

National Association of Probation Executives EXECUTIVE EXCHANGE

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PRESIDENT'S MESSAGE

"Train yourself to celebrate the success of others."

~ Bo Sanchez

I hope all are doing well. As 2015 winds down I must admit that at times it has been a blur. I want to thank American Probation and Parole Association (APPA) past President Carmen Rodriguez for her leadership of APPA. During her tenure, the outstanding relationship between APPA and the National Association of Probation Executives (NAPE) became stronger and we were able to work collaboratively on some projects that were beneficial to our field. At the NAPE annual reception in Los Angeles, I presented her with the *Dan Richard Beto Award*. This was based on her leadership of APPA and her passion for increasing awareness for trauma informed care. I also recognized Mack Jenkins, Chief Probation Officer of San Diego County, for his "groundbreaking" work with the Affordable Care Act.



Community corrections agencies across the country continue to be a "Positive Force for Change." On a daily basis lives are being transform, victimization is being reduced, recidivism is lowering, and communities are safer. All this is being done because of the dedication and hard work of community corrections professionals. However, do we spend enough time celebrating our successes or are we focusing on our failures? For example, when you examine recidivism or violation rates do we examine those that succeed or those that fail? I know the answer, as I have fell victim to overly focusing on failures instead of focusing on our success. I challenge all of us to reflect on changing our perspective. We – community corrections – successfully release more offenders from supervised probation and parole then are returned based on violation. Therefore, changing our perspective may lead to more positive outcomes and reiterate that community corrections is a viable option to achieve long lasting public safety.

Another way to celebrate our success is to nominate employees and work units for local or national awards. This not only recognizes our employees and work units but educates the community corrections field about the good work that is being done across the country. Therefore, I challenge all to nominate their peers, employees, and others for well-deserved recognition.

Our organization has three awards that are presented annually at the NAPE annual reception which precedes the APPA Summer Training Institute. The first is the *Sam Houston State University Probation Executive of the Year Award*. This award is the association's oldest and most prestigious. It is awarded to a probation executive that has made significant contributions to the field of community corrections. The second award presented is the *Dan Richard Beto Award*. This discretionary award is given in recognition of distinguished and sustained service to the corrections profession. Lastly, the *George M. Keiser Award for Exceptional Leadership* is presented to a corrections professional who has demonstrated outstanding leadership qualities. I look forward to seeing an abundance of nominations for these prestigious awards.

Elsewhere in this issue of *Executive Exchange* you will find a solicitation from Ron Corbett, Chair of the Nominating Committee, for nominations for office. Next year we will hold elections for all offices; if you are interested in serving, please contact Ron.

As this year comes to a close I want to thank all community corrections professionals for their hard work and continued dedication. Our communities and localities are safer based on your work. We hope all have a safe and joyous holiday season and wish the best for a wonderful 2016.

Marcus M. Hodges
President

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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 July 2015 the Association, meeting in Los Angeles, California, recognized three outstanding individuals: Phillip L. Messer was presented with the *Sam Houston State University Probation Executive of the Year Award*; Lynne E. Rivas was named the recipient of the *George M. Keiser Award for Exceptional Leadership*; and Carmen Rodriguez 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 Cleveland, Ohio, on August 27, 2016. 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. Grun-

del, 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); and Ronald G. Schweer, Kansas (2012); Todd Jermstad, Texas (2013); Linda Brady, Indiana (2014); and Phillip L. Messer, Kansas (2015).

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); and Lynne E. Rivas, Texas (2015).

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 April 15, 2016.

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

NOMINATING COMMITTEE SOLICITING CANDIDATES FOR OFFICE

by

Ronald P. Corbett, Jr., Ed.D.

Next Spring the National Association of Probation Executives will be conducting an election for the positions of President, Vice President, Secretary, Treasurer, two At-Large Directors, and five Regional Directors. All offices are for a two year term. Persons interested in serving on the NAPE Board of Directors – which can be a rewarding experience – should communicate with Christie Davidson, NAPE's Executive Director, prior to April 15, 2016. She may be reached at (936) 294-3757 or at davidson@shsu.edu. Members who have questions about serving in an elective position are encouraged to contact me at (617) 921-6200 or at rpcjr@comcast.net.

Other members of the Nominating Committee include the following Past Presidents: Cherie Townsend (Oklahoma), Dan Richard Beto (Texas), Rocco A. Pozzi (New York), John Tuttle (Pennsylvania), Ellen F. Brokofsky (Nebraska), and Robert L. Bingham (Indiana). They, too, would be happy to answer questions about the responsibility of holding office in NAPE. I want to make a special plea this year to my colleagues managing probation around the country. Many of your peers who have been active for some time now have “aged out” of the organization (i.e., retired to a rocking chair and bone idleness. :-)). We very much need to pass the torch to a new generation of probation leaders. We have a rich pool of such folks nationally and we would ask that you consider stepping forward for the good of the organization and profession.

Since its inception, NAPE has served as a critical network for probation executives. Through its key publication, *Executive Exchange*, and through its involvement in a variety of professional development programs, it has helped the last two generations of managers become leaders. Certainly the issues that confront you all today cry out for an organization that will help the collective enhance its executive skills, mentor new appointees, and contribute to the national policy dialogue. In short, step forward into a NAPE leadership position so that our profession can remain “Probation Strong.”

We seem to be at a key inflection point nationally in terms of criminal justice policy. It seems unmistakable that there is a

growing coalition – from both the left and right of the political spectrum – favoring a movement away from mass incarceration toward a policy of community based alternatives for non-violent offenders. This could be the probation profession's moment to make the case for the efficacy of community corrections as the affordable alternative to prison for drug offenders and at least some property offenders with no known penchant for violence.

There is a catch. If probation leaders do not have a forum in place that will address the responsibilities and concerns unique to agency heads, then the window of opportunity could close. NAPE is just such a forum – where executives can gather to share strategies, offer training, and develop policy papers that will address the issues raised by the justice reinvestment movement.

NAPE has provided this forum in the past and developed vehicles uniquely tailored to the needs of agency heads. The creation of *Executive Exchange*, the initiation of a multi-year training effort for newly appointed executives (commonly known as the Executive Development Program), and the publication of two key monographs through the auspices of the Manhattan Institute – *“Broken Windows” Probation: The Next Step in Fighting Crime* and the more comprehensive *Transforming Probation Through Leadership: The “Broken Windows” Model* – are just some examples of what NAPE can accomplish with committed leadership.

Can you be one of tomorrow's leaders? If so, why not step up to the challenge?

Ronald P. Corbett, Jr., Ed.D., a past President of the National Association of Probation Executives and the current Chair of the Nominating Committee, is on the faculty of the University of Massachusetts – Lowell. During his distinguished career, he has served as Executive Director of the Massachusetts Supreme Judicial Court and, more recently, as Executive Director of the Massachusetts Probation Service.

LESSONS ON LEADERSHIP: THE NEGATIVITY BIAS

by

Randy Garner, Ph.D.

There are a number of biases that affect all of us in how we view others, ourselves, and the world around us. The way our brains cognitively process information can impact our thoughts and our actions. These biases can have a dramatic influence on those who serve in a leadership role. One particularly salient bias, which has been confirmed in hundreds of psychological and leadership studies, is identified as the “Negativity Bias.” This occurs when we focus on and remember the negative events and circumstances much more than the positive events and situations that we experience.

Scientists have demonstrated that our brain tends to process negative information faster and more thoroughly than it does positive information. Essentially, our brains give priority to bad news. Unfortunately, we then tend to remember and ruminate over bad news, insults, perceived slights, and so forth more than we do praise. Though praise can be satisfying, much of our cognitive time is spent mulling over things that did not go well or circumstances that we consider to be negative. If something good and something bad happens on the same day, we will tend to react more strongly and remember the bad rather than the positive – in fact, dramatically so. When our mind wanders, we are more likely to think about something that made us upset or angry. Though we may have many sleepless nights thinking about things that focus on a negative, few times do we experience insomnia over positive occurrences in our lives. We can’t sleep because we are thinking about some unfair criticism we received, yet the positive comments offered on our most recent evaluation have nary an effect.

