. In the introductory chapter subtitled "inhumane punishment" he outlines his intention to discuss both the quantitative story of mass incarceration and the lesser known qualitative aspects of the effects of imprisonment on inmates and the impact on public safety. The cases he analyzes demonstrate the connection between mass incarceration and inhumane conditions in prisons. The opinions expressed in these court challenges lead to a strong statement about the requirement to provide humane conditions as a central element in constitutional punishment. The book consists of seven chapters, of which five are devoted to the discussion of five cases that led to an effort on the part of California to retreat from its over-reliance on prison for crime control.

Chapter one provides the background on how California corrections moved from an emphasis on rehabilitation prior to the 1970s to the development of an extreme penology that placed imprisonment as its main weapon in the war on crime. In the author's words:

Prison came to be seen as the only reliable way to prevent crime, resulting in a strategy I call total incapacitation to distinguish it from the traditional use of imprisonment as a dignified effort to defend society

against crime. Once in place, this new logic of imprisonment produced a zero-sum contest between the dignity of prisoners and public safety, which promoted deliberate indifference to the needs of prisoners, from physical and mental health care needs to the need for decent accommodation free from overcrowding and other forms of cruel and unusual punishment.

After this concise and informative background chapter Simon moves on to discuss, in the next five chapters, the series of landmark court decisions that outline serious deficiencies in California's prison system. *Madrid v. Gomez* is the first litigation discussed and it is related to the Pelican Bay Security Housing Unit (SHU) and allows Simon to explore the issues emerging from the use of super-max prisons. He notes that in this form of imprisonment:

...punishment is no longer the legally intended loss of liberty... It has been transformed into something more profound – the denial of a recognizable human existence and the reduction to a pure biological existence."

This form of existence could be described as "bare life." The author summarizes the Court's decision by noting what has been missed in the literature about imprisonment, namely that: "Imprisoning people to achieve general incapacitation, with no concern for individual criminal history or risk, denies their humanity."

The next case discussed was *Coleman v. Wilson* which centered on the absence of adequate provision of care for prisoners with mental illnesses. The issue of mental health among prisoners is crucial, especially whether they have access to treatment or support for public safety and for their eventual release back into society. Simon comments that this Court decision reminds us that: "A constitutionally adequate prison must have a therapeutic system that correlates risk with the level of containment." The operation of our prisons need more than knowledge of security; they also require psychological expertise. As Simon notes, California, in developing mass incarceration, "abandoned the soul of the prisoner and lost its own."

Plata v. Davis, the next Court challenge examined, relates to the provision of adequate health care in prisons. The findings in this case led to a conclusion that prisoners were being subjected to "torture on the installment plan" due to the lack of appropriate and adequate medical care. The health care crisis was exacerbated by the number of prisoners with chronic illness serving long sentences and the aging of the prison populations. Judge Henderson formed an impression that California officials "lacked not just the will but even the capacity to imagine the prisoners as human beings." Simon notes that "California's prison leadership

was not just incompetent at medical care, it had established a penal logic antithetical to it.” The Court’s response was to make an order placing California’s prison system into Federal receivership which Simon believes was the “beginning of the end of mass incarceration in California.”

In *Coleman, Plata v. Schwarzenegger* the Court found that the tough on crime politics had a direct bearing on the increase in California’s prison populations and that the subsequent overcrowding made prisons places of “extreme peril to the safety of persons’ they house, while contributing little to the safety of California’s residents.”

So far in the accounts of these court cases we are given a portrait of imprisonment in California that is a long way from correcting or reforming the imprisoned. The picture presented leads to conclusions that those entering the system will be lucky to stay the same, but are more likely to come out worse than they went in, thus imperiling community safety with more criminal activity or through the spread of infectious diseases.

For community agencies dealing with returning offenders this book is essential reading for the insight it gives to the less obvious needs that those returning to our communities will require. Health care and treatment services and supportive assistance in terms of housing and employment will be necessary if they are to stay crime free.

These cases also led to placing the issue of mass incarceration on trial nationally. This California based case became a matter of constitutional principle in a case before the Supreme Court in *Brown v. Plata*, where mass incarceration was considered as a human rights problem. This chapter is essential reading for anyone interested in human rights and prisoner rights. The opinion from this case established the importance of dignity in the management of offenders. The ruling also provided a “potential turning point . . . when American political leaders and prison planners are forced to justify the effect of imprisonment on both public safety and prisoners.”

In the concluding chapter Simon pulls all the threads of the arguments against mass incarceration together and posits the possibility of a new common sense developing in efforts to promote public safety where the urge to imprison is counterbalanced by the awareness of the costs of incarceration in long-term consequences for the health of inmates and the pressure on the fiscal condition of the health care system. He sees a move away from mega prisons toward smaller ones and a change in our understanding of crime, noting that it is highly situational and regulated by routine activities. He suggests a newer approach to crime prevention, one that understands the gains to be made in lowering crime rates by regulating routine activities and situations in which crime is most likely to occur. But the author tempers his optimism when he writes:

If Americans in this generation come to feel, as I do, that mass incarceration belongs among our collection of profound aberrations from our democracy – including slavery, Jim Crow, the treatment of Native Americans, the internment of Japanese Americans during World War II, and the warehousing of thousands of people with mental illnesses throughout the twentieth century – we will need to change the Constitution to make sure future generations avoid repeating our mistakes.”

