

**OJP**

**Rethinking Probation:  
Community Supervision,  
Community Safety**



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The Report from the Focus Group

Dangerous Opportunity: Five Futures for Community Corrections

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## Introduction

For two days in December 1998, thoughtful leaders and innovators in probation and parole gathered for a strategic discussion sponsored by the Office of Justice Programs, U.S. Department of Justice. We put to them the following questions:

- Are we at the dawn of a golden age of probation and parole? Has practical and scientific knowledge accumulated to the point where improved community supervision of offenders can make a big difference to the public?
- Or is this a moment of great risk and vulnerability? With correctional resources increasingly allocated to imprisonment, does community corrections have the operational capacity to produce something the public wants? Would public value flow from reinvestment in probation and parole supervision?

The ensuing conversation did not rehash the recent "what works" literature, on which many of the participants are drawing as they devise new correctional programs, nor was it given over to show-and-tell—though the participants' accomplishments are many. And it did not wallow in wishful thinking: "If only we were given enough resources ...." The conversation was, instead, a critical examination of community corrections at the end of the 20th century—a session rich in practical wisdom and candor.

Our task is to give readers an opportunity to hear some of that conversation, to think about what it portends for the future of this field, and to decide whether the moment is, as most of those present thought, one of "dangerous opportunity" for probation and parole. "Dangerous opportunity" was best expressed by one participant's introductory remark:

Despite a proliferation of outstanding cutting-edge programs, for the most part and in most places public regard for probation is dangerously low, and for the most part in most places what passes for probation supervision is a joke. It's conceptually bankrupt and it's politically not viable. I'm very optimistic in the face of that, because I know the models [that people around this table have] developed, and I think they can add up to a regenerated probation that will have real public value. I throw in with those who think our crisis is not primarily one of finance—though those issues are real—and not primarily one of technique, but one of value: we have to recognize that we won't have broad public legitimacy, that people won't buy what we're selling [unless we] connect with a set of values and purposes that people choose to invest in.

I'm confident we can do that.

In this report, we want to explore the contours of this "dangerous opportunity" for probation and parole, and then to outline briefly the possible futures for community corrections, as we glimpsed them in the conversation—what each future might hold, and how likely it is to come to pass. We see five possible futures:

1. Muddling Along
2. Principled Minimalism
3. Enforcing Court Orders
4. Community Justice
5. Advancing Public Safety

First, it is important to note the variety of organizational and institutional contexts from which our participants speak about community supervision of offenders: some are principally responsible for institutional matters, some for juvenile, some for

adult. Some run agencies which are responsible to courts, others are within the executive branch of a county or state. Some have responsibility for all or a part of community supervision within a correctional agency which is responsible for prisons as well, while others stand alone. Their operational capacities vary as well, within and among their agencies. A few are adequately financed and staffed, but most are not. They operate within political environments that vary from county to county, state to state and, sometimes, month to month. These variations begin to explain many of the differences of view expressed over the two days, and make remarkable the degree to which participants found themselves in agreement. (A list of those who participated over the two days and their institutional affiliations is appended.)

#### I. A Moment of Vulnerability—Reasons to Worry

There was near unanimity that the greatest threat to probation and parole today is lack of clarity about purpose. This lack of clarity emerged as confusion of means with ends: is placement in drug treatment the objective, or does supervision fall short of its purpose unless treatment leads to durable sobriety, which in turn reduces recidivism? Is speedy revocation of a violator's probation a purpose (a demonstration that offenders are being held accountable), a failure of supervision, or a means to induce self-regulation in the offender? Uncertainty about purpose also led to argument about what

problems the field should "own": is it safe to "own" the public safety problem when success so much depends on co-ownership of that problem by others?

Assistant Attorney General Laurie Robinson, in explaining why she had convened the meeting, focused everyone's attention on public safety as the inescapable, end-of-the-day purpose for investment in the community supervision of offenders:

I find it ironic ... that probation has not gotten [more] attention.... [P]olitically this is the arena where public safety occurs or doesn't occur.... [H]ow can we have a conversation about public safety in this country and not talk about the ... 3.9•million people on probation and parole. That's about three times the number of people behind bars.

A felt need for probation and parole supervision to advance the community's interest in public safety proved to be a persistent theme in the conversation, not least because of worries that conventional practices do little to safeguard persons and property in the communities where probationers and parolees are thick on the ground. But adopting probation and parole practices better suited to the community's interest in public safety was generally viewed as a challenge:

It's been amazing to me that when you ask your probation and parole staff to give you examples of what they do that protects the public, they're baffled ... [even when] I've asked that question in promotion panels ... where you're talking to seasoned officers.

These worries kept driving the group from full embrace of public safety as the responsibility of a probation or parole agency—worries about being held accountable for achieving something that is of value but is beyond their agencies' capacities.

But if advancing public safety is not the purpose, what is?

What Purpose Is Served By Probation and Parole?

Before a half-hour had passed, these worries about operational capacity and purpose were given a very sharp edge:

[T]here's a malaise in the public about our business ... but even more importantly is there's a malaise in our own house, in the profession. I said to some of our folks recently, "What would you do if you sat down with your townspeople and told them about your work?" and they said to me—and this is not uncommon, by the

way—"You mean, the truth?" And boy did that resonate with me, because we all know the party line and we all know the truth. And, you know what? Other people outside of our business have figured that out too.

The anecdote rang true to many around the table. Many agreed as well that, without the confidence and active collaboration of the community, where the informal agents of social control and the roots of political legitimacy are found, probation and parole will be stripped of the partners and the resources they need if their supervision of offenders is to be effective. As the conversation proceeded, it seemed obvious that, absent supervision that is effective in holding offenders accountable and in advancing public safety, the community will withhold its confidence and its collaboration.

[For some] people in probation and parole, there's a real fear about reaching out to the community, about bringing the community into their work—because [they] feel powerless and defeated, not necessarily with their day-to-day work with offenders but admitting that what they're doing is not necessarily working, and I think they're embarrassed by their inability to bring about some real change and there's a fear of looking inadequate.

The search for clarity about purpose and for confidence about operational capacity led many to explore the relationship between their probation and parole agencies and the communities they serve. Here is the first of many attempts to specify what operational capacity probation and parole need, and what they need to do with that capacity if they are to secure the public support and the resources that are essential to sustain it:

We need to learn how to work with communities—it's not what we do to them or for them but what we do with them. We have great opportunities now to [help make] safer communities... if we develop partnerships with law enforcement and with neighborhoods.... [F]ive things keep coming up that the public wants:

- (1) to be safe from violent crime
- (2) offenders to be held accountable
- (3) offenders to repair the damage they have caused

(4) offenders to get treatment where that makes for safe release from incarceration, and

(5) public [and victim] involvement in the decision-making process....

But the public wants public safety now, in their neighborhoods. They don't care about national crime rates. They want to know what's going on as they walk out of their door in their community. And so we have to provide public safety by holding accountable the offenders in their neighborhoods, but we also have to do what we now call the "what works" stuff [for public safety in the long run].... Do we have the organizational capacity to pull this off at this point?• Probably not, although we do have a lot [of the necessary techniques].