In fact, positive experiences are processed relatively more slowly by the brain and must occur with much greater frequency to register. I’m sure we have all heard some version of the admonition “It only takes one oops to wipe out a whole lot of at-a-boys.” The negative trumps the positive. Some have even suggested a ratio of positives to negatives that must be achieved to have a beneficial impact (e.g., 6 to 1); however, it is doubtful that such an innate function as that which occurs in our brain chemistry and hardwiring can be quantified with such precision.

Brain researchers have identified that two-thirds of the processing center of the brain known as the amygdala is dedicated to handling negative events (at least as perceived by the recipient). This sets the stage for an immediate emotive response and a long-lasting memory of the event. Sociobiologists suggest it is essentially an instinctual response born over centuries of hardwiring. Our ancestors of the dim, dark past did not survive if they were not constantly vigilant for things that could harm or kill them. As a result, it became the brain’s business to focus on the negative, act immediately, and develop a long memory so that such stimuli encountered in the future could be avoided. Encountering a deadly creature was much more visceral and impactful than a dandelion.

Of course, the world of our distant ancestors is much different than the world of today. We seldom brave the harsh reality of the uncivilized and perilous realm of nature. However, the instinctual brain response that protected us for millennia is still in play as we process the events and circumstances around us.

What does this mean for us as leaders? When given positive information and negative information about a stranger, people will tend to form a negative judgment rather than a positive or even a neutral judgment. How might this impact what we tend to focus on as leaders when observing the behavior of others? Have you ever worked for someone who was constantly negative? These individuals seem to always see the glass as half-empty. How did that make you feel? Did you believe that your talents and contributions were valued and appreciated? When asked to pay attention to a variety of stimuli or information in a particular setting, people will tend to focus their attention on the threats instead of opportunities. This may explain why it is much easier for some to shoot-down the suggestions and ideas of others rather than offer their own – we are geared to look for why something will not work (threat) rather than how it might help (opportunity). As Abraham Lincoln famously quipped, “If you look for the bad in people expecting to find it, you surely will.” As leaders this can poison the well of trust – the social glue involved in all human relationships.

Of course, generally avoiding threats or negatives is not a bad thing; however, it can become a “bad thing” if that negative focus is our usual response to most every circumstance. If we understand that there is a bias to more strongly see the negative in ourselves, in others, and in many situations, what can we do? Though it is a tall order to overcome brain wiring and chemistry, there are a few suggestions that can help to deal with this bias towards the negative.

Retrace Feelings to Facts – Feelings are often byproducts of various stimuli, some of which may be valid and others of which may not. In dealing with a negative experience, criticism, feedback, and the like, it can be useful to try to identify exactly what lead to those emotions. What are the actual facts? What triggered the negative thought? Do not just accept the negativity unchallenged. Consider whether the feeling you have is based in fact or based in fear. Is the negative feeling or emotion relative to the true facts – or has it been blown well out of proportion?

Look for Positives – Look for the positive in people...even those that challenge you. If they have a position with which you do not agree, instead of becoming immediately defensive, ask yourself “How did they come to that conclusion?” “What information might they have that I do not?” Focus on becoming curious rather than caustic. If you are thinking of negative or challenging events in your own life, try to balance this with considerations on things in your life for which you are grateful.

Research has shown that this can have a dramatic and important effect.

Watch out for “Stinkin’ Thinking” – It pays to be more mindful of how you form your thoughts about yourself and others. Though it can be difficult, try to be mindful of a tendency to immediately go negative. Work to consider the facts before judgment. Even a stopped clock is right twice a day.

Reconsider Ruminations – Often times when we have a negative experience we have difficulty letting it go. We play it over and over again in our mind. We tell others about it, often in hopes that they will comfort us and tell it is not so. We get stuck in the “replay” mode. Try to change the “replay” mode into a “repair” mode; try to more objectively consider the event, criticism, feedback, or whatever stimuli that has you in a downward spiral. Try to determine if there is anything that may need attention, “repair” that, and move on. Beating yourself up for some perceived or actual failing seldom pays strong dividends.

Attempting to overcome eons of brain hardwiring that evolved in order to achieve the most basic goal of survival is not easy. We have a predisposition built into our thinking. However, with a little concerted effort we can better understand the implications of the Negativity Bias and actively work to keep it in perspective so as to realize a more positive benefit for ourselves and for those around us.

Randy Garner, who holds two doctorates, is a Professor of Behavioral Sciences and former Associate Dean in the College of Criminal Justice at Sam Houston State University (SHSU). Dr. Garner also served as founding Director of the Texas Regional Community Policing Institute and as Executive Director of the Law Enforcement Management Institute of Texas. Prior to coming to SHSU, Dr. Garner was the Associate Director of Behavioral Medicine at the University of Houston. Before entering academia, Dr. Garner served in all divisions and levels of command, including as a Police Chief, in his 30 year career in law enforcement. Dr. Garner has authored numerous books and professional publications with particular emphasis in the areas of social influence, persuasion, and leadership. In addition, Dr. Garner is the Editor-in-Chief of *Applied Psychology in Criminal Justice*, an interdisciplinary, peer-reviewed, academic journal that examines the social and psychological aspects of human behavior as related to applied societal and criminal justice settings. This is Dr. Garner’s third contribution regarding leadership issues in *Executive Exchange*.

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WHEN IS A GIFT NOT A GIFT...WHEN IT IS AN APPROPRIATION!

by

George M. Keiser
and
Elizabeth Craig

During the nearly three decades I served as Chief of Community Corrections for the National Institute of Corrections (NIC), I had the good fortune of traveling extensively throughout the 50 states and meeting many exceptional correctional professionals. Visiting with these people frequently stimulated new ideas but occasionally tripped one of my “triggers of frustration.”

My biggest “trigger” was hearing someone say, “the state **gave** us x million dollars during the last legislative session” or “the county commissioners **gave** us y thousand dollars during the last budget cycle.” My concern was I don’t think those appropriations are really a gift, and if you think about it, you don’t want them to be.

I can imagine some of you now thinking George, this is just a common expression; it doesn’t really mean anything. That is where I fear you are wrong.

Language is highly symbolic and in these examples, somewhat misleading. Consciously or subconsciously commonly used words conjure up meanings which may or may not be consistent with what we are intending to communicate. If we go into a budget hearing with an “ask” (hopefully an evidence based proposal of how we will implement program X) and the committee chair tells us they are prepared to “give” us a certain dollar amount, the symbolism suggests a benevolent rather than business oriented understanding of the funding requirements.

Keep in mind not all gifts are obligatory from year to year – certain birthdays, holidays and anniversaries being definite exceptions – and even those that are don’t always represent equal or increased value over time. True gifts don’t come with any expectation. That is not the mindset we want to encounter if we are presenting a budget to a funding body. We want funders to understand the real costs of producing real results. For that reason, it is incumbent upon the community corrections administrator (CCA) to develop a business plan that projects the realistic, measurable outcomes that can be produced as a “return on the investment” (ROI) based on the actual appropriation adopted by the funding body.

By taking this business plan approach, the CCA can address the anticipated impact on the ROI at different funding levels. Frequently funders don’t believe they have or want to allocate the dollar amount represented in the original business plan. They will tend to appropriate less while continuing to envision the outcomes the original plan presented. With that in mind, it is imperative that outcomes be adjusted based on the real business expense of producing them. The CCA has the obligation to point out there is an adjusted ROI driven by the reduced level of investment. Funders’ memories may be short. You may have to re-inforce the revised ROI based on the actual investment through periodic reports to the funders.

We need to keep in mind the funding committees generally have a finite amount of dollars they can allocate to the various requests they receive during the budgeting cycle. Sometimes

those allocations are influenced by personalities, pet projects, or trying to make all the requestors equally happy or more likely equally disappointed. Again, we need to move this process from a popularity contest to a business transaction. It needs to be about the realistic cost of producing a specified level of outcome rather than a percentage increase/decrease from last year’s funding or creating a proportional pain among all funding recipients.

If you are in one of the rare jurisdictions where the funding process already follows this investment model, you are one of the fortunate few. If you are not one of the fortunate few, you probably have a multi-year task ahead of you. The task begins with you in your own organization. It begins by you being clear about what business you really are in; what the industry standards are for that business; how to measure the outcomes or their proxies that have value to investors; and finally, how to cost out the activities required to produce those outcomes. In a subsequent column I’ll delve more deeply into these elements of the business plan, including how it translates into an actual budget. ***Before you challenge others to treat the funding cycle like a business transaction, you have to be in command of your own business.***

You need to change the funding culture, whether that takes place at the state or local level. You need to identify a key person who also buys into this “investment strategy.” Ideally you will find a county executive or key state legislative or executive staffer who understands this strategy benefits their self interests as well as yours. You need to assess the county executive or key state level staffer’s ability to convince other criminal justice funding recipients that it is also in their best interest to join this funding strategy. If no such ally exists, you may need to be willing to model this approach through a funding cycle or two before other key decision makers see the benefits.