Jonathan Simon has given us a readable critique of mass incarceration and painted a picture of the how this extreme penology affects all of us. The treatment of offenders, as the Court found, requires acknowledgment of their dignity and their humanity. This is a strong appeal to viewing prisoners not as cast-aways but as human subjects. Simon’s latest contribution to the literature on punishment and prisons is a must read.

Donald G. Evans

SUBSIDIZING THE CRIMINAL JUSTICE SYSTEM: THE COST OF BEING POOR

A Pound of Flesh: Monetary Sanctions as Punishment for the Poor, by Alexes Harris. New York: Russell Sage Foundation, 2016. 236 pp. \$29.95.

Much has been written about the structure and nature of the modern criminal justice system in this country. A significant focus has been placed on the phenomenon of mass incarceration, which has made the United States an outlier in Western countries, indeed the world.¹ Researchers in turn have examined this phenomenon through the lens of class, income, and, above all, race. Most of the efforts for criminal justice reform over the last decade have dealt with diverting persons from incarceration to a lesser form of control.² What has not been considered until recently are the consequences of the burdens that have been placed on defendants subject to this lesser form of “punishment,” i.e. community supervision and monetary penalties. In *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*, Dr. Alexes Harris, an associate professor in the Department of Sociology at the University of Washington, examines the effects of the imposition of various fines, fees, and costs on poor defendants.

Dr. Harris’s central thesis is that the imposition of fines and fees creates a two-tiered system of punishment: one in favor of those with financial means and one for those who are poor. She states that her book is about a contemporary form of social control that is imposed by court systems in the form of monetary sanctions and disproportionately punishes the poor. She argues that the imposition of monetary sanctions on the poor creates a permanent punishment. Thus, she advances the notion that our twenty-first century criminal justice system results not just in a criminal conviction and the related societal stigma but also in financial debt, constant surveillance, and related punishment incurred by monetary sanctions.

This book is divided into seven chapters, along with a preface and a methodological appendix. While Dr. Harris references some secondary sources and other scholars’ research studies, her primary focus is examining the sentencing practices, operation, monitoring, and enforcement of legal financial obligations (LFOs) in five counties in the State of Washington. Based on her original research in these five counties, she has determined that monetary sanctions have become inherently localized, with extreme variability in the sentencing, monitoring, and sanctioning of legal debtors.

Monetary sanctions have long been a part of sentences in the criminal justice system throughout the United States. Nevertheless, the author notes that LFOs ballooned in the early 1990s,

when states began to formally codify their financial penalties. Moreover, the author observes that with the expansion of monetary sanctions a new bureaucratic area of the criminal justice system has emerged with its own costs and priorities that may or may not be aligned with other aspects of the system. These LFOs include restitution for victims, fines, fees and costs, surcharges³ and interest on unpaid debt obligations.⁴ LFOs even include an annual collection fee for the efforts of court officials to collect court imposed costs. This does not even include the supervision fees assessed for the supervision of offenders on probation. Some of these LFOs are statutorily mandated and some are within the discretion of the court or even the clerk charged with monitoring and enforcing the collection of LFOs.

In hindsight, it should not be too surprising that with the increased reliance on incarceration and its ancillary growth in community corrections over the last several decades that the traditional resources utilized by the courts in processing, adjudicating, and monitoring an augmented number of defendants would become strained. Also during the same time that one witnessed the phenomenon of mass incarceration and mass supervision, the public developed an aversion to tax increases even as the demand for government services expanded. Hence, as Dr. Harris notes, legislatures across the country have resorted to an increase in LFOs, including novel forms of penalties such as surcharges, interest, and annual collection fees in order to fund court operations.

Dr. Harris notes that this growth in the assessment of LFOs has had a detrimental effect on poor defendants, and especially on minority groups. A significant part of the problem is that with the assessment of interest on unpaid fines and fees, the overall unpaid obligations to the courts increase to the point that an impoverished defendant cannot possibly pay all the obligations owed to the court and this debt is converted to a lifetime monetary sanction. This means that a defendant is continually under surveillance, constantly brought before a court, and faces the ongoing imposition of sanctions, including time in jail. The author argues that because they cannot be held fully accountable for their offending when they are unable to pay, the poor experience a “permanent punishment.”

Dr. Harris explains that despite United States Supreme Court holdings that state a defendant cannot be incarcerated for a failure to pay fines, fees, or costs without a showing of “willfulness” to do so,⁵ no court decision has actually defined the term “willfulness” and the definition of this term has been left to the interpretation of various courts. Moreover, even though legislatures have authorized the imposition of LFOs, they have left it to the courts’ judgment to determine whether a defendant has the means to make payments and when and under what circumstances discretionary LFOs can be imposed. The result is that the assessment of LFOs and the enforcement of collections varies widely not only from one jurisdiction to the next but even from one court to another within the same jurisdiction.