This was properly taken as a challenge—a challenge to create new relationships within agencies, with other agencies, between agencies and communities, and with offenders and victims. There were many examples given of success in creating such relationships, but there were many tales of frustration and disappointment too, and some reluctance to take up so daunting a challenge. This part of the conversation provided early glimpses of one possible "minimalist" future:

My fear is that we create this great plan but we don't have the staff that can implement it ... this is a moment [when] we have to really look at who we've got in our agency right now and how to best use them.

No one seemed to doubt the mismatch, in most agencies, between current operational capacity and the demands of producing what the public seems to want. But there was sharp disagreement about the wisdom of continuing to do business in a way that reflects capacity, if it does not also reflect demand:

If we ask what do we do best and then we build a strategy for our agencies, you know, if we stick to what we do best, that's gonna turn out terrific if just by happenstance what we do best is directly related to something valuable to the community. But if what we do best is not valuable that way—what a waste of talent and money and time. [As] crime problems, are somehow uniquely within the jurisdiction of the agencies here, the question becomes, okay, "What could we usefully do about those problems—at the individual level, at the group level, or in places [where crime is a problem]?"

These early exchanges framed a series of increasingly specific discussions about how the legal authority, techniques, and resources of probation and parole agencies might be effectively harnessed to other forces—principally the naturally-occurring forces of social control in neighborhoods—to generate or maintain public safety and offender accountability.

Who's the client?

One way the group tried to get clear about purpose was to ask, "who is the client?" With the community corrections field having some of its roots in the social work profession, "client" is naturally used to refer to offenders—who do have needs, and whose future behavior might well be improved by professional attention to those needs. But for a public agency with a public safety dimension to its mission, other clients vie for service:

A: Our officers are on a treadmill, you know, with their high case loads. You know, they can keep up but they're not getting anywhere. Our focus ... is officer accountability—making sure that they make sure their clients are doing what they're supposed to be doing. That's what I think our responsibility is to the court and to the public, and, you know, I think we do it okay—considering the numbers that we have.

B: I'm confused.... Is our client the victim? Is our client the governor? Is our client the other politicians? Is our client "the client"? Is our client the community? We're in the state of perpetual change. And I'm not convinced we ourselves know what we're changing for.

A: Would your answers to "what's the purpose?" and "what should you do?" be different, depending on the answer to "who's your client"?

B: I think so.

1. Is the offender the client?

The transcript reveals the question to have been asked rhetorically, whether the offender under supervision is the client. The implied answer was: "of course not." There was a lot of attention given to the utility of individual-level treatment, counseling, job programs and the like. But the value of these features of community supervision was gauged by the contribution they might make to public safety, through lower rates of re-offending by individual offenders. And doubts were expressed about the power of these mainstays of probation and parole to have lasting effect unless they are imbued with the principles advanced in recent "what works" literature. A major theme in the conversation became the tenuous connection between the public safety objectives of probation



and parole agencies and the treatment goals of the "service-providers" they engage. The related worry is that "referrals" rather than "outcomes" have become the measure of performance:

A: You know, supervision agents will say, "Well, it's not our job to be treatment people."

B: What do they say is their job?

A: Generally they'll say their job is to do referrals, you know? ... It's the brokerage model that sort of has the history within the field. So, that leaves a lack of accountability

C: How good have probation and parole been at holding treatment providers to account for the quality, the place, the timing, the effects, the plausibility of the treatments?

D: What we monitor has very little to do with what we're trying to achieve.

C: If you were measured by how many people got clean and sober, you'd damn well ask that question of the treatment agency, but since no one's asking you, all you have to report is how many referrals did you make.... You don't know if it's even producing sobriety, and the legislature wants to know if it's reducing recidivism.

D: Right. And so as a manager, right, you [want] to know about the sobriety. Same with the employment program—[you] want to know how many people have jobs [not how many went through the program].... I don't want for any program whatsoever. I directly and indirectly control all of our contracts, and [the providers] do listen, and we have specified outcomes.... The problem is that there's not one damn outcome that I'm being held to. And that's part of ... "What really is our purpose and what are we willing to own?"

E: The [other] complexity that always comes ... is, if I have somebody that's clean and sober, they have two other issues—

B: Yeah, and they always do, right?

E: And the agency—me as the agency—I've got two out of three covered, but I missed the third one. What's that worth? ... [W]e as a profession aren't clear about what we will be held accountable for and what we won't be.

B: I gotcha. The conversation did suggest that the field is getting much more sophisticated and exacting about what sorts of services will be provided to offenders on probation and parole, despite myriad difficulties such as these, and despite budgetary woes and rising caseloads. But

even where the "what works" research is informing the design of programs for offenders, and the assignment of individual offenders to them, the "client" in the end is not the individual—it is the public. Changes for the better in offenders' lives have value in themselves, but it is the hoped-for changes for the better in their behavior towards the rest of us that justifies referral to the program and the cost of the interventions. Participants in this conversation thought it obvious that this is the reason why authority and resources have been placed with probation and parole agencies.

Still, there were powerful challenges to the idea that sufficient public value would be generated by probation and parole getting better at the otherwise conventional business of treating the addiction and joblessness and other disabilities of offenders under community supervision:

The moment is right for some dramatic change ... and my fear is ... we tend to be incrementalists. I hear too many people hoping to get ... caseloads down to 60, [to get] resource-rich, wonderful treatment opportunities—and it's not the answer.... [T]he answer's getting rid of a caseload mentality altogether and sitting around the table with community members. They'll tell you what your mission ought to be. They're going to tell you what you have to do to keep that community safe, and what you can do, and if we can do that it's very exciting. The problem is ... while we want to make our work count more in the community, our legislature wants us to continue counting [referrals and] contacts that we're making in the field.

## 2. Is the court the client, and enforcement of its orders the purpose?

For many participants, particularly those with organizational homes in the judicial branch, questions about the purpose of their activity were answerable, at least reflexively, by reference to the directions found in court orders. The court's order, some argued, provides the framework for agency operations and for decisions in the individual case. Others objected that there were many cases in which there was no clear probation order, that the content of supervision orders is usually based on what the probation agents recommend and that, in either case, treating the court as client did not provide an independent, clear statement of purpose—even in the individual case:

The court may be sure it does not want that robber to rob anymore, but does it expect that offender's supervision to be revoked for drug relapse, for failing to make restitution, for changing residence without the [probation or parole] agent's approval?

Many participants noted that the percentage of cases in which probation orders are issued after consideration of pre-sentence reports (PSIs) has been declining in recent years, in part because of the rising use of sentencing guidelines. Many pointed out that, in fact, court orders in individual cases are increasingly lists of "standard conditions" which lack the particularity from which the court's real purpose might emerge. Here's one forceful expression of such objections:

Even for jurisdictions who are directly under the administration of the court ... I've long felt that [they have] suffered from feeling inherently empowered by being an agent of the court. I don't think that empowers them one bit.... If anything, I think it puts us at the mercy of court decisions, even though we may try and influence them. And I also think it reinforces a very narrow definition of our role and responsibility.... So I think [we] fall into that kind of victim mentality, in part because [we have] defined [our] power and worth as coming from the court.