Changing the funding culture begins with changing our language. Do not let one of your funders talk to you about how much they **gave** you last year. Be sure you refer instead to their investment and what the return on that investment is “paying” in desired outcomes. Then be sure your agency’s performance is consistent with the language! When this becomes the expected business practice, respect for your organization will increase!

George M. Keiser served 15 years with the Iowa Division of Corrections, 28 years as the Chief of the Community Corrections Division of the National Institute of Corrections, and is now CEO of Keiser and Associates, LLC, consulting on public and agency policy as well as development of effective business organizations.

Elizabeth Craig is the Information Services Manager at the National Institute of Corrections Information Center. As a private consultant, she focuses on staff development, program implementation and assessment, quality assurance, and group facilitation.

A TRIBUTE TO WILLIAM E. MOUNTENEY: FIRST PROBATION OFFICER OF WESTCHESTER COUNTY, NEW YORK

contributed by

Anthony J. Czarnecki
and
Rocco A. Pozzi

According to an article appearing in the *White Plains Daily Voice* on August 14, 2015, William E. Mounteney, appointed as a Probation Officer 100 years ago, helped establish best practices in probation, but sadly died a pauper and was buried in a Kensico Cemetery grave in Westchester County, New York, that remained unmarked until Thursday, August 13, 2015.

In a morning ceremony attended by hundreds, Westchester County Executive Rob Astorino and Commissioner of Probation Rocco Pozzi, who is also a former President of the American Probation and Parole Association and the National Association of Probation Executives, unveiled a monument paid for with funds raised by the Westchester County Probation Officers Association and placed on Mounteney's gravesite. The monument reads: "William E. Mounteney, 1874-1963, First Probation Officer, Westchester County, N.Y., Appointed 1915."

In a second, more formal afternoon ceremony, a full program of prominent speakers was held at the Westchester County Courthouse in White Plains to honor Mounteney and to celebrate the Probation Centennial. Among the speakers at the courthouse ceremony, in addition to Astorino and Pozzi, were: Michael Kaplowitz, Chairman of the Board of Legislators; Alan Scheinkman, Administrative Judge, 9th Judicial District; Susan Burke, President of the American Probation and Parole Association; Robert Maccarone, State Director of the New York State Division of Criminal Justice Services; Joseph Rinaldi, President of the Middle Atlantic States Correction Association; Kevin McKay of the New York State Probation Officers Association; and Katherine Hite representing the Westchester County Historical Society.

Research conducted by Anthony J. Czarnecki provides considerable information about this early pioneer in probation.

William E. Mounteney (1874-1963)

William E. Mounteney was appointed as the first full-time paid Probation Officer in Westchester County, New York, in 1915 by County Court Judge William P. Platt. The position had been created just five months earlier by the Westchester County Board of Supervisors, fixing the starting salary at \$1,500 plus \$250 in expenses. Mr. Mounteney was the top-scoring candidate on a competitive civil service examination that was administered in two parts: a written test and an oral exam. Mr. Mounteney worked out of the third Westchester County Courthouse in White Plains (built in 1855) and later documentation established that he started his career with four items of equipment: a typewriter, a pair of handcuffs, a badge, and a firearm. At the time of his

appointment, he was the pastor of the Calvary Baptist Church in Yonkers and resigned from the ministry to pursue his new career as a Probation Officer at the age of 40.

In an initial evaluation of his work in 1915, the New York State Probation Commission reported that: "Mr. Mounteney is in love with his work. He is earnest and enthusiastic in it, and his personality and experience in dealing with all kinds of men will stand him in good stead in the difficult and important work

which he has undertaken...Under the direction of Mr. Mounteney, a well-developed and effective system of probation should be developed in Westchester County." In 1916, he was elected president of the Elmsford School Board.

Mr. Mounteney was born in Loughborough, England, attended local public schools, and was educated at the Headingley Theological Institute. Following the completion of his theological studies, he served for two years as a missionary to the gypsy encampments in England. Mr. Mounteney was married in 1899; he and his wife had a son, Wesley, and they immigrated to the United States that same year. He worked as a pastor in several upstate communities and was naturalized as a United States citizen in Cooperstown, New York, in 1904. Prior to his appointment

as a Probation Officer, he headed congregations in Brooklyn and Yonkers.

Mr. Mounteney attended the annual Conference of Probation Officers – convened by the New York State Probation Commission – in 1915 and 1916. He was an active participant and presenter at these annual meetings. When the United States entered World War I in 1917, he initially helped organize a "home guard" unit in Elmsford and then resigned his position as a Probation Officer to work overseas with the Y.M.C.A. at the battlefield in France, providing support services to U. S. troops. When he returned to America, he settled in Yonkers, worked as the personnel manager for a local sugar refinery, and was appointed a deputy sheriff. He then moved to Hammonton, New Jersey, where he operated a poultry farm for five years while serving as the pastor of the local Presbyterian Church. In 1931, he announced to his congregation that he was returning to probation work in Westchester County, New York. In 1935 – following a break in service – he was re-appointed as a Probation Officer, after he won an age discrimination suit in New York State Supreme Court. He lived in Dobbs Ferry and worked out of the fourth Westchester County Court House in White Plains (built in 1917). In 1943, he retired from public service and then worked for the Westchester County Fish and Game Protective Association.

During the last 12 years of his life, Mr. Mounteney was cared for at the Westchester County Home for the Aged and Infirm,



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located on the grounds of the Grasslands Reservation in Valhalla, New York. He died there in 1963 at the age of 88. His wife and son had both pre-deceased him. The Westchester County Department of Public Welfare paid \$250 for a "pauper's funeral" and he was buried at Kensico Cemetery in Valhalla in an unmarked grave (Lot C, Range 37, Grave 12). The informant on his death certificate was Max Berman, his former SPO.

For nearly 50 years, William Mounteney humbly served the needs of others – including wandering gypsies, church congregants, battle-worn soldiers, and troubled probationers. On that journey, he left a legacy of competence, loyalty, and integrity.

As we prepare to mark the centennial of the probation system in Westchester County in 2015, we are reminded about what really mattered to William Mounteney in his own words: "The biggest thing in life is service." His was a life well lived in service to others.

William Mounteney: In His Own Words

In conducting his research, Mr. Czarnecki developed a list of quotes of Mr. Mounteney:

"There is no one cause of crime, nor is there any one cure." (1939)

"One of the great duties of the present-day citizen is to lift the ideal...Another of the lessons we need today is to lay aside bigotry and prejudice." (1912)

"It is not smart to be a criminal and it is not smart to break the law. A criminal record closes the door to opportunity in one's work. (1939)

It seems to me, first of all, we need to cooperate with all the outside agencies we possibly can. When I first began this work, I felt personally responsible for every single case put into my care and I remember what jealousy I had when I delegated any single case to any other agency than my own. But the longer I work, the more I

realize we must cooperate and ask for the cooperation of all other agencies." (1916)

"My youth was spent in England. Opportunities for advancement were few. Here, every boy has a chance, and opportunity is spelled in capital letters." (1904)

"I have been very skeptical of amateur probation officers and amateur agencies...because wherever I have used it, 90 per cent of the cases have absolutely failed... The few cases we have had to re-arrest have been from among those cases." (1916)

"I thank God that during my 20 years in the ministry, I have been, at times, the special messenger bringing God's message." (1915)

"The biggest thing in life is service." (1923)

"In our citizenship, we should practice the art of optimism. This is the best country in all the world. It is going to be a better country – better than our fathers hoped, better than we ourselves have dreamed." (1912)

These quoted by Mr. Mounteney are just as relevant today as when they were spoken in the early 20th century.

Anthony J. Czarnecki served as a Westchester County Probation Officer from 1970 to 1983, as President of the New York State Probation Officers Association from 1978 to 1980, and was recognized as "Probation Officer of the Year" by the American Probation and Parole Association in 1981.