The author further questions the cost effectiveness of monitoring poor defendants and enforcing the collection of LFOs. Her research shows that the contrast between average sentences and the average payment amount per year is bleak and suggests that unpaid LFOs go largely unpaid. Her conclusion is that the total amount of money collected for LFOs does not pay for both the initial costs of processing and convicting defendants and the additional costs of monitoring them for payment and sanctioning

them for nonpayment. She states, at best, the system may only be paying for itself. Moreover, she notes that even when a priority is set to recover restitution for the victim before all other fees are collected, the reality is that collecting revenue for general criminal justice practices competes with the commitment to collecting money for victim restitution.

One implication raised in this book is whether creating undue financial burdens on the poor is based on inherent American values or whether policy and lawmakers have inadvertently pursued steps in the criminal justice system that have an adverse impact on certain racial and ethnic groups, classes of people, and the economically stressed. The author argues that the American values of personal responsibility, meritocracy, and paternalism have led to the system of monetary sanctions. However, another reason may be more mundane, but equally troubling. Policy and lawmakers have very little understanding of race, class, and poverty in our country and do not fathom the implications of how the adoption of policies or legislative enactments will have a disparate impact on certain groups of people in our society. Other researchers have observed the clear correlation between race, ethnicity, class, and income levels and mass incarceration; however, further research is required and more empirical data needs to be amassed in order to better grasp how and why these circumstances exist in our criminal justice system.

The final point of this book raises the question of the purpose of punishment and the disparate treatment of the affluent and poor in the criminal justice system. Dr. Harris notes that a study of defendants in fifteen states found that monetary sanctions result in long-term cycles of debt, that nonpayment regularly results in reincarceration, and that legal debt negatively affects debtors’ chances for successfully reintegrating into society. Considering that our criminal justice system relies on mass incarceration and even diverting offenders to lesser “punishments” carries serious collateral consequences and heavy financial penalties, it is difficult to argue that any part of our existing system forwards the goal of rehabilitation. Moreover, even for those who maintain that the criminal justice system should further interests other than rehabilitation, it is hard to argue that this system is cost effective, promotes safety, does not encourage more crime and furthers the impoverishment of our most vulnerable citizens.

A Pound of Flesh: Monetary Sanctions as Punishment for the Poor questions the premise that our criminal justice system is fair and equitable for all. It further questions whether the criminal justice system is rational and effective. As Dr. Harris notes in her book, more research needs to be conducted on the impact of LFOs on the poor. Although there may be differences in the assessment and collection of LFOs in states other than Washington, it is hard to envision that the adverse consequences for the poor and the societal costs would be appreciably different in other states. While it is hard to foresee when states will wean themselves from the money generated through the criminal justice system, one can hope that steps will be taken to diminish the harm to the poor.

Endnotes

- 1 It has been widely observed that while the United States has 5% of the world population, it incarcerates 25% of all inmates in the world.

- 2 While mass incarceration in the United States has been widely observed, what has not been widely noted is that the United States has seven times as many probationers being supervised on community corrections than in other Western countries.
- 3 Washington State has a practice of imposing a surcharge on assessed fines, to wit: a fine upon a fine.
- 4 Washington State assesses a 12% interest rate on LFOs that are delinquent. Considering that the current interest rate in the United States is less than 1%, it would be hard to argue that the statutory interest rate is not usurious.
- 5 See *Bearden v. Georgia*, 461 U. s. 660, 103 S. Ct. 2064 (1983).

Todd Jermstad, J.D.

NAPE

LISTSERV AND WEBSITE

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

At present there are over 200 members registered on the NAPE Listserv. Members who are not receiving this service but who want to be included should send an email to davidson@shsu.edu, indicating a desire to be added to the NAPE Listserv. In addition, members who would like to update their email addresses, or add a second email address, should feel free to do so.

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

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

NEW STANDARDS FOR OFFENDER TRACKING TECHNOLOGY

by

Joe Russo

Technology standards help ensure that the consumer products and services we use perform as they are intended. Though most people don't give standards a second thought, these "invisible" technical agreements impact our lives on a daily basis. Products as mundane as dishwashers or electric toothbrushes and as sophisticated as vehicles, computers or smartphones all work better and more safely because of standards.

Standards are not just important for consumer products, they are equally critical with respect to the tools criminal justice agencies rely on in their public safety missions. The National Institute of Justice (NIJ) has been involved in the development of standards for more than 30 years. Most notable among these efforts has been NIJ's work in testing and developing body armor and performance standards for ballistic and stab resistance. This work was begun in the mid-1970s and since then recognition and acceptance of the NIJ standard has grown worldwide, making it *the* performance benchmark for ballistic-resistant body armor.

More recently NIJ has been working towards developing a standard for offender tracking technology, a process that culminated in the July, 2016 release of the *Criminal Justice Offender Tracking System Standard - NIJ Standard-1004.00*.