Nevertheless, attention to the formal conditions of probation orders was viewed by almost everyone as critically important—important for offender accountability, but also for agency accountability:

[People want to] know: what percentage of restitution ordered was paid and how quickly? What percentage of community service hours was delivered and how quickly? What level of compliance was there with the electronic monitoring or curfews? What about other financial assessments? How many people got clean and sober and stayed clean and sober...? I think we have to be able to talk turkey about that.

In this view, a key measure of operational capacity (or lack of it) in probation and parole agencies is the level of offender compliance with the conditions specified in court orders:

It isn't necessary that people successfully complete probation—that's a definitional term. What is more the concern is that few people meet their court requirements and mandates, and so people may terminate from their period of probation when the period expires, but they have yet to complete their conditions, and may have actually neglected significant ones. So the question is: What is the role of probation? Is it to enforce the conditions, or is it to prevent and deter [re-offending]?"

A parallel conversation was taking place about the rationale for enforcing the conditions of supervision—even when there may be no direct public safety benefit of doing so:

I think most responses to violations get at another outcome which we're not talking about: I think people file revocations to protect the integrity of the criminal justice system. It has nothing to do with public safety. There's an independent justification for it... your just deserts, your penalty for this act is that you must do the following five things. If you don't do them, I'm gonna find another way to punish you.

Because many participants believe that their agencies create value for the larger community in part by avoiding the necessity and cost of prison when that is possible, there was ambivalence in the conversation about enforcing court-ordered conditions. A strong case was made, however, for the proposition that violations do not necessarily require imprisonment, even though public demand for accountability requires enforcement.

Even in serious violations—even, sometimes, including new offenses—I have found in some communities ... they didn't necessarily want imprisonment. [They wanted] revocation, they definitely wanted some form of consequence. Otherwise, they felt this person was continuing to be able to sort of thumb his nose at them and the system.

Another participant actually referred to enforcement of the court order as "the pinnacle of what it is we do," but emphasized the importance of securing offenders' compliance rather than securing revocation:

What tools do we have available to enforce those court orders that we receive? Five years ago we had the same wrench to enforce every court order that we got. We needed to find new wrenches, new tools, new things to try and enforce those court orders. Judges want people to pay money. How can they pay money if they don't have employment? How can they get employment if they don't have education? How can they do any of that stuff if they're using drugs and you're not able to get them off of them? So what tools we have or what weapons we have in our arsenal to cause certain things to happen [will determine whether we're] able to actually enforce those orders....

The discussion reached a level of considerable complexity and subtlety, raising questions of purpose not directly answerable by identifying "the client":

Is citing a person for a violation and sending them back a success or failure? It's a success if I've prevented them from committing a new crime. It's a failure if my goal

was to promote their success. What I want them to do is ... internalize community values. That is the best, long-lasting, least-costly means of protecting communities. I do that in a variety of ways, there are a variety of tactics that I engage in. Interfering with their lives, harassing them, letting them know I'm watching them is certainly one, and it's an important one, and it has residual benefits in terms of public safety [because I'm out there in the community], where I can accomplish more....

Q: And where, if you've failed to promote their success, you can catch them?

A: Right. But the question remains, what are the things ... we believe we can do to them to create productive law-abiding citizens, who can then go about without the extremes of our control ... to lead productive, law-abiding lives. Will they be able to work? Will they be able to raise their families responsibly? Will they be able to remain sober? ... [A]re we willing to accept the responsibility, 10 years out, for having done that—[even if] having attempted to do it we have not substantially affected the probabilities of success or failure and that those dollars would have been better spent in other ways?

Q: [But] if you're going to engage in these activities, putting your officers out there and everything, chances are you're going to increase the rate of catching people doing bad things that escaped detection before. So your failure rates [go up]?

A: The question is what you do when you discover those activities. When you go out and you discover your parolees or your probationers hanging out and using drugs, the question is what do you do to interrupt that behavior. What activities can you engage in? And if your only response is to lock them up and send them back to prison...

Q: ... then you haven't got accountability the way you want; you haven't got the public safety you want; you haven't got the deployment of public resources the way you want it.

While there was general agreement that conditions of supervision in court orders require enforcement, there was also agreement that failure to limit conditions to a plausible few simply sets offenders up for violation, which might be deemed the offender's failure, but might be understood as a failure of the agency's supervision:

The number of conditions, it's escalated over the last 20 years.... I'm working on a project where prosecutors, public defenders, probation agents, and the judiciary have got together to define, for drug-involved offenders, what the conditions of probation should [be in] their court order.... One is reporting, the other is going to their treatment, and the other is drug testing. And another is the small fine that goes with it. [We had] to redefine the nature of conditions because the average client, or the average offender, had somewhere around 12 conditions, you know. We wouldn't have expected them to complete 12.

Debate about whether the court is the client, and about whether enforcement of court orders is the core purpose of community supervision, spanned the entire meeting, erupting periodically. It was not settled, but substantial progress was made after several participants began insisting on answers to their question: "What problems are we prepared to own?" The clear consensus was that refusal to be held accountable for addressing some problems of general public interest is a sure recipe for a very pinched future indeed. If the court's order prescribes plausible measures for addressing problems of importance to the public, fine. If not, the court's order blocks agencies' use of their operational capacity to create public value. But it proved difficult for participants to hammer out consensus on what problems probation and parole agencies would be willing to be held accountable for—largely because of doubts about their current operational capacity to handle the problems nominated.

The list of problems that might be "owned" became too long before it became manageable: we could own whatever problems are specified in the court order; we could own punishment; we could own getting restitution for victims; we could own integrity in the correctional system; we could own harm reduction; we could own the internalization of community values by offenders and by our agencies; we could own the building of effective self-protecting communities; we could own reduction in fear; we could own the

restoration of victims and communities and the repair of relationships between them and the offenders in their midst. We could, more modestly, own the apprehension of offenders who fail to comply with supervision conditions. Or, more ambitiously, we could own the reduction of recidivism among those under correctional supervision, while they're under our supervision—or for the rest of their lives.

In any event, the group's discussion of court orders did not seem to advance its search for purpose:

Twenty, 30 years ago, people in this field, I think, viewed themselves as much more engaged both in the community and with the offender and you had ... people entering the field of probation with social work degrees. That has significantly changed, and if you ask a number of our probation officers, in juvenile or adult, what is their primary role or what do they really hang on to, even though they may ... desire to help out on other issues, "it's my role to make sure they abide by the orders the courts set for them...." But that does not necessarily reflect one damn thing about what the community wants or needs... or what the agency can do, and it tends to put us primarily in a broker, service referral role. [It] allows us to think more in terms of monitoring than any form of active intervention in the life of this individual or their community.