Rocco A. Pozzi, Commissioner of Probation for Westchester County, New York, is a past President of the American Probation and Parole Association and the National Association of Probation Executives.

NAPE is grateful to these gentlemen for providing information about this pioneering probation leader for inclusion in *Executive Exchange*.

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 probation.executives@gmail.com or by conventional mail to:

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

TRANSITIONS AND TRAINING: REFLECTIONS

by

Bernard Fitzgerald

In thinking about the issues that affected me during my forty-one years in the probation service, there were two issues, in retrospect, that bothered me. The first of them was the lack of training in communication skills.

Everyone was trained in how to set limits and in recognizing substance abuse problems. I am sure that everyone was made proficient in report writing and courtroom performance, but no one ever offered a training program in acquiring and improving communication skills.

In the job that we, as probation officers, do, one would think that the ability to effectively communicate with defendants, prosecutors, judges, victims, defense counsel, and social service providers would be of paramount importance. In forty-one years, there was nary a workshop.

In working with offenders, the ability to get your point across would seem to be the most important duty of the day. What that means is to speak to them on a level that is respectful in a language that they understand.

A mistake that occurs frequently is one in which the officer takes the role of a parent talking to a child. That usually ends with the offender not hearing the message. It is common that the officer wants to make sure that the offender knows that they, the officers, are in charge. When speaking as a parent to a child, it negates the possibility of listening to the offender and hearing his/her concerns or needs.

When speaking to the offender in a pedantic way, it is sometimes setting up the relationship to be very confrontational. One of the skills that can be most helpful to develop is the skill of listening. Officers often forget to use this skill. It can be very helpful to know more about the offender and his/her attitude and also what his/her needs might be.

Another common issue was the officer that tried to come down to the level of the offender. Using bad language and slang terms doesn't necessarily bring about better lines of communication with the offender. It makes it easier for the defendant to disrespect the officer and the court. When the defendant is spoken to as if he/she were out on the street, the officer is not respecting them.

There have been many occasions, as a supervisor, when I have received complaints about the interaction of my officers with defendants, defendant's families, defense counsel, and the public. These inevitably become teaching opportunities. But the course of communication was never part of the orientation or initial training of the officers. This was an issue that should have been addressed.

The communicating skill, I believe, is also neglected during the hiring process in most cases. It is not something that you can test. People either have the ability to get their message across or they don't. If we are to be successful in our mission, that of

changing people's behavior, then we must find a way to either hire or train good communicators.

Transitioning is the other issue that was neglected during the course of a career. Those who make probation a career hope to eventually be promoted and many are. When the promotion takes place officers are sent to training so that they might better understand their new duties and responsibilities.

They are trained to handle disciplinary problems, how to oversee those under their supervision, and making sure that the day-to-day paperwork is being done. The training that is not always done is that of honing interpersonal communication skills. What is missing is the guidance needed to make the jump from colleague to boss. It is a big jump and it takes skill to do it successfully.

Styles of leadership need to be explained to those who are newly promoted so that an informed decision can be made by the promoted. Leadership and its different forms are never discussed as much as they should be.

Leadership training should take place for the newly promoted as well as for those who, someday, would seek promotion. There has to be a continuum in order to keep the agency focused and mission oriented.

I have never seen the transition from one manager to the next done in a seamless way. Usually when promotions or retirements occur there is a period of time between when the decision is made and when the events actually take place. Why is it that we don't take that time and even extend the time to insure a seamless transition?

Speaking from experience, when I retired I had to give notice a considerable length of time before the event would take place. The position wasn't filled until approximately a year later. The repercussions of that are never good. There is an interim administrator, who may or may not be a candidate for the job trying to hold together a department that may or may not be inclined to follow his/her lead. No good can come of it.

If the position is filled expeditiously then the person who is leaving the position can spend some time bringing the new appointee up to speed. A mentorship can take place and, hopefully, a seamless transition.

Coaching newly appointed administrators would be extremely beneficial for the newly appointed and for the agency itself.

Bernard Fitzgerald, who recorded over four decades in the field of community corrections prior to retirement, served as the Chief Probation Officer for Dorchester, Massachusetts. Mr. Fitzgerald was a member of the Board of Directors and served as Secretary of the National Association of Probation Executives.

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 Todd Jermstad, J.D., Director of the Bell-Lampasas Counties Community Supervision and Corrections in Belton, Texas.

RACE MATTERS: IGNORING THE SINGLE LARGEST FACTOR IN PRISON EXPANSION

On the Run: Fugitive Life in an American City, by Alice Goffman. Chicago and London: University of Chicago Press, 2014. 288 pp. \$25.00 (hardback), \$17.75 at Amazon.com.

The New Jim Crow: Mass Incarceration in the Age of Colorblindness, by Michelle Alexander. New York: New Press, 2011. 336 pp. \$19.95 (paperback), \$12.80 at Amazon.com.

Punishing Race: A Continuing American Dilemma, by Michael Tonry. Oxford and New York: Oxford University Press, 2011. 224 pp. \$20.95 (paperback), \$14.37 at Amazon.com.

It is not that academics in the field of criminal justice have not studied the correlation of race to prison population in the United States over the last several decades, indeed much has been written about differences in arrest rates, criminal dispositions, and sentence lengths among various racial groups. Moreover, a great deal of research has examined the impact of crime and policing on neighborhoods in communities throughout the country. Nevertheless, it has only been fairly recently that scholars have begun examining the impact of policing practices and sentencing laws on minority groups in a much larger historical, economic, and sociological context. Moreover, the conclusions that these scholars have drawn is not only startling but also very disturbing.

On the Run: Fugitive Life in an American City by Alice Goffman is the most entertaining if not the most controversial of the books under review. Alice Goffman is an assistant professor of sociology at the University of Wisconsin – Madison. She grew up in an upper middle-class neighborhood in Philadelphia in a well-educated family and obtained her undergraduate degree at the University of Pennsylvania in the field of sociology. As part of her degree requirement, she had to conduct a field study. She chose to study the impact of policing and the criminal justice system on a distress black community.

In her sophomore year in college she began tutoring an African-American high school student living in a black neighborhood near campus. Through her tutoring she began to meet the relatives of the student, including the extended members of the student's family and their friends and neighbors. In particular, she was introduced to the males of the family, both juveniles and young adults, their girlfriends and mothers of their children. She began to discover that the social interactions of these family members as well as the members of the community revolved around the criminal justice system. Through her interactions of the various members of the community, Dr. Goffman determined what her "ethnic" study would be – how the criminal justice system and policing practices shape the social mores of an entire community.

Professor Goffman noticed the large number of young black males who are caught up in the criminal justice system. This observation alone would not be particularly worthy of a research project; this fact is well known. However what Goffman observed and about which she wrote in compelling detail was how an entire community revolved around these young men being arrested, bonding out of jail, making countless court appearances, and all too often eventually going to jail or prison. Moreover, once being swept up in the criminal justice system, these men seemed to continually have existing warrants against them, either for new offenses, for parole or probation violations, or even for failure to pay court costs.

Hence the name of her book – *On the Run*. Professor Goffman describes how the lives of these men primarily entailed evading arrest. Also, she notes that since these young men had girlfriends, families, and close friends, other individuals were caught up in aiding their loved ones from being apprehended by the police. Furthermore, she states that the police, charged with effectuating all these warrants, spent their time chasing down fugitives, breaking into homes searching for absconders, and even intimidating family and friends in order to make them given up their sons, fathers, or best friends. Dr. Goffman explains that arrests were not only effectuated on the streets or in the homes, but also in the courts when defendants were scheduled to make an appearance and, controversially, at hospitals where their girlfriends were giving birth to their children. This last assertion has been disputed by law enforcement authorities in Philadelphia.

Dr. Goffman does not dispute that these arrest warrants were legitimate; nor does she downplay the violence and crime that occurred in these neighborhood. What she does explain is how the interaction between the police, the criminal justice system, and these young black males distorted entire communities. The sheer number of outstanding warrants ensured that whole generations of young black males would at some point in their lives be incarcerated and sometimes for long periods of time to the detriment on their children, families, and the community as a whole. Moreover, modern policing practices ensured that certain neighborhoods in American cities would be treated as war zones and the community members would be alienated from the people who were sworn to protect them.