The concept of offender tracking is not new; originally pioneered by Kirk and Robert Gable nearly 50 years ago at Harvard University. The Gables wanted to leverage technology to extend the connection between a social service provider (such as a probation officer) and young offenders as they move about the community. Using surplus excess military missile tracking equipment, portable transceivers and stationary RF relay stations, they were able to track offenders in real time within a 5 square block area in Cambridge, MA. The primary purpose of this proof of concept project was not to simply locate offenders but to communicate with them in real time and offer support and reinforcement for complying with a pro-social schedule (i.e. attending school or showing up for work on time). Offender tracking, as we know it today, was commercialized in the late 1990's and has been used primarily as a surveillance tool.

Over the years, the use of offender tracking has exploded. According to a survey conducted in 2015 by The Pew Charitable Trusts, nearly 88,000 GPS units are being deployed in the supervision of accused and convicted criminal offenders in the United States. This represents a thirtyfold increase in the space of a decade. This growth is largely due to advancements in the technology, but also legislative mandates requiring the use of GPS devices to monitor specific types of offenders, in some cases for the remainder of their lives.

While the broad adoption of offender tracking technology has provided community corrections agencies with a powerful supervision tool, concerns were raised by a National Institute of Justice (NIJ) working group that practitioners often lacked solid understanding about how the technology works and were disadvantaged when it came time to evaluate and procure a solution. Further, as GPS devices were increasingly being used on high-

risk or high-profile offenders, it was imperative that agencies have some assurances that the technology works as intended. In response to these concerns, NIJ convened a special technical committee made up of community corrections practitioners and technical experts to develop standards for offender tracking systems.

The eventual standard defines the minimum performance requirements to be expected of an offender tracking system. The standard outlines the specific performance criteria as well as the test methods to be used to assess system performance. The standard covers those areas deemed most important to practitioners including device robustness; battery life; location point accuracy and reliability; circumvention/removal resistance and detection; and alert/event documentation and reporting. The performance criteria delineated in the standard is intended to set the bar for viable systems and provide agencies with greater confidence in the products they are procuring. It should be noted that compliance with this standard, as other NIJ standards, is completely voluntary on the part of manufacturers.

With the standard finalized and published, two related efforts are ongoing. The first is a document defining the process by which offender tracking systems will be certified as meeting this standard. The second is a Selection and Application Guide, (also known as a users' guide) that will provide agencies with additional procurement and program implementation assistance. Both documents are still in development and will be released in the near future.

For now, agencies are encouraged to use the criteria outlined in the standard as benchmarks in writing their procurement documents, however they should be aware that until the certification program is in place, vendor claims to meet or exceed requirements have not been independently verified.

As this process evolves and technology inevitably improves, it is expected that the standard will require periodic updates and/or clarifications. For example, emerging alternatives to traditional charging methods, such as rechargeable collars, will likely require modification to the current standard. Further, the performance criteria originally established is based on the current technology landscape. For example, as WiFi becomes more ubiquitous and new satellite systems are deployed, we may find that higher location accuracy rates are more easily achievable and therefore the minimum performance bar may need to be raised. This standard, like other standards development efforts, will require ongoing maintenance to remain relevant.

More information about NIJ's Criminal Justice Offender Tracking System Standard NIJ Standard-1004.00 is available online: <https://www.nij.gov/topics/technology/standards-testing/pages/offender-tracking-system.aspx>

Joe Russo is Corrections Technology Lead for the Justice Technology Information Center, a program of the National Institute of Justice.

CONSUMER EDUCATION: SUPPORTING SUCCESSFUL REENTRY

by

Lisa Lake, Consumer Education Specialist, Federal Trade Commission

The Federal Trade Commission (FTC) protects America's consumers from scams and fraud, helps people and businesses learn how to safeguard personal data, and ensures competition in the marketplace. Educating reentrants on managing their finances, making informed buying decisions, and avoiding scams plays a critical role in reducing recidivism.

This is why the FTC created [FTC.gov/reentry](https://www.ftc.gov/reentry), a page especially for reentrants, probation officers, and others involved in reentry. The tips and free resources available at [FTC.gov/reentry](https://www.ftc.gov/reentry) help people:

Get the basics. The FTC's easy-to-use site, [Consumer.gov](https://www.consumer.gov) (in Spanish at [Consumidor.gov](https://www.consumidor.gov)), offers plain-language information on managing money, understanding credit and debt, avoiding job scams, and more. Each [Consumer.gov](https://www.consumer.gov) topic features a lesson plan that instructors can customize to their program needs.

Build knowledge. [FTC.gov/reentry](https://www.ftc.gov/reentry) includes basic life skills information on buying a car, safely using technology, avoiding scams related to getting a [high school diploma](https://www.ftc.gov/reentry) or college degree, and much more. You can order publications — free of charge — from [ftc.gov/bulkorder](https://www.ftc.gov/bulkorder). All of the FTC's information is in the public domain, so you can link to it, post it, or reprint it freely.

Fight identity theft. People reentering society sometimes find that, while they were in prison, someone used their credit card, other accounts, or Social Security number. Reentrants should order free credit reports at [AnnualCreditReport.com](https://www.annualcreditreport.com) and look carefully for suspicious activity. Then, if there's a problem, [IdentityTheft.gov](https://www.identitytheft.gov) is a one-stop location to report and begin to recover from identity theft if it happens — and learn how to avoid it.