The final word on whether the court can usefully be thought of as the "client" goes to the participants who argued that tradition-bound officers' tendency to take refuge in the court's order might be used affirmatively, to attach them to new purposes and new methods:

A: Maybe there's an opportunity here . . . .[I]f in fact the culture or probation officers is to enforce the court order, then why aren't we investing a lot more time in how to shape that court order to increase [our use of community] guardianship, which could find its way into the court order?

B: I think when you enforce court orders you prevent further crimes from happening. You have opportunities to protect the public. And if we start looking at maybe different types of court orders, you're going to have a lot of opportunities for reweaving the community.... Court orders for victim protection in domestic violence cases, you shall pay child support. Court orders that include things like family group conferencing for reintegrating both the victim and the offender, we need to be looking, I think, at better use of court orders to accomplish public safety and to reweave the community. I don't see a difference between those at all. I think that we have opportunities to make them all one, you know, one goal.

### 3. Is the community the client, and its greater safety the purpose?

Throughout the discussion are references to assets held by the community—assets for effective supervision of offenders, and political assets for repositioning and refinancing community corrections. There is also repeated acknowledgment of the need for any public agency to produce

something of public value—suggesting that there is a public client.

The importance of this line of thought became clear in a discussion about whether it is desirable to notify communities of the identity and risks posed by offenders in their midst who are under probation or parole supervision. The conversation started with debate about the desirability and problems of sex offender notification—now required, in some form, in all states—but it broadened quickly. The question became whether community notification about the presence of offenders is desirable in general—as an end in itself or a means for invoking community participation in active supervision for its own safety. It was noted that this activity might be undertaken in quite different ways, depending on the purpose:

Q: Does it not make sense to highly publicize or circulate information in neighborhoods about at least those adults who are on probation?

A: Well, ...[i]f our primary concern is the reintegration of the offender, then we're gonna be slow to do it. If our primary concern is the safety of the public....

A: But isn't it a little more complicated? Whatever your primary concern, you've always got different cases, different places, different people, different types of crimes, different things you are worried about somebody doing. A lot of times the long-term safety of the community—and its tranquillity—depends on the successful reintegration of its offenders. But that can't be inconsistent with informing ourselves about the immediate public safety concerns—though managing potential conflict between the two is gonna be a problem.

Q: But there may be no conflict: A guy runs a small garage who learns, because he's a member of a neighborhood watch group or whatever, that I'm on probation in his neighborhood. He's just as likely to reach out and say, "Look, you're not working, what's going on with you?" "I don't have a job." "Why don't you drop by my machine shop tomorrow and I'll give you something to do." I honestly find that in poor and working class neighborhoods this is just as likely to be the effect of learning someone's on probation or parole as "We're gonna run you out the neighborhood." So you gotta notify if you're gonna expect the community to join you in the public safety job. But not just notify. You've gotta tell them about the role you're gonna play—otherwise you leave them saying, well, now I know what? I know that I'm at a risk of the same thing I've always been at risk of but now I know who it is. Why am I better off? I wouldn't want to go around telling everybody in my neighborhood who the offenders are without standing up and saying, "By the way, do call me, right? Call me if you see him where he's not supposed to



be."

There was similar debate and exploration of the purpose of other instruments of modern community corrections. Is community service by offenders part of their punishment? Or does its value lie in its use to create political support for community corrections? In its capacity to restore communities by physical repair of them? In the opportunities it affords to connect offenders to the labor market? Or is it an end in itself? But as these questions were addressed, there was increasing endorsement of the idea that the "community" is close to the right answer to "Who is the client?"

Of course, asking that question also revealed potential conflicts between possible clients, and between various purposes any one client might have. The complexity of crime victims' purposes helped define this dilemma: the (not universal) interest victims have in punishing the offender, and punishment's potential conflict with restitution to the victim; victims' common desire for apology, and the common failure of community corrections to realize that or to help victims secure it or to help offenders discover its restorative power; victims' desire to be kept informed about the offender being held accountable in an appropriate way, and their common desire to put the crime behind them. There was a keen sense of the legitimacy of these internally conflicting desires, but many around the table were uncertain what services probation and parole can and should deliver to crime victims, and what the purpose should be. Would the purpose be to advance public safety? To rehabilitate the offenders? To satisfy the properly aggrieved?

To many participants in the conversation, it seemed important to know the answer. But quite a few pointed out that attending to victims, like many conventional conditions of community supervision, may hold undoubted value for the community even when they have no obvious public safety effect. Community service was offered as an example:

What's the public safety dividend of community service? ... [T]here doesn't have to be one. There's an entirely independent justification for community service, irrespective of its impact. If it were neutral on public safety it would still be a good thing to do because public safety is not all that the public wishes to see ... served through probation. [I]f you asked them—if you spent enough time with them and said "well what is it that you really want to see probation do?"—they would say at least three things and public safety would be one of them, but they would say "I want to see this person pay a fair penalty for what they've done." And it's not clear to me that that necessarily has a public safety payoff.... They want the sentence to have that kind

of moral authority even if it doesn't change the life of the individual who receives it as a result, and I think that's an independent worthy justification for community service.... [T]he third one ... is that the victim be made whole or, in the absence of a particular victim, that the community be restored, [which community service does].

Finally, although there was excitement and optimism about embracing the "community" as the client, and about creating value for crime victims and other especially interested or vulnerable parts of that community, there was skepticism and even despair about the ability of probation and parole agencies to identify properly and to satisfy adequately such demanding and complex clients:

What has always been the problem of corrections, particularly community corrections, is trying to serve all these different masters.... We can expand ourselves way too much, which has been the history of corrections, and then we dilute the principle purpose of having supervised release—whether it's probation, parole, or pre-trial.... I found it really troubling that people want to go into these other areas, and we have to be very careful and ask is that really the role of probation?

The debate approached resolution when those arguing that probation and parole should be held accountable for advancing public safety, broadly defined, were challenged to limit the definition of this "public safety" purpose to the reduction of recidivism among offenders under supervision. The challengers nominated "recidivism reduction" as what community corrections should "own," not only because reducing recidivism would presumably have public safety benefits, but also because recidivism is something they believe probation and parole own whether they like it or not—because of widespread public expectations that this is *a* if not *the* primary purpose of probation and parole supervision:

Every legislative session that I've been to says we measure success in corrections, up and down, using recidivism as a part of that measure.... You know it's like the bad Christmas tie, or the vase that's the wrong color. We may not want it but we own it because somebody gives it to us—until we find a way to give it away to someone else....

Public Safety and Reduced Recidivism.

An important debate followed. What is public safety? How much would lower recidivism among probationers and parolees contribute to it? Those who argued for a robust conception of public safety argued that probation and parole would have to address community conditions giving rise

to public safety problems—not just re-offending by individuals currently under supervision. Those who argued that the community's public safety interest was properly addressed by reducing recidivism did so both because they worried that the more robust purpose would prove unachievable, and because the legal authority of these agencies is focused on individuals.