Professor Goffman's book is controversial for several reasons. Not only did she spend years researching the lives in this one community in Philadelphia but also she eventually resided in this community and strongly identified with the people she was researching. Through this book she relates how she visited her subjects in jail and prison, provided transportation to them for their court appearances and bond hearings, and assisted their families while they were incarcerated. Undoubtedly, the most interesting part of this fascinating book is the appendix where she explains her methodology. It is here that she explains how she came about researching this topic and how her life in-

tersected with those of the people she was observing. It is also in this section that she relates how close she was to the various characters involved in the criminal justice system, to the point where she came very close, if not going over the line, in abetting criminal activity.

This in turn leads to the second controversy raised in this book. All of the persons described in the book have fictitious names. Even the community where all this occurred is not identified. Moreover, she subsequently destroyed her field notes. Thus, it is virtually impossible to verify the details found in her book. Dr. Goffman argues that anonymity is essential in ethnography. As a matter of fact, she states that no field researcher could have received approval by a research institute's institutional review-board unless complete anonymity is maintained. This need for anonymity goes so far as requiring certain facts to be changed in order to protect the identities of the subjects. Thus, while *On the Run* has received wide praise for its description of life in a poor black neighborhood, it also has its detractors.

Michelle Alexander, an associate professor of law at Ohio State University, has written an equally provocative book as Alice Goffman. However instead of an ethnographic study, Professor Alexander's book is based on recent criminological as well as historical research. The title of her book – *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* – summarizes her central thesis. Professor Alexander notes that shortly after the expansion of civil rights to African-Americans in the 1960s there also arose the war on drugs. Professor Alexander contends that these two events were not coincidental. Instead she argues that the war on drugs was a coded response to the achievements made through the civil rights movement. Moreover, because persons caught up in the criminal justice system lose so many basic rights, ranging from loss of voting rights or ability to serve on a jury to procuring housing, government benefits, or employment, she equates our reliance on mass incarceration to a new form of Jim Crow, in which persons involved in the criminal justice system, especially African-American males, are reduced to second class citizens.

Professor Alexander is candid in observing that the twin phenomena of the successes of the civil rights movement and the emergence of mass incarceration were not readily perceived as being linked, even by her. Indeed the implications of reliance on mass incarceration, especially for young black males, was largely overlooked across the political spectrum for over three decades and, most amazingly, by the civil rights proponents who followed the movement of the 1960s. While this fact alone may question Professor Alexander's assertion of an explicit effort to rely on mass incarceration in response to the gains of blacks by the civil rights movement in the 1960s, the detrimental effect of mass incarceration to the black community and individual black lives over the last three decades cannot be denied.

Perhaps what is more interesting than Professor Alexander's thesis is her explanation as to how we got to this point mid-way through the second decade of the twenty-first century. Although it was early in the Nixon Administration when a war on drugs was declared, Professor Alexander traces the immediate cause of mass incarceration to the Reagan Administration. While President Nixon made an issue of the use of illegal drugs, Professor Alexander explains that his policies were actually fairly lukewarm. However, she states that President Reagan made the

war on drugs one of his top priorities and made sure that the resources were available to combat drug use.

In formulating any policy to address drug abuse there are only two initial choices to be made: 1) either reduce supply through interdiction and increasing the expense of illegal drugs while reducing the availability of street level drugs; or 2) reduce the demand by expanding treatment options or incarcerating drug users. The Reagan Administration decided to shape its policy against drug abuse from the demand side of the equation. However, the demand side approach would be made by reducing funding for treatment while greatly increasing the funding for law enforcement and incarceration.

The results of this approach should have been predictable and obvious to a generation of policy makers. The facts speak for themselves. Professor Alexander shows that between 1980 and 2000, the number of people incarcerated in our nation's prisons and jails soared from roughly 300,000 to more than two million. As a result, by the end of 2007, more than seven million Americans – or one in every 31 adults – were behind bars, on probation, or on parole. Finally she argues convincingly that convictions for drug offenses were the single most important cause of the explosion in incarceration rates in the United States and in 2005 the ratio of persons going to prison for a drug offense was four persons for possession offenses for every person that was involved in a sales offense.

The Reagan Administration's policy did not just affect the individual lives of those using drugs, but it also changed the police culture and had an adverse impact on poor primarily urban communities. As an inducement for getting law enforcement to fully participate in the war on drugs, the Reagan Administration offered huge financial incentives, generally in the form of grants, to law enforcement agencies across the country. In addition military aid in the form of unused or unneeded equipment was made available to local law enforcement agencies. This in turn began the militarization of policing and changed the traditional approaches that law enforcement had taken to preserving the lives and property of the people they served. With the militarization of policing, one then saw the rise of the surveillance of communities, a change in police tactics that became much more aggressive in its approach to law enforcement with much more hostile interaction with those in these communities, whether law abiding or not, and finally the over reliance on SWAT teams to enforce the drug laws.

For whatever reasons to which one wants to ascribe, whether overt racial intent, unconscious racial prejudice or stereotyping, or simple inadvertence, the war on drugs has had a particular adverse impact on black lives and the black community. It must be first noted that repeated research over the years has shown that the rate of drug use in our country indicates that a slightly larger proportion of the white community uses illegal drugs than blacks. However, Professor Alexander explains that while the majority of illegal drug users and dealers nationwide are white, three-fourths of all people imprisoned for drug offenses have been black or Latino. Indeed, she states that black men have been admitted to state prison on drug charges at a rate that is more than thirteen times higher than white men.

Despite these statistics showing this serious racial imbalance in drug enforcement, what Professor Alexander notes to my amazement is how the Reagan policies dealing with illegal drugs were not only approved by politicians of varying political

stripes but were continued over the following three decades. For example, the Clinton Administration pushed some of the toughest laws on illegal drug use and the Congressional Black Caucus not only failed to question these policies over the years but many actually voted for these harsh laws. The simple fact is that virtually no one saw the connection between these laws and policies and the impact they would have on poor minority communities.

Nevertheless, Professor Alexander draws a different conclusion than this last sentence might indicate. She holds that “mass incarceration in the United States had, in fact, emerged as a stunningly comprehensive and well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow.” She believes that the nature of the criminal justice system is no longer concerned primarily with the prevention and punishment of crime but rather with the management and control of the dispossessed. Hence she argues that any movement to end mass incarceration must deal with mass incarceration as a racial caste system, and not as a system of crime control.

The last book under review is Michael Tonry’s *Punishing Race: A Continuing American Dilemma*. Michael Tonry is a professor in criminal law and policy at the University of Minnesota’s School of Law. *Punishing Race* is the most academic and therefore driest of the books under review. However, it relies heavily on statistics and maybe the most persuasive of the three books regarding the relationship between race and criminal justice practices in the last thirty years. Moreover, while much of the book touches on the war on drugs, it also looks at other racial disparities in the criminal justice system, such as the “three strikes” laws and different penalties for certain types of controlled substances, such as powder cocaine and crack cocaine.

As with the other two authors, Professor Tonry notes that there are extreme racial disparities in the criminal justice system and that American drug and crime control policies adopted over the last several decades “have disabled poor young black men from successful participation in American life and thereby damaged not only them but also their children, their families, and their communities.” Moreover, Professor Tonry blames these stark disparities in imprisonment to the adoption in the 1980s and 1990s of drug and crime control policies that placed a much heavier burden on African Americans than on whites.

Professor Tonry recognizes that the cause of the increase of racial disparities in the 1980s in the criminal justice system was the disproportionate arrest and imprisonment of black people for drug offenses. In explaining this racial disparity he focuses on sentencing laws and policing practices. Moreover, he finds very little disparities in sentencing decisions by judges or prosecutorial discretion. Instead he places the blame for the increase in racial disparities in our prisons to legislative enactments that have made punishment increasingly harsher over the years and to police practices that target blacks more often than white suspects. Finally, he states that “contemporary drug and crime control policies are in large part products of unconscious efforts by the white majority to maintain political, social, and economic dominance over blacks.”

As with Professor Alexander, while the conclusions he makes that the formulation of our sentencing laws over the last several decades have been racially defined may not be wholly convincing, the data and research that he presents offers a compelling explanation as to why we have such a high racial disparity in incarceration rates. In order to understand the reason for our ra-

cially disparate incarceration rates, he states that one first has to recognize that blacks are not being arrested more often for drug offenses because they use drugs more than other racial groups. Not just one but numerous research projects have shown this to not be the case. Instead in absolute numbers, depending on the particular drug, whites are four to ten times more likely to use a dangerous substance than blacks.