Understand rights when applying for a job. Potential employers have to get permission from job applicants to run [background reports](https://www.ftc.gov/reentry). If the employer does not hire a person because of something in the report, they must provide a copy of the report and a summary of his or her rights. The FTC's reentry site includes information for reentrants about background reports.

Be heard. The FTC takes complaints about scams and other deceptive practices at [FTC.gov/complaint](https://www.ftc.gov/complaint). People also may call 1-877-FTC-HELP.

With consumer awareness, reentrants can more successfully navigate today's marketplace and minimize the risk of falling for schemes that can take away their money and, possibly their sense of optimism for starting life anew. Please call Lisa Lake at 202-326-2345 or email llake@ftc.gov with any questions about consumer information for your clients.

NEWS FROM THE FIELD

DOWNEY NAMED PROBATION CHIEF IN TUOLUMNE COUNTY, CALIFORNIA

Linda Downey, who served as manager of the Tuolumne County Probation Department's juvenile division, has been appointed to serve as Chief Probation Officer, effective October 4, 2016; **Don Meyer** had filled the position on an interim basis since the retirement of **Adele Arnold** at the end of last year.

The new chief has worked in Tuolumne County government for the past 23 years, starting as a social worker in the Tuolumne County Department of Social Services. In 2000, she changed departments to become a probation officer. She went back to the social services department in 2004 to help supervise programs, but returned to head up the probation department's juvenile division in 2009.

Downey said she believes probation plays a vital role in public safety and wants to continue fostering positive relationships with justice partners in the community. "I love this community and we're on such a good path," she said. "Chief Arnold got us off to a good start, established a lot of good relationships and I want to continue that."

Donald Segerstrom, presiding judge of Tuolumne County Superior Court, administered the oath of office to Downey in the historic Tuolumne County Courthouse in Sonora, California.

NEW DIRECTOR OF PROBATION IN ENGLAND AND WALES

In August 2016 **Sonia Crozier** was appointed as the new Director of the National Probation Service (NPS) for England and Wales. Crozier, who served as Deputy Director of Probation for the National Probation Service, South East and Eastern Region, was previously Chief Executive of Surrey and Sussex Probation Trust and the Director of Operations at London Probation Trust.

Crozier commenced her career as a Probation Officer in 1988, based in south London. In 1991 she moved to Kent Probation where she enjoyed a wide variety of roles in court, community and prison. In 2005 she was assigned to the Home Office and subsequently to the Ministry of Justice, where she joined a national team within the Probation Directorate and worked to improve probation performance in collaboration with local Probation Chiefs and Boards.

In 2008 Crozier was appointed as the Chief Officer of the Sussex Probation Area and in 2010, following merger with Surrey, formed the Surrey and Sussex Probation Trust (SSPT) as the CEO. In November 2011, she moved to London Probation Trust as the Deputy CEO (Service Director) responsible for the strategic operational leadership and performance across the 32 London Boroughs. While working for London Crozier supported the introduction of service user councils to engage offenders in the delivery of services.

BRISCOE NAMED PROBATION DIRECTOR FOR MACOUPIN COUNTY, ILLINOIS

On September 1, 2016, **Corinne Briscoe** became the Director of Probation and Court Services for Macoupin County in Carlinville, Illinois.

Briscoe, who possesses a degree in psychology, began her probation career in Morgan County, where she spent eight years as an adult probation officer. In her last three years in Morgan County, she also served as drug court coordinator.

After eight years in Morgan County, Briscoe joined the Administrative Office of the Illinois Courts (AOIC), and assumed the position of field coordinator in three judicial circuits. She credits her time at the AOIC as what prepared her most for the position in Macoupin County. "With the state, you do everything. Basically, you're the consultant for three judicial circuits. For three sets of counties and all the individual probation departments within that circuit, they look to you for advice and consultation regarding any administrative issue or personnel issues. You really get to see everything."

Briscoe then moved to the position of Director of Probation and Court Services for Greene and Scott Counties, where she worked for two years before accepting her current position.

HIGHLAND COUNTY PROBATION DEPARTMENT RECOGNIZED BY OHIO CORRECTIONS AGENCY

According to an article appearing in the *Highland County Press*, on October 13, 2016, the Highland County Probation Department based in Hillsboro, Ohio, was recognized by the Ohio Department of Rehabilitation and Corrections with the *Cliff Skeen Award* for its outstanding work in the community; the presentation occurred at the 30th Annual Conference of the Ohio Justice Alliance for Community Corrections held in Columbus.

The Highland County Probation Department and Chief Probation Officer **Jeremy Ratcliff** were selected among the 121 programs throughout Ohio.

"This is a great achievement for some of the hardest-working and most dedicated people in the local criminal justice community," said **David H. McKenna**, Hillsboro Municipal Court Judge.

This award, first presented in 1993, is given in honor of the late eight-term Ohio legislator **Clifton Skeen**, who sponsored Ohio's Community Correction Act. It is presented annually to residential and non-residential programs in recognition of excellence in community corrections. Recipients of the award are credited with reducing the number of non-dangerous offenders being sent to prison through effective supervision services.