If the group was going to "own" recidivism, participants wondered how long was it to be theirs? "For the period of supervision" was an attractive answer and seemed more feasible than "for the indefinite future." But most acknowledged that the public's interest, and perhaps its expectation, is to be spared the probationer's or parolee's further crime for the indefinite future. And all acknowledged that the choice of supervision strategies is shaped by whether the responsibility is short term or long term or both. For offenders whose crimes are related to drug use, for example, long-term avoidance of recidivism might require tolerance of some substance-abuse recidivism during the short term, so that responses to early relapses do not prevent attaching an offender to the labor market, to family, and to community in ways that promise greater socialization in the long term.

But many participants in the conversation were attracted to the notion that public safety is more than a reduction of recidivism, that it is a condition found in places where people are free to live their lives without threat of criminal acts against their persons or property. There was frequent acknowledgment that this condition requires more than the reform of known offenders—it requires guardianship for victims, places, and offenders. "Guardians," as the term was used in this discussion, are persons who have protective relationships to offenders, to potential victims, and to places where they might come together under conditions suitable to a crime. Places enjoying public safety seem to have lots of naturally-occurring guardians, but probation and parole have guardianship responsibilities too, and it was argued that a robust view of these agencies' capacity to help generate public safety entails active pursuit of all three kinds of guardianship, most often in collaboration with others living and working in places where offenders under supervision, and their potential victims, are found.

Attractive though this conception of public safety was to many, the prospect of "owning" a problem for which this was the solution was daunting—partly because advancing public safety this way might be beyond the skills and inclinations of line probation and parole officers:

[B]y teaching [agents] to be offender-focused, we created one of the problems. We want them to engage communities but we're not teaching them the skills and the abilities that they need to go out and do that. Instead, we're teaching them how to

watch people, how to work with offenders, and how to document their activities.

That concern was coupled with worry that so many others—other agencies and individual actors not within any government agency—would have to be part of the solution to public safety problems conceived this way. The power of this reservation diminished somewhat when it was noted that "control" over an individual offender's recidivism is also dependent on persons outside probation and parole agencies—with the offender being an important independent actor.

The discussion finally revealed the fact that no one agency is responsible for public safety, not the police, not corrections, not probation, not the fire department. All have responsibility for matters which frequently relate to public safety, though in what manner is poorly understood. The case for a robust view of the public safety purpose of probation and parole was put in a number of ways. Reduced recidivism was found inadequate as a definition of public safety, by those who focused on the need to address the needs of crime victims, for example:

If you're concerned about public safety, you're concerned about the unknown offenders who make places in the community unsafe, as well as the known offenders on probation and parole. Also, ... most of the way we serve victims is to try to get them their restitution, but that's [possible] only for the known offenders ... so I don't think it's just the known and unknown offenders—it's known and unknown victims [and] I think we carry responsibility to all victims whether they got an offender attached to 'em or not.

But the following exchange captures the main argument:

A: Suppose you got a street corner with some probationers on it who are noisy and raising hell, and some non-probationers on it who are noisy and raising hell, and the [probation officer] comes and deals with his guys, right? Of course, the street corner is still noisy and [there's] raising hell and all the things that folks don't want to exist. Now, has the probation or parole officer done the public safety job?

B: You know, I'm not so sure that you can deal only with the known offenders [even if the purpose is to get the known offenders to stop].... [I]f our goal is to keep those known offenders law abiding, we have to deal with public safety where we find them, because those others are influences on the known offenders.... [T]o keep them from violating their probation, we have to set up an environment in which they can comply.

C: One subtle point.... one subtle point is you can use your leverage over the known offenders to deal with the other guys on the street corner, right? I mean, that's one of the things that you can do.

Still, there was great appeal to the idea that the public safety interests of the community are served by reducing recidivism among offenders under probation or parole supervision. It was put most clearly in these words:

I sense a reluctance in this group to really seize ownership for that which I think we can control and should be owners of. Recidivism and crime, for one. I mean it just seems to me at the very minimum we should take ownership of recidivism rates and crime rates of people under our supervision. And I personally think that so many offenders are under our supervision that that would in fact have a significant beneficial impact to the larger community. Yet, I go to APPA conferences and I hear that so many of my colleagues, you know, don't want to even measure it because they don't think it's something that we can control; they don't want to set up performance-based personnel systems where we track those specific outcomes and reward employees on recidivism rates for people on their caseloads. So it just seems like we shy away from biting the bullet, and to the extent that we're talking about prevention and all kinds of other things, valuable though they are, it shifts attention away from what we ought to be doing just as a bare minimum. Drugs is another one.... [P]robably two-thirds of everybody that we're dealing with has a drug problem. And we don't want to take ownership for reducing drug use among our caseloads.... And I think some of these very basic things that we might be doing could have a huge impact on our community if we were willing to take ownership of it and employ strategies that have worked in some areas.

Reducing recidivism and drug use seemed the most obvious—and might be the most realistic—strategy for probation and parole agencies which aim to serve their communities' interest in public safety. But the suggestion of it begged larger questions for some participants:

[W]e can wrap control around people while they're under supervision and reduce likelihood they're going to commit a crime and do absolutely no good down the road. So [it's not enough to say] public safety is the degree we have control over those people under our auspices at the time. Those of us who have been examining the "what works" literature and then applying the techniques, [to us] reduction of

recidivism means 3, 4, 5 years after I've got my hands off of them.

There were other objections, as well, to the idea that reducing the recidivism of probationers and parolees would suffice as the purpose of agencies from whom greater public safety is expected:

I'm okay with having a responsibility for reducing recidivism. I'm okay with that. [But] I'm not sure about "owning" that, because doesn't that shift the responsibility or the burden away from the offender? Also, if you take ownership of it and then you try to develop strategies to resolve it or to reduce recidivism, I mean we can do that easily by just locking every technical violator up.... And that's happened in a lot of jurisdictions. And then there's the public saying, or the government saying, wait a minute, there's too many people in jail for probation violation, you're locking too many people up.

But the most powerful objection went to the very idea that probation and parole could plausibly create public safety—no matter how it was defined:

Do we have the capacity to produce public safety? ... I am overwhelmed by skepticism. What's the underlying hypothesis of offender casework? By [reducing the recidivism] of individuals there will be greater safety for the community? [Why would we expect] aggregate effects? What is the hypothesis of community justice? By focusing on places rather than people there will be some increase in public safety?... Everybody says, "Well, community justice and getting the officers out of the office and working interactively with the community is a better way of doing it." It's certainly better than the old caseload-centered, individual-centered referral-based approach, so it's relatively better than that. But is it better than other things that we can be doing? ... And I find myself asking, "Are we not being self-serving?" We have a need to find a way for the work that we do to have meaning. Are we searching for a way to legitimate what we do? Are we being dishonest about the fact that, however resource-poor we are, it's still a lot of dollars we're spending on community supervision•and those dollars spent another way could perhaps improve our communities' safety more effectively and more efficiently.