Nevertheless, Professor Tonry cites a 2008 Human Rights Watch analysis of prison admissions for 2003 that showed, relative to population, blacks are ten times more likely than whites to be imprisoned for drug crimes. Equally troubling is that initially when President Nixon announced his war on drugs, whites were just as likely to be arrested for drug offenses as blacks. However, what Professor Tonry has shown in his book, based on a series of studies over the last couple of decades for non-drug related crimes, when comparing the arrest rate and conviction rate between blacks and whites, there is a strong correlation that the prosecution and sentencing rates correspond to the crime rate for different racial groups. In other words, the racial groupings of those being sentenced to prison appear to accurately reflect the racial composition of those committing criminal offenses.

That has remained true except for drug offenses. As Professor Tonry notes, since the early 1980s the disparity in drug arrests and convictions has continued to widen. Moreover, when looking at the overall incarceration rate since the 1970s the number of persons per 100,000 people being sent to prison has exploded to the point that in the 1970s our incarceration rate was similar to Canada and Western European countries while today 25% of all people incarcerated in the world are found in the United States. So the question is – “what is going on?” Are blacks being singled out because of their race in large numbers for drug offenses while whites are being ignored? Or are there a series of policies and practices that have been adopted over the years that have inadvertently had a disproportional impact on certain racial groups? Or is it a combination of the two?

It should be noted that policy makers, especially those associated with the middle or upper class of white society, can adopt policies or enact laws that adversely impact minority communities without any intention to engage in racial discrimination. It is often more out of ignorance or indifference than hostility that policies will be implemented without any conscious awareness of the implications these policies may have to those who do not live privileged or middle class lives. The fact the even those sympathetic to minorities did not raise the alarm or even seem to understand the effects that the drug laws of the 1980s and 1990s would have on black lives and black communities should caution one to be very careful in characterizing certain policies and laws as racist instead of recognizing that the adoption of certain policies or laws might have unintended disparate racial consequences.

However, race does matter. The simple fact is that the white middle class has much more political clout than poor blacks in a blighted urban community. In the 1970s when blacks and whites were equally caught up in the war on drugs, marijuana was a felony with very stiff penalties in most jurisdictions and whites, especially youths, were just as likely if not more to use marijuana. However, once these white youths, particularly from middle class backgrounds, began to be arrested and prosecuted in large numbers, one started to see laws enacted to reduce the penalties for marijuana from felony levels to misdemeanor

levels. Moreover, during the 1980s when the public and media was fixated on the “crack” epidemic in minorities communities, laws were enacted to drastically increase to penalties for crack cocaine, which was associated with minorities while leaving the penalties for powder cocaine, which was associated with white users, the same.

One of the major factors for the racial disparity in incarceration rates is police tactics. As Professor Tonry observes, the racial differences in arrest rates for drug offenses is enormous. The simple fact is that police stop blacks much more often than whites and more often than is objectively justifiable, but are less likely on average to find contraband. Professor Tonry explains that black arrest rates for drug crimes are high for two reasons. First, he states that police invest more energy and effort in arresting people in inner cities and on the street. Second, he notes that racial profiling in police stops of citizens identifies disproportionate numbers of black people possessing drugs who can be arrested.

One might then ask why blacks are targeted so much more than whites for drug offenses. The answer is because of the nature of the war on drugs. Drugs differ from most crimes because generally, unlike assaults, robberies or burglaries, there is no victim to make a complaint to law enforcement to detect, apprehend, and charge a person with a crime. Whereas, as a general rule crimes with identifiable victims will be uniformly dealt with by law enforcement, regardless of the race of the defendant or victim, the detection and arrest of drug offenses are discretionary. Law enforcement will only actively investigate drug offenses based on the availability of resources and personnel.

However, with the war on drugs, the government, especially at the Federal level, encourages law enforcement to actively enforce the drug laws through monetary inducements, i. e, grants. This in turn provides the resources to devote law enforcement time and dedicate staff to the detection and arrest of drug offenders. Once local law enforcement begins hiring staff or purchasing equipment in the war on drugs, law enforcement agencies then have a vested interest in continuing to receive grant funding from the government.

The government, in turn, must measure the efficacy of the grants they are awarding to law enforcement. They do this by measuring the number of arrests that are made by law enforcement. The more arrests that are made, the more funds will be available to local law enforcement through grants. Fewer arrests that are made will result in less money that will be given to local law enforcement agencies. Moreover, the government is not concerned with what types of arrests are being made, just that arrests are being made. Thus there is an incentive for law enforcement to focus its attention on street offenses by arresting persons in possession of drugs as opposed to dealers and small dealers as opposed to major drug dealers. Under this scheme success is measured by the number of arrests and number of people being sent to prison or placed on probation. What is not of concern is whether supply is being affected, either because the street price of drugs is rising or the availability of drugs in diminishing.

In the war on drugs, blacks prove to be an easier target for law enforcement. There a several complex reasons for this, some racial, some economic, and some cultural. As Alice Goffman describes and Michael Tonry observes, much of black life in urban communities operates outdoors. Social interactions take place on the front porch or stoop. In addition, many if not most drug

transactions in minority communities take place out of doors. This differs from whites who tend to engage in drug transactions inside their home because white social lifetends to revolve more inside their homes than in public spaces. Due to the fact that so much of black life operates in the public sphere, it is much easier to detect drug transactions and make the necessary arrests that support the continuation of law enforcement grants.

In addition, economics plays a role in explaining why blacks are targets more often for drug arrests than whites. Even though drug use is similar in racial groups, whites tend to use drugs for recreational purposes and do not deal in drugs out of economic necessity. Blacks on the other hand, due to living in economically distressed areas and because jobs are hard to find, tend to engage in drug transactions as a means to earn a living. Ironically, as Professor Tonry points out, for those at the street level, the economic gains in dealing in drugs is not very lucrative. However, because sheer numbers of arrests are all that matters to most local law enforcement agencies, it is much more advantageous to arrest low level drug offenders than drug “kingpins.”

Finally, race also explains why blacks are targeted more often than whites. As Professor Tonry documents, police stop blacks disproportionately more often on sidewalks and streets and generally find contraband at lower rates for blacks than for whites. Nevertheless, he further notes that because so many more blacks than whites are stopped, the same or somewhat lower arrest rate produces vastly larger numbers of black than white people taken into custody. In addition, there is a perception both in law enforcement and with the public at large that is strongly promoted by the media that drug use by blacks leads to much greater crime than drug use among whites. Thus, Professor Tonry concludes that this narrative lends support to public officials, policy makers, and their constituents that not only should criminal penalties be increased for offenses involving drugs but that also black communities should serve as the primary battlefields in the war of drugs.

Besides the war on drugs, the militarization of law enforcement has contributed the most to racial disparities in the criminal justice system and the consequent harm to black communities. The militarization of the police, with its reliance on the use of military styled (or issued) equipment, SWAT teams and aggressive police tactics has treated all the residents in a community as suspects and potentially dangerous. It has also created a surveillance state where police constantly patrol certain neighborhoods, engage in “*Terry*” type searches *en masse* without even articulating a reasonable suspicion that the person might be armed and dangerous, and, as Professor Goffman observed, regularly conduct raids on homes to execute arrest warrants and forcefully question residents regarding the whereabouts of loved ones.

This militarization of law enforcement has caused the alienation of entire communities, humiliated countless innocent people, and targeted countless more minorities for arrests for possession of small amounts of drugs. In addition, the militarization of law enforcement has forfeited the cooperation of the community, focused on the detection of low level drug cases at the expense of more serious crimes, and has substituted traditional policing methods for methods that are more akin to patrolling hostile or occupies territories. As Professor Goffman has pointed out, the effect of these unprecedented levels of imprisonment along with the more hidden systems of policing and supervision that have accompanied them has caused “the criminal justice system to

occupy a central place in the lives of [young black males living in these communities] and by extension in those of their partners and families” and “has become a principle base around which they construct a meaningful social world.”