CHANGES IN PROBATION AND PUBLIC SAFETY AGENCIES IN MONROE COUNTY, NEW YORK

On October 14, 2016, Monroe County Executive **Cheryl Dinolfo** announced her appointment of **Robert Burns** to the position of Monroe County Public Safety Director. Burns had previously served as the County's Chief Probation Officer, a position he held since 1991.

“For twenty-five years, Bob Burns has served as Monroe County’s Chief Probation Officer and has proven he truly understands the public safety needs of our community,” said Dinolfo. “Bob is a well-respected leader and has extensive knowledge and expertise in the field. I am proud to entrust him with the responsibility of protecting the safety and security of all Monroe County residents.”

As Director of Public Safety, Burns will administer all county public safety services with the exception of those provided by the Sheriff, District Attorney, and Public Defender. The position’s responsibilities include budgetary review, grant coordination, technical assistance, planning guidance, training services and oversight of public safety programs including the County’s Office of Emergency Management. Burns will also Chair the Monroe County Criminal Justice Council and Co-Chair the Public Safety Sector Team.

“It is an honor to serve County Executive Dinolfo and the County’s many public safety professionals as the Director of Public Safety,” said Burns. “Monroe County’s public safety agencies are among the finest in the nation and I look forward to working with them to keep our streets, homes and workplaces safe.”

Burns replaced **David Moore**, who was recently confirmed as the County’s first Director of the Office of Public Integrity. Burns’ appointment is subject to confirmation of the Legislature.

Dinolfo also tapped **Larry Mattle** to replace Burns as Chief Probation Officer. Mattle will be responsible for the formulation and implementation of department policies and procedures, staff development and personnel management. He will have direct oversight of all probation initiatives. **Todd Wersinger** will assume the position of Deputy Chief Probation Officer.

“Monroe County Probation is one of our region’s most respected probation teams, and Larry and Todd play a huge role in that designation,” said Dinolfo. “As an integral part of the criminal and juvenile justice system, our dedicated probation staff will continue to provide quality services to assist offenders in becoming law-abiding citizens while providing direct public protection to our neighborhoods.”

Mattle has over 20 years of probation experience, most recently serving as the Assistant Chief Probation Officer since 2014. He has experience in every probation division and has also played a key role in special projects such as Operation Nightwatch, Project Safe Neighborhood/Gun Suppression, and the Felony-DWI Unit.

Wersinger first joined Monroe County Probation in 1995, and has worked in both the Criminal and Juvenile Units. As a Senior Probation Officer, he headed the Electronic Monitoring Program, worked on Project Safe Neighborhoods and in Field Intelligence. He is a certified firearms instructor and has taken the New York State Division of Criminal Justice Services Opioid Training.

The Monroe County Office of Probation-Community Corrections, based in Rochester, is the oldest and one of the largest alternative to incarceration programs in New York State.

MASSACHUSETTS PROBATION COMMISSIONER RECOGNIZED WITH AWARD

Massachusetts Commissioner of Probation **Edward J. Dolan** was presented with the annual Leadership Award by the

Adolescent Consultation Services (ACS) at its Annual Fall Event on October 27, 2016, at the Union Club in Boston.

Dolan, who has served as Probation Commissioner for three years and formerly as Commissioner of the Department of Youth Services, was recognized for demonstrating outstanding leadership in his work with court-involved children and families as well as for making an outstanding contribution to the knowledge base that helps serve children more effectively, according to **Leah Kelly**, Executive Director of the Cambridge-based ACS.

Dolan is the eighth person to receive this annual award. Prior recipients of this award include: Harvard Law School Professor **Charles Ogletree**; Boston-based psychiatrist **Bessel Van der Kolk**; Harvard Professor of Child Health and Development **Jack Shonkoff**; and Presiding Justice of the Middlesex Juvenile Court **Jay D. Blitzman**.

“Commissioner Dolan is our choice for our Leadership Award this year because of his steadfast commitment to ensuring the highest standard of excellence of all who provide services for court-involved children and families in the Commonwealth,” said Kelly. “He sets a standard of excellence for everyone who works in our field.”

Dolan said of the recognition, “I am deeply honored to receive this award and to be among the esteemed group of individuals who were previously honored. Juvenile probation is about delivering the right services at the right point to prevent deeper penetration into the court system.”

The mission of the ACS is to alleviate barriers to care for court-involved youth and families. Established in 1973, ACS provides the Juvenile Court Clinic services for the Middlesex Juvenile Court to address the mental health and behavioral health needs of court-involved children. ACS evaluates, counsels, and advocates for at-risk youth and their families, connecting them with the resources they need to overcome obstacles due to trauma, family difficulties, and mental health issues.

NEW PROBATION LEADERSHIP NAMED IN LOS ANGELES COUNTY, CALIFORNIA

On November 9, 2016, the Los Angeles County Board of Supervisors formally appointed **Terri McDonald**, the former Assistant Sheriff in charge of jails, to head the Los Angeles County Probation Department. McDonald has 28 years of public safety experience at both the State and local levels of government. Prior to her new job, she provided executive level consulting services that focus on complex criminal justice initiatives with emphasis on correctional challenges.