Powerful though these questions were, in the ebb and flow of the conversation, few were shaken from a belief that the community's public safety problems are inescapably the ones probation and parole must take on, and that the future will be bleak indeed if the challenge is avoided. This

comment best sums up the mood:

It seems like we're [arguing] a little bit more about owning strategies than owning the outcome or the problem. And frankly ... folks really don't care how we get to safety within a wide range of parameters as long as we're not brutally harsh on folks or terribly lenient on folks. Whether it's visiting nurse-type strategies, which seems to make sense and have at least face validity, or enforcing court orders, or both, folks want to be safe today and they want to be safe tomorrow, and they want justice and want some restoration and so on.... [T]he reality is that we live in worlds where folks are not enforcing court orders very well or doing the community, the visiting nurses concept very well, but they're doing a bunch of [other] things ... and they're recording those activities like the gnomes of Zurick on pieces of paper, unrelated to outcome. It's crucial for us to recognize that we need to step ahead a little bit in our thinking ... because [although some of your probation and parole] officers are out there, it seems to me that, in a large number of probation departments, their officers aren't even out there. So it's not even like an add-on for those folks; they can't even talk about the surveillance stuff or the enforcement of court orders stuff ... And they can't scan the environment regarding the visiting nurse concept because they're not even in the homes, in large numbers of jurisdictions.... But let's not talk even about owning strategies until we're sure that those strategies produce the relevant outcome.

The group's attempts to define a role for probation and parole, in relation to the community, to specify the public safety benefit their agencies might produce—and to agree on a problem they are prepared to "own"—was exhausting, in part because of the enthusiasm of some and the deep reservations of others. Proximity to "dangerous opportunity" drew this remark from one:

I can't say I own public safety. I can say I will be an active, vibrant, contributing, aggressive member in attempting to contribute to public safety. Where are judges, where's the prosecutor, where's the police? I can't own public safety. If I'm going to leave here, I'm going to check into a mental hospital instead of going back [home] because I can't handle the verbiage.

## II. A Moment of Opportunity—Grounds for Optimism

Plenty of doubts and uncertainties were put on the table, as participants canvassed the

reasons why community corrections is vulnerable at this moment, but the conversation was punctuated with strong arguments for optimism—opportunity was in the air. Grounds for optimism and descriptions of the opportunity were embedded in the personal experiences participants recounted, some of which we will simply quote. There were many descriptions of managerial, political, and substantive successes, but the optimists implicitly and expressly acknowledged a few important contextual developments which reveal and shape the strategic opportunity they see.

***First, demand is high.*** While the public may lack confidence in probation and parole, in many places, the public needs effective community supervision of the millions of offenders in their midst who, unsupervised, pose public safety threats. And the public knows it. The demand rises almost by necessity from the routine operations of the criminal justice system. The majority of offenders cannot be imprisoned at sentencing—if only because there cannot be enough cells—and almost all who are imprisoned must in time be discharged. Expecting public safety gains or not, 48 of the 50 states do not return inmates to the community without parole or another form of correctional supervision. So the flow of offenders needing supervision—from the sentencing courts and prisons, to the community corrections agencies—is staggering, particularly in light of the limited resources available to manage the risks they represent. But, as Assistant Attorney General Laurie Robinson hinted when she opened this conversation, threats to public safety arise most obviously from the offenders in our midst—not from those who are presently incarcerated. In this sense, parole and probation orders are expressions of demand—demand for a kind of correctional supervision in the community which actually advances the community's interest in public safety there. Few public or private enterprises enjoy such a predictable, high and rising demand for the service in which they enjoy a monopoly interest. In this respect, overwhelming caseloads evidence unflagging demand for the very things the participants in this conversation want to produce.

***Second, the competition is weak.*** On the surface, public demand for imprisonment is insatiable. That may be less because the public has confidence that ever more imprisonment will enhance its safety than because it knows of little else on which it can rely to hold offenders accountable for past conduct and to prevent them from causing future harm. But the public is not unaware that those who are imprisoned are returned in a condition not much improved from the one that led to their



imprisonment. Ironically, the more use is made of imprisonment—the competing penal measure—the greater the demand for community corrections. This is because, after a brief respite, each additional prisoner returns, very much in need of effective correctional supervision—and because a failure to supervise them effectively upon their return substantially undermines any lasting public safety benefit the public gets from imprisoning offenders in the first place. Prisons, numerous though they are, lack the physical capacity to assure public safety and are located, not in the community where the threats to public safety arise, but in facilities far removed in time and place from the actual threats to public safety. Community corrections is simply in an extraordinarily good strategic position.

***Third, the re-engineering underway in other parts of the criminal justice system is generating opportunities and useful lessons for probation and parole.***

"Community policing" and "problem-oriented policing" have transformed operations in a number of major police departments, positioning them to engage communities in new ways, to create and maintain public safety. It was clear from our conversation that many in community corrections are close observers of these developments in policing, and are deploying correctional personnel and resources to take advantage of those lessons and of the new police practices. Not only have a number of community corrections agencies explicitly adopted problem-solving and community-engaging approaches developed by police departments, they have discovered that these developments in policing make partnerships with police plausible—and in some circumstances more effective than the autonomous activity of each. Similar opportunities are presented by the community-engaging and problem-solving activities increasingly found in other elements of the criminal justice system: drug courts, community prosecution, and the bundle of initiatives generally identified as "community justice." In all of these developments, the strategic idea is to bring to bear on public safety problems bottom-up forces that more powerfully shape public safety than the criminal justice system acting alone. While these innovations are not always well-defined, and while their specifics are enormously various, they afford additional grounds for optimism in probation and parole—about the potential gains of focusing on and engaging communities as well as individual offenders, and about communities' willingness to be engaged.

In our conversation, far more descriptions of innovative approaches to community

corrections were offered than we can sketch here: community and restorative justice programs in Oregon; juvenile court interventions in Detroit; imaginative deployments of an influx of new community corrections agents in North Carolina; operation Nightlight in Boston; active partnerships between community corrections and neighborhoods in New York, in Wisconsin and elsewhere—each of which plausibly claims to be advancing public safety.

To summarize all that testimony here would render it lifeless. Instead, we set out in some detail the edited remarks of three unambivalent optimists. First, Mark Carey describes how, in the face of declining resources and rising caseloads, Dakota County, Minnesota, manages substantial new engagements with victims and with communities. Then, Norman Helber detailed the benefits he sees flowing from a style of community-oriented, place-based offender supervision he has been able to develop in various neighborhoods of Phoenix, Arizona. Gerald Hinzman then mapped the complex ways in which his Correctional Services Department in Cedar Rapids, Iowa, now relates to the public it serves.

#### MARK CAREY

We're a very fast growing county: Our offender population [14,000] is growing by 14 percent a year.... Our budget and staff is increasing by about 8 percent a year. So, since 1991 when I arrived in that county, we have been losing 6 percent a year. That's why we've reorganized four times since 1991....