The phenomena of mass incarceration and the militarization of law enforcement that has created the serious racial disparity in prison commitments will continue unless our approach to dealing with drug use and the way we police communities is changed. Moreover, reforms in the criminal justice system that advocate changes in sentencing laws, promote alternatives to incarceration, and improve parole decisions will not significantly alter this reality. As Professor Alexander so aptly notes, “the first and arguably most important point is that criminal justice reform efforts – standing alone – are futile.” Instead, the only way to meaningfully reduce the numbers of persons being sentenced to prison or placed on community supervision is to significantly reduce the number of discretionary arrests for drug offenses, especially drug possession offenses.

The statistics cited by Professor Tonry clearly indicate that it is the rise of discretionary arrests for drug offenses that is feeding the expanding prison systems in the United States. As previously noted, while in the 1970s the incarceration rate in the United States compared to other countries was essentially the same, Professor Tonry further demonstrates that starting in the late 1970s and 1980s the incarceration rate per 100,000 adults in the United States started to expand rapidly while the rate in Canada and Europe remained constant. As such he points out that had

the United States locked up its citizens at the same rate Canada locks up its citizens (around 100 per 100,000) consistently for the past forty years, the number of black prisoners would have declined by 70% to 90%, even if the current racial disparities in imprisonment had remained unchanged. Or as he also states “fewer than half of the Black Americans in 2010 would have been there had 1980 [incarceration] rates continued, and fewer than a quarter if 1970 levels had continued.”

The only way to significantly reduce the number of prison commitments is to end the war on drugs and the concomitant militarization of law enforcement. Moreover, the only way to end the war of drugs is to withdraw federal dollars that reward making large numbers of drug arrests, treat drug abuse not so much as a criminal justice matter but as a public health problem that incorporates an emphasis on harm reduction and substance abuse treatment, and change the culture and practices of contemporary law enforcement. This latter shift away from the militarization of policing can be accomplished by ending the donation of military equipment by the federal government, adopt more widespread community policing, but most importantly, go back to traditional law enforcement practices that emphasize good police work, working closely with the community, and focusing on preventing serious crimes. The alternative is to continue with policies and laws that are socially, financially, and morally bankrupt.

Todd Jermstad, J. D.

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NEWS FROM THE FIELD

STEPHENSON COUNTY BOARD RECOGNIZES RETIRING PROBATION DIRECTORS

In August 2015 officials in Stephenson County, Illinois, recognized two retiring probation administrators.

For 36 years, **Darrell Pauley** served as a probation officer for Stephenson County, and for more than a decade as Chief Probation Officer.

Upon announcing his retirement, county officials made sure that his service did not go unrecognized. In the county seat of Freeport they presented him and assistant probation director **Gary Eilders** with plaques for their contributions to the county. Eilders had been with the department since 1977 and retired earlier in the summer.

“Thank you for your dedication,” Stephenson County Board Chairman **Bill Hadley** said. “I hope you enjoy your retirement.” Board members gave Pauley and Eilders a standing ovation.

“I’m proud of the staff,” said Pauley on his last day. “There’s a lot of dedication.”

He didn’t want to say much else. While appreciative, he said he’s uncomfortable with the attention he’s been getting for his years on the job. But he’s looking forward to being responsible only to “my wife, my house, and my dog.”

“I’ll miss the people I worked with,” Eilders commented. “They made my job very easy.”

SINKS HONORED IN INDIANA

On September 4, 2015, an open house was held in Rensselaer, Indiana, to celebrate the dedicated service of Chief Probation Officer **Michael E. Sinks**, who recently retired from the Jasper County Probation Department. Sinks joined the Jasper County Sheriff’s Department as a Deputy in January of 1976, and in February of 1978 was promoted to Sergeant, where he held the rank until July of 1980, when he was appointed as a Probation Officer by the Honorable **Michael S. Kanne**. In November of 1999, Sinks was appointed Chief Probation Officer and has maintained that position for the past 16 years.

In recognition of his service to the Indiana criminal justice system, Sinks was honored with the *Sagamore of the Wabash Award* received from Governor **Mike Pence**. The *Sagamore of the Wabash* is an honorary award created by the state during the term of Governor **Ralph F. Gates** (1945-1949). The word “sagamore” was the term used by Algonquian-speaking American Indian tribes of the northeastern United States for the tribal chiefs. The Wabash is the “State River” of Indiana and major tributary of the Ohio River. Each governor since Gates has presented the certificates in his own way. Among those who have received this award have been astronauts, presidents, ambassadors, artists, musicians, politicians, and citizens who have contributed greatly to “Hoosier” heritage.

Replacing Sinks as Chief Probation Officer is **Michael E. Spangler**, who had served as a probation officer with the department.

PRISON POPULATION IN THE UNITED STATES DECLINED ONE PERCENT IN 2014

State and federal prisons in the United States held an estimated 1,561,500 inmates on December 31, 2014, a decrease of 15,400 prisoners (one percent) since yearend 2013, the Justice Department’s Bureau of Justice Statistics (BJS) announced in a press release in September 2015. This decline reversed the increase observed between 2012 and 2013.

The federal prison population accounted for almost a third of the total decline in the number of prisoners at yearend 2014. There were 5,300 fewer prisoners in federal facilities on December 31, 2014, than on the same day in 2013. This was the second consecutive decline in the federal prison population since 2012. States held 10,100 fewer inmates at yearend 2014.

The number of males sentenced to more than one year decreased in 22 states and the federal Bureau of Prisons (BOP), and the sentenced female population decreased in 17 states and the BOP. The number of females sentenced to more than one year in state or federal prison increased by almost two percent between 2013 and 2014. This was the largest number of female prison inmates (106,200) since 2008 (106,400).

Mississippi had the greatest percentage decrease in its sentenced prison population in 2014 – down 14 percent (2,900 inmates) from yearend 2013. Texas, Louisiana, and New York all held at least 1,000 fewer prisoners on December 31, 2014, than they did on the same day in 2013. Arizona had the largest increase in number of prisoners, with 1,100 additional inmates in 2014.

Eighteen states and the BOP were operating at more than 100 percent of their maximum prison facility capacity at yearend 2014, and seven states housed at least 20 percent of their prison population in privately operated facilities (New Mexico, Montana, Oklahoma, Hawaii, Mississippi, Vermont and North Dakota). Since BJS began tracking the number of prisoners in private prisons on an annual basis, the size of this population has grown 90 percent – from 69,000 prisoners in 1999 to 131,300 in 2014. The use of private prisons was at a maximum in 2012, when almost nine percent of the total U.S. prison population (137,200 inmates) were housed in private facilities. In 2014, almost seven percent of state prisoners and 19 percent of federal prisoners were held in private facilities.

The total imprisonment rate for those sentenced to more than a year in state or federal prison decreased from 477 per 100,000 U.S. residents of all ages in 2013 to 471 in 2014. Among U.S. residents age 18 or older, 612 people per 100,000 were imprisoned on December 31, 2014, down from 621 at yearend 2013.

An estimated 516,900 black males were in state or federal prison on December 31, 2014, on sentences of more than one year, which was 37 percent of the sentenced male prison population. White males made up an additional 32 percent of the male population (453,500 prison inmates), followed by Hispanic males (308,700 inmates or 22 percent). White females in state or federal prison at yearend 2014 (53,100 prisoners) outnumbered black (22,600) and Hispanic females (17,800) combined. Other key findings included:

Executive Exchange

Ten percent of the sentenced prison population was age 55 or older (151,500 prisoners), while two percent was age 65 or older (34,000 prisoners).

In 2013, the most recent year for which offense data were available for the state prison population, 16 percent of state prisoners were serving sentences for drug offenses, while the majority of state prisoners (53 percent) were convicted violent offenders.

Seven percent of federal prisoners were serving sentences for violent offenses and 50 percent for drug offenses on September 30, 2014.

BJS also updated its dynamic online Corrections Statistical Analysis Tool with 2014 data on prisoners. The data tool allows the media, stakeholders and other BJS website users to analyze prisoner data by yearend populations, admissions, releases and many other prisoner characteristics.

The report, *Prisoners in 2014*, was written by E. Ann Carson of BJS. A summary may be read at: http://www.bjs.gov/content/pub/pdf/p14_Summary.pdf.

To read the full report, go to: <http://www.bjs.gov/content/pub/pdf/p14.pdf>.

POLISH PROBATION DELEGATION HOSTED BY CMIT AND NAPE



On October 1-8, 2015, the National Association of Probation Executives (NAPE) and the Correctional Management Institute of Texas (CMIT) at Sam Houston State University (SHSU) in Huntsville, Texas, hosted a delegation of Polish probation personnel.