McDonald’s prior experience includes working for the Los Angeles County Sheriff Department as Assistant Sheriff over the Custody Division, with responsibility for overseeing all custody operations, including leading the implementation of the recommendations from the Citizens Commission on Jail Violence. Prior to her experience with Los Angeles County, McDonald spent 25 years with the California Department of Corrections and Rehabilitation, rising to the level of Undersecretary of Operations.

McDonald graduated with honors from the University of San Francisco with a Bachelor of Arts degree in public administration with an emphasis in leadership in law enforcement.

In a statement issued by the department, McDonald called it “an extreme honor and privilege to lead the committed public servants of the Probation Department, thousands of employees

Executive Exchange

who are committed to finding innovative means to improve rehabilitative services and restore lives while keeping our communities safe.”

McDonald replaced interim Probation Chief **Cal Remington**. In her new position, which she assumed in January 2017, she is responsible for the nation’s largest probation department, which supervises 46,000 adults and 7,800 juveniles with an operating budget of \$820 million. The Probation Department has 6,500 employees, 24 field offices, 13 residential treatment camps, and three juvenile halls.

At the same November meeting, the Board of Supervisors also appointed **Sheila Mitchell** as Deputy Chief Probation Officer to oversee juvenile services.

Mitchell has over 34 years of management experience with the last 17 years being in State and local government. Prior to her appointment, Mitchell was the Chief Operating Officer for Unity Care, a community-based, non-profit youth and family development agency that focuses on developing educational and social programs to enrich the lives of at-risk youth. From 2004 to 2013, Mitchell worked for the County of Santa Clara Probation Department as the Chief Probation Officer; from 2002 to 2004, she was the Assistant Chief Probation Officer for the Alameda County Probation Department; and from 1999 to 2002, she served as a Deputy Commissioner for the State of Georgia Department of Juvenile Justice. Mitchell assumed her new position on January 14, 2017.

FOUR NEW CHIEFS APPOINTED IN MASSACHUSETTS

According to a November 7, 2016, press release, Massachusetts Commissioner of Probation **Edward J. Dolan** has appointed four new Chief Probation Officers who will manage day to day operations at Plymouth Probate and Family, Plymouth Juvenile, Cambridge District and Springfield District Courts.

Richard Giaquinto, Chief Probation Officer at the Plymouth Probate and Family Court, began his new job a week ago. Plymouth Juvenile Chief Probation Officer **Joseph Mark Abber** also started his new role in October. Cambridge District Chief Probation Officer **Damon Banks** was named to his new position in September and **Terence O’Neil**, Springfield District Court Chief, has been on the job since July.

“The four new chiefs all possess the talent, commitment, and drive needed to pursue the dual mission of the Massachusetts Probation Service which is to maintain the safety of our communities while guiding those individuals in our care and custody toward a better path in life,” said Dolan.

Giaquinto, formerly Assistant Chief Probation Officer at Plymouth Probate and Family Court, began his career as a probation officer at the court in 1993. He was promoted to Assistant Chief in 2013. He earned a Bachelor of Science degree in social work from Bridgewater State University and a Master of Science degree in criminal justice from Northeastern University.

Abber served as Assistant Chief at Plymouth Juvenile Court prior to his appointment as Chief. He began his career at Barnstable Juvenile Court as a Probation Officer in 1996, and in 2005 was promoted to Assistant Chief at Plymouth Juvenile Court. Abber holds a bachelor degree in sociology with a concentration in criminology from Bridgewater State University.

Banks, former Assistant Chief at Chelsea District Court, joined the Probation Service as a Probation Officer at Somerville District Court in 2001. In July 2016, he was named Assistant Chief Probation Officer at Chelsea District Court and in September was appointed Cambridge District Court Chief. Banks holds a Bachelor of Science degree in criminal justice and a master’s degree in social work, both from Salem State College.

O’Neil began his career in Probation at Springfield District Court as a Probation Officer in 2001, and he was promoted to Assistant Chief in 2006. O’Neil was named Chief in July. He holds a Bachelor of Arts degree in history from Western New England College.

There are 12 divisions of the Probate and Family Court, 12 divisions of the Juvenile Court, and 62 District Courts across the Commonwealth. The Massachusetts Probation Service’s mission is to increase community safety, reduce recidivism, contribute to the fair and equitable administration of justice, support victims and survivors, and assist individuals and families in achieving long term positive change.

2016 DIRECTOR’S AWARDS HONOR FEDERAL COURT EMPLOYEES

According to a December 15, 2016, media release, eight federal judiciary employees received the 2016 Director’s Awards, given by the Administrative Office of the U. S. Courts, to recognize outstanding performance in the federal courts nationwide.

The awards were granted in three categories: “Outstanding Leadership,” “Excellence in Court Operations/Court Administration,” and “Excellence in Court Operations/Mission Requirements.” Two of the awards detailed below were provided to probation employees.

The recipients were nominated by colleagues based on career achievements and contributions to specific projects that have benefited their home courts and the federal Judiciary as a whole. Two of the recipients were probation administrators.