We had a very interesting dialogue with staff when we had budget cuts last year.... I came in with a bag of Legos, and I built up three towers. Tower 1 was made of red Legos; it was this high. Tower 2 was yellow; it was about half that size. And tower 3 was green and barely rose above the surface. What I said is: "These are the resources we're allocating in the department. That red tower is for offender services. We are almost all offender services. Fortunately, through our restorative justice initiative, we've built up Victim Services. It's about half as tall. And, finally, the community, which is our third customer, is barely a blip on our screen." The budget cut discussion resulted in staff saying things like: "I think we ought to move some of those blocks out of Victim Services and put them on the offenders' side, because we're not doing a good enough job with them." Others said, "No, we gotta balance this out." It was a very interesting discussion [until] I shoved all those Legos into a

garbage can and presented a new model—a square that had all three colors sprinkled through it. And that was the message to them... we have three customers, and everybody in this agency is required to come up with case plans for supervision of offenders that have outcomes related all three customers—offender, victim, and community. So, each case plan drives that home. [It has to] ask three questions: "What are you, the offender, going to do to reduce the possibility of committing new crime? Second question: What are you, the offender, going to do to restore your crime victim? And the third one is: What are you, the offender, going to do to give back and involve the community?"

Sprinkled throughout this construct, then, are restorative and community justice initiatives. There's a bunch of them. I'll only mention three.

One is community conferencing: This is where we have very significantly involved the victim and the community—ranging from victim/offender dialogue to family group conferencing to circle sentencing, which has ... involved citizens to a degree that I've never seen people involved before, where they're actually deciding, with the judge's participation, what the sentencing should be for felons in their community.

The second major one is school-based probation, which has had tremendous influence in our partnerships with both the schools and the community. And the third is our law enforcement initiative, where we're teaming with law enforcement to address the needs of the top 30 high-risk kids in the community.

So, the construct is there for managing [14,000] offenders, and sprinkled throughout are the restorative and community justice initiatives that are formulated through the case plans and programming.

NORM HELBER,

CHIEF ADULT PROBATION OFFICER, MARICOPA COUNTY, ARIZONA:

About five years ago, I was seated around a table [with] a lot of bureaucrats from various government [agencies] dealing with justice, and a lot of citizens, and the topic was ... crime. The sheriff wanted to talk about the need for additional [jail] capacity.... The prosecutor talked about how they should address the crime du•jour,

whatever that was five years ago. And I spoke about the need to get community buy-in on what we were then calling "intermediate sanctions." Seated next to me was a woman who said, "I'm so disturbed at what I've heard from all of you. You don't get the point. You don't see what crime is all about. I want you to talk about how I can go to the mall at night and shop and walk to my car without getting mugged." And this ... said to me that ... probation just wasn't touching the community.

[A little later] we wanted to have a probation presence in Garfield. A building was available, and a politician from the City of Phoenix said, "I won't stand in your way of moving into that building as long as every citizen in the Garfield neighborhood wants you there. But if there's one that doesn't, you're not moving there—I got news for you." That forced us to meet with the community leadership of Garfield ... a whole series of public meetings. At the last, we were talking about community service, how we were using the people we had on probation to help them beautify their neighborhood and make improvements. And a little old lady put up her hand and said, "You've got all these people and they're all on probation and they're willing to work for our neighborhood—I appreciate that. There's a lot of gang trouble and there's a lot of drug problems and there's a lot of cleanup they could do in here. But do you think you could have them on Saturday mornings take us for walks? Because it's too dangerous to walk around this neighborhood anymore." And I thought ... wonderful! And we did that.

Story No. 3 involves the Coronado neighborhood, nearby. Moved in there about three years ago. [W]e met again with all the community leadership and said, "What can we do in this neighborhood?" I was moving three probation officers in there ... and they started working on things I never would have thought of in my life were things the community was concerned about, [like] the speed of cars going down back alleys between the rows of houses—a danger for their children. Well, now we've completely rebuilt the Coronado Neighborhood Association headquarters, re-roofed it, painted it, gave them a landscape that gave something they were really proud of in that neighborhood. And when the probationers were all done [with that] work, the president of the Neighborhood Association invited all those people on probation over to her home for a cookout.... A year later, about a month ago, my wife and I were at a charity event•and were getting ready to leave and a woman approached me and said, "You're the chief probation officer, aren't you?" And I said yes and she said,

"Well, you probably don't remember me. We met at this meeting" And she said, "I just want to tell you about the three probation officers you have in this Coronado neighborhood"—and she preceded to name them, which I couldn't do. She named them, and she said, "Let me tell you about what they're doing and what they have done... You know, our neighborhood association met just a couple of weeks ago and we were talking about the impact the probation department has had in this community. It came down to this: If we had to lose one or the other, we would rather keep the probation department and lose the police." And I thought, it's kinda gone full circle.

GARY HINZMAN,

DISTRICT DIRECTOR, CORRECTIONAL SERVICES, CEDAR RAPIDS, IOWA:

One of our neighborhoods was really distressed about some crime issues and ... asked a lot of politicians to come out. It was a half-hour news special on all our television stations. The politicians were in the front row and then they had a bunch of bleacher bums like myself sitting behind them, looking like we were supporting them, and they talked... [But] afterward some people from the neighborhood approached [me] and asked what Corrections could do to help them. And so we made a commitment [and] we created a neighborhood survey that we distributed through the water bill for all of Cedar Rapids, asking what their key issues were. We were looking for drugs, gangs, public safety ... and they certainly were in the top 10. But No. 1 was: "There's not enough day care in our neighborhoods." No. 2 was: "Can somebody please help us raise our children? We're hardworking and our children are alone at night, latch-key kids coming home from school, there's gangs out here and we don't want them to get involved. Can anybody develop a program for these children after school?" So, we started filling some of those voids through a nonprofit foundation we created... [L]ater, as community policing was catching on in our communities, the neighbors came to us and said, "Gary, why aren't you involved in this? Your probation officers on the street have more impact than the cops do—because you know who all these guys are and we know that, and they're afraid. So, why aren't you involved in this?" So, we didn't have to ask for permission to get involved—the community came to us....

Now we have ... seven or eight very active advisory boards from the community for our broad-scope efforts, with ... participation from victims and from the community [to help us] introduce offenders into ... pro-social support systems in the neighborhoods they came out of, to make them citizens of that community. If we fail to do that, they're going to come right back through our system.

[We have] our partnerships between community corrections and law enforcement, and a special corrections unit of police reserve officers actually working for us ... doing surveillance and furlough checks. [But we also] have a community office, which we call a Family Resource Center, where human services, child protective services, victim support services, anti-violence groups, us, and the police are all co-located and providing holistic services. We have Byrne grants: one is for the collaboration between us and the law enforcement people; and the other is for the collaboration we have with a group of nonprofits where we identify families that are really dysfunctional, when we have somebody in that family under supervision, and then we develop holistic and wrap-around services for that entire family to deal with them at one time. Our private nonprofit foundation that gives us another way to deliver services using private money as well as public, and sometimes we match those together.