Members of the delegation included: **Romuald Burczyk** (Head of Delegation), Chairman of the Board, Fundacja Większe Mniejsze, Piła; **Adam Burczyk**, CEO, Chairman of the Board, Business Communication Group (Probation Officer Academy of Poland), Piła; **Małgorzata Cherezińska**, Senior Probation Officer, Pabianice; **Bożena Stabla**, Senior Probation Officer, Opole; and **Artur Cieliński**, Senior Probation Officer, Przemyśl. This visit was the result of a relationship developed by **Dan Richard Beto**, Chair of the International Committee and a NAPE past President, and **Piotr Burczyk**, a former probation administrator who created the Probation Officer Academy of Poland. This was the second probation delegation from Poland to visit Texas at the invitation of NAPE and CMIT; the first occurred in May of 2005. Interestingly, Piotr Burczyk, the father

of Adam and Romuald Burczyk, was a member of the first delegation a decade ago.

Persons directly involved in coordinating the delegation's agenda were: **Christie Davidson**, CMIT's Assistant Director who is also NAPE's Executive Director; **Michaelanne Teeters**, a CMIT Program Specialist; and **Doug Dretke**, CMIT's Executive Director. Also spending time with the delegation were: Professor **Jurg Gerber**, Chair of the Department of Security Studies in the College of Criminal Justice and Director of International Initiatives; **Magdalena Denham**, Assistant Professor in the Department of Security Studies; and **Phillip M. Lyons**, Dean of the College of Criminal Justice and Director of the George J. Beto Criminal Justice Center at SHSU.

On their first full day in Texas, members of the delegation traveled to Bryan, where they met with Beto. They also visited the Brazos County Community Supervision and Corrections Department, and met with Director **Jennifer Goerig** and Office Manager **Traci Conde**, who gave them a tour of the department and the courthouse and provided an informative briefing about probation caseloads and practices. The delegation also met with District Judges **Steve Smith** and **Travis B. Bryan, III**, and with other court and probation personnel. The historic Chicken Oil Company – a genuine Texas beer joint – was the site of an enjoyable lunch. In the afternoon the delegation was provided a tour of the Hamilton Unit of the Texas Department of Criminal Justice. Following the prison tour, the delegation attended a reception at the Beto residence. Prior to returning to Huntsville members of the delegation were guests of Beto and his wife, **Donna Beto**, for dinner at Christopher's World Grille.

The following day the delegation attended tailgate activities and the "Battle of the Piney Woods" – the football game between Sam Houston State University and Stephen F. Austin State University (SAFSU) – at NRG Stadium in Houston. Fortunately, the SHSU Bearkats beat the SFASU Lumberjacks. Accompanying the delegation were Gerber, Denham, and Dretke.

The delegation was driven to Galveston on Sunday for the 43rd Annual Chief Probation Officers Conference, a CMIT deliverable. During the four days they were in that historic coastal city, members of the delegation were provided a tour of the Galveston County Community Supervision and Corrections Department by **Janice Bane**, Director, and **Dan Moore**, Assistant Director. They also met with District Judge **Lonnie Cox** and other court personnel.

While attending the conference, the delegation met with **Todd Jermstad** and **Javed Syed**, members of the NAPE Board of Directors and the International Committee. Other NAPE members the delegation met included **Leighton Iles**, **Caroline Rickaway**, **John Wilmoth**, and **Tobin Lefler**, a member of the NAPE Board of Directors. They also had an occasion to meet with NAPE President **Marcus Hodges**, who was in Galveston to deliver remarks at the conference's closing session, and with NAPE Vice President **Ronald Schweer**, who was a presenter at the conference. During the conference, the delegation made a brief presentation about probation issues in Poland and the importance of international cooperation, which was well received.

When not attending sessions the delegation engaged in organized sightseeing activities and dined at some of the city's popular restaurants.

Upon returning to Poland, Romuald Burczyk wrote a lengthy letter in which he thanked the organizers for an excellent program that allowed the delegation members to get a better grasp of the Texas criminal justice system, to meet many interesting people, and to get to know many wonderful places.

CALIFORNIA GOVERNOR APPOINTS JENKINS TO COUNCIL ON MENTALLY ILL OFFENDERS

On October 16, 2015, California Governor **Edmund G. Brown, Jr.**, announced the appointment of **Mack Jenkins**, 60, of Irvine, to the Council on Mentally Ill Offenders. Jenkins has been Chief Probation Officer at the San Diego County Probation Department since 2007. He served in several positions at the Orange County Probation Department from 1977 to 2007, including division director, assistant director, supervisor, and deputy probation counselor.

Jenkins was an adjunct instructor of criminal justice at the Rancho Santiago Community College District from 1992 to 2007. In addition to the National Association of Probation Executives, he is a member of the American Probation and Parole Association, National Association of Drug Court Professionals Board of Directors, and the California Judicial Council's Task Force for Criminal Justice Collaboration on Mental Health Issues. Jenkins earned a Master of Science degree in criminal justice from California State University, Long Beach. This position does not require Senate confirmation and there is no compensation.

ALICE HAFNER PASSES AWAY IN VERMONT

On October 18, 2015, Vermont correctional leader and past President of the New England Council on Crime and Delinquency **Alice McDonald Hafner**, age 90, passed away. Her obituary, in part, reads as follows:

She was born on the family farm in Danville, Vermont, on May 9, 1925, the daughter of Plynn H. and May Wilson McDonald.

Alice graduated from Phillips Academy, Class of 1941 and from the University of New Hampshire, Class of 1944. Upon graduating from UNH, Alice worked at Oak Ridge, Tennessee, where the first nuclear weapons were developed by the Manhattan Project. After the war she continued her career working in Boston where

she met her future husband, Amos Taylor Hafner. They were married on the McDonald Family Farm in 1947. Alice and Amos lived in Arlington, Virginia, from 1950-1966 where they started their family.

In 1970, Alice began a long and distinguished career for the Vermont Department of Corrections as a probation and parole officer. She retired in 1987 as District Manager of Northeast Probation and Parole. In 1988, Alice was appointed to the Vermont Parole Board by Governor Kunin, and continued serving under Governors Snelling, Dean, Douglas and Shumlin. She was Chair of the Board from 1991-1993. On her retirement from the board in 2012, the Vermont General Assembly passed a resolution recognizing her "for outstanding public service on behalf of the Vermont criminal justice system." Alice was active in town affairs serving on the Danville Planning Commission, the Danville Historical Society and as a Danville School Director, a Justice of the Peace, a commissioner of the Danville Green Cemetery and the clerk of the Fire District No. 1(42 years). Alice was named the 2002 Danville Citizen of the year. She was a member of the Danville Congregational Church and The Order of the Eastern Star.

Alice was predeceased by her husband, Amos Hafner in 1970 and her sister, Catherine Beattie in 2014. Family members surviving include a daughter, Agnes H. Boswell and her husband, Luke; a son, Charles M. Hafner and his wife, Marion; four grandchildren, Taylor Boswell and his wife, Elizabeth, Isabel Boswell and her fiancé, Scott Phillips, Daniel Hafner and his wife, Meghan MacLean, and Scott Hafner and his partner, Chelsea Williams; a great granddaughter, Alice Boswell; nieces and nephews, Virginia Sullivan, Alice "Pappy" Farr, Jane Kitchel, Mary Beattie, Thomas Beattie, Marion Cairns, Martin Beattie, Holly Beattie, Marilyn "Gilly" Beattie, Kitty Toll, and predeceased by Harold "Occie" Beattie.

A memorial service was held on Saturday, October 24, 2015, at the Danville Congregational Church in Danville, Vermont. Memorial contributions may be made to the Danville Congregational Church, 87 Hill Street, Danville, Vermont 05828, or to the Danville Rescue Squad, 379 Brainerd Street, Danville, Vermont 05828.

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		

Please make check payable to **THE NATIONAL ASSOCIATION OF PROBATION EXECUTIVES** and mail to:
NAPE Secretariat, ATTN: Christie Davidson, Correctional Management Institute of Texas, George J. Beto Criminal Justice Center,
Sam Houston State University, Huntsville, Texas 77341-2296
(936) 294-3757

NAPE

NATIONAL ASSOCIATION OF PROBATION EXECUTIVES
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