PHILLIP L. MESSER RECOGNIZED FOR OUTSTANDING LEADERSHIP

Phillip L. Messer, Deputy Chief Probation Officer for the District of Kansas, has helped cut costs and improve supervision outcomes through evidenced-based decisions and practices. Messer has trained 37 of the Judiciary’s 94 district probation offices in use of the Decision Support System, a comprehensive analytical tool that taps national databases to support risk assessments, policy decisions, and the creation of statistical tables. Messer was among the original instructor group that opened the National Training Academy for probation officers in Charleston, South Carolina, in 2005. As Deputy Chief, he has educated collateral agencies and treatment providers about the Judiciary’s role in successfully reintegrating offenders into the community.

Messer’s name should be familiar with NAPE members; in 2015 he was the recipient of the Sam Houston State University Probation Executive of the Year Award.

REGINALD D. MICHAEL RECEIVES AWARD FOR EXCELLENCE IN COURT OPERATIONS/MISSION REQUIREMENTS

Reginald D. Michael, Chief Probation Officer for the Southern District of Florida, has cut costs while also delivering services more efficiently. From FY 2012-2016, he voluntarily reallocated or returned a total of \$5.8 million in unused funding to either his district's Clerk of Court or to the Administrative Office. A reduction in leased office space lowered Judiciary rent costs in Michael's district by about \$2.6 million during this same period. His office has been a leader in the implementation of Evidence Based Practices. Local office initiatives have included a broad use of specialized caseloads to effectively supervise about 1,000 low-risk offenders with fewer resources, while enabling more intensive supervision and cognitive behavioral instruction to assist higher-risk cases. His staff has also developed and implemented a Leadership Development Program for their office in the Southern District of Florida. Based on a Federal Judicial Center program, the initiative nourishes future leaders so they can effectively replace retiring personnel.

PROBATION AND PAROLE IN THE UNITED STATES, 2015

On December 21, 2016, the Bureau of Justice Statistics (BJS) released a new report – *Probation and Parole in the United States, 2015* – written by BJS Statisticians **Danielle Kaeble** and **Thomas P. Bonczar**.

This latest report presents data on adult offenders under community supervision while on probation or parole in 2015. The report includes national data on trends for the overall community supervision population and annual changes in the probation and parole populations. It describes statistics on the number of offenders entering and exiting probation or parole; offenders by sex, race or Hispanic origin, most serious offense type, and status of supervision; and outcomes of supervision, including the rate at which offenders completed their term of supervision. Appendix tables include jurisdiction-level information on the population counts and number of entries and exits for probation and parole and jurisdiction-level information on the types of entries and exits for probation and parole. Highlights of the report include:

At yearend 2015, an estimated 4,650,900 adults were under community supervision, down by 62,300 offenders from yearend 2014;

Approximately 1 in 53 adults in the United States was under community supervision at yearend 2015;

The adult probation population declined by 78,700 offenders from yearend 2014 to yearend 2015, falling to about 3,789,800; and

The adult parole population increased by 12,800 offenders from yearend 2014 to yearend 2015, to an estimated 870,500 offenders.

A summary of this report is available and may be read by visiting the following link: https://www.bjs.gov/content/pub/pdf/ppus15_sum.pdf. And to read the full report, go to: <https://www.bjs.gov/content/pub/pdf/ppus15.pdf>.

BUILDING TRUST AND LEGITIMACY WITHIN COMMUNITY CORRECTIONS

The Executive Session on Community Corrections has released the third paper in the “New Thinking in Community Corrections” series, titled *Building Trust and Legitimacy within Community Corrections*. The Executive Session on Community Corrections is sponsored by the National Institute of Justice and the Harvard Kennedy School's Program in Criminal Justice Policy and Management. The paper discusses the need for a new model for community corrections that can improve public safety while recognizing that people on probation and parole are members of the communities in which they live and are supervised. The authors – **Wendy Still**, **Barbara Broderick**, and **Steven Raphael** – propose six principles to guide agencies and policy makers in strengthening the field.

To read the paper, go to: <https://www.ncjrs.gov/pdffiles1/nij/249946.pdf>.

Wendy Still is the Chief Probation Officer in Alameda County, California; Barbara Broderick is the Chief Probation Officer for the Maricopa County Adult Probation Department in Phoenix, Arizona; and Steven Raphael is a Professor in the Goldman School of Public Policy at the University of California, Berkeley.

NATIONAL ASSOCIATION OF PROBATION EXECUTIVES

Who We Are

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

What We Do

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

Why Join

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

Types of Membership

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

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

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

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

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

Membership Application

NAME _____ TITLE _____

AGENCY _____

ADDRESS _____

TELEPHONE # _____ FAX # _____ E-MAIL _____

DATE OF APPLICATION _____

<i>CHECK</i>	Regular	<input type="checkbox"/> \$ 50 / 1 year	Organizational	<input type="checkbox"/> \$ 250 / 1 year
	Membership	<input type="checkbox"/> \$ 95 / 2 years	Corporate	<input type="checkbox"/> \$ 500 / 1 year
	Desired	<input type="checkbox"/> \$ 140 / 3 years		

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