Finally, we have entered into a partnership with some private and some not-for-profit organizations to create another 501(c)(3) organization, as the umbrella organization, so we can share resources across jurisdiction boundaries, both private and public sectors. I think that [unless] you collaborate and build partnerships that are lasting, they can be very fragile, sometimes depending on one person within an agency to continue them. I think there needs to be a good foundation.

The significance of these accounts of innovation and optimism was given powerful emphasis by Mario Paparozzi, President of the American Probation and Parole Association, when he contrasted them with the style of community corrections supervision he encountered early in career:

My caseload was 6 blocks of high-rise housing projects. My colleague had the rest

of the block, and we were good—we won Parole Officer of the Year. We'd go out at 6:30 in the morning when everybody was asleep and just do a ton of home visits and make our "contact standards." I wasn't doing good supervision. I wasn't doing something valued by the community. But if a case went bad, they could pull my book and say "well, he not only met his contact standards, he exceeded them."

### III. Five Futures For Probation and Parole

#### (1) Muddling Along

Dangerous opportunities need not be embraced, and risk-taking is not always rewarded. Though optimism was in the air when this group met in December 1998, it might dissipate by summer, or by the millennium. Where probation and parole are demoralized and confused, where they work without clear purpose, under-resourced and lacking political support, uncertain of who the client is but focused on individual offenders, the future might look very much like the recent past. At first, we labeled this possibility the "shut-down future"—caseloads increasing to 500:1 and beyond, expectations falling to match, and resources finally vanishing. We have been present, as have many others, when budget officials ask whether anything the public values would be lost if the probation or the parole budget were zeroed out. Those are dispiriting moments for anyone who appreciates the public's need for effective community supervision of offenders. But it almost never happens. Extinction is not a likely future for probation and parole or their equivalents by other names: It is unacceptable to do nothing, and be seen doing nothing, when a convicted offender comes before a court for sentencing. "Probation" is undeniably useful to judges needing formal dispositions for offenders who are not to be fined or imprisoned; and post-confinement supervision has appeal for politically accountable officials, who are unlikely to commit to a public safety policy built on the idea that offenders emerge from prison sufficiently "corrected" to be dumped, unsupervised, in our midst.

So, "muddling along" is certainly possible. Of the current conditions which favor this future, the most important may be the difficulty leaders of the profession have agreeing on what the public would value, which community corrections is prepared to "own." A muddle is inescapable when the answer is any and all of: enforcing court orders, holding offenders accountable, reducing recidivism during the term of supervision, permanent reformation of offenders, creating or maintaining public safety, punishment, restitution, restoration of victims, restoration of community, crime prevention, fear reduction, harm reduction, embodying community values, keeping offenders drug free, and involving individual victims in correctional decisionmaking. The muddle is not without its appeal—to be accountable for everything is to be free of clear responsibility for anything. In addition, the future is tethered to the past by perverse but comfortable performance measures and accountability systems:

We have created a comfort level for ourselves, and particularly for our employees in leading them to seeing "accountability" as "accounting." We ... tout the financial

collection that probation officers do, how many contacts they have with probationers, how many drug tests we run each year... and how well they do meeting the supervision standards.... [W]e want to make our work count more, but the legislature wants us to continue counting "contacts" we're making in the field, because this is what has defined our role.

Police agencies face a similar problem, in trying to shift from reactive patrol to community-oriented problem solving: For decades, police were content (even eager) to be accountable for arrests rather than for safety and for swift response to crime scenes rather than for prevention of crime, and they now find the political environment slow to abandon the familiar measures of performance.

To escape a "muddling along" future, community corrections would need a coherent strategy for producing something valued by the public at large, something it has the authority and resources to produce, or which can be brought within its capacity by combination with others—by combination with other government agencies, or with "the community," or with both.

## (2) Principled Minimalism

This future is a stark but logical response to the "muddle." It would result from rejecting responsibility for advancing public safety, or restoring the community, or attending effectively to victims, or anything else so ambitious. To reduce the risk of failure, probation and parole would take responsibility for one easily measured (but possibly valuable) product, or take responsibility only for "catching backsliders" and delivering them to custody, or take no responsibility at all:

Years ago, Norval Morris said ... that judges, by and large, when they placed somebody on probation, they never wanted to see the person again. In the early days, probation was a "second chance." So no one expected anything. Our problem is that once we professionalized, we wanted to take probation and turn it into reality—and we blew it. But as a symbol of a community's response to give people another chance ... we're a success.

It was clear in the conversation, however, that minimalism need not be cynical, and the most principled course might be to specify a single objective for community corrections—preferably an achievable one which has a chance of creating public value—in order to limit as well as focus probation and parole responsibilities. A healthy skepticism about the operational capacity of probation and parole agencies, together with a conviction that unreformed offenders commit crimes and that substance abusing probationers and parolees are unreformed in exactly this way, led one participant to this declaration of what we have label "principled minimalism:"

I think we have to make up our minds that, as a first order of business, persons under supervision in the community have to be sober, and we have to take action to help them remain sober. Now what does that mean? That means we have to, ourselves, understand sobriety and how to achieve it, how to teach it, how to monitor it... [So we can't be] doing all these good things—taking graffiti off the walls, planting neighborhood gardens—when at night [the offenders] are going out and getting high. We have to understand sobriety, we have to teach them how to stay sober, and we have to be relentless about it because it's like weeds in the garden. It will grow back the minute you turn your face. [It's] a humungous undertaking, not least of all



[because] we have to resolve our staff's own ambivalence about drug and alcohol use.

The most elegant variation on principled minimalism was this: probation and parole would get out of the business of supervising offenders, but would give them vouchers for the purchase of services which might be useful to them in going straight and staying sober. Substantial savings would surely flow from reducing to zero the budget for personnel to supervise individual offenders, and those savings could be re-directed to the purchase of services by and for offenders who believe they need them: drug treatment, education, employment assistance, and the like. Any funds left over could be re-budgeted, for primary prevention in the communities from which future offenders are likely to come—programs ranging from Head Start, to teen pregnancy prevention, to community policing. The duration of probation or parole would be brief, and the only grounds for revocation would be a new crime, or behavior that creates substantial likelihood of a new crime.

This future leaves no room for innovation in supervision techniques, or for probation and parole agents to "co-produce" public safety with naturally-occurring guardians of the communities in which the offenders are found. It flows from a bleak assessment of community corrections' operational capacity, but it has the virtue of clarity and, arguably, the value of a deliverable service—one for which probation and parole can be and would be willing to be held accountable.

There are good reasons to doubt this is the likely future of community corrections: Its appeal for the larger community—the community fearful of unsupervised offenders—seems too weak to displace even "muddling along." While other program providers are a constituency, and would be attracted by a reallocation to them of the funds now supporting probation and parole personnel, it might be hard for them to believe that the reallocation of any liberated funds would be rational, or that, in a rational reallocation of funds, crime prevention programs would be the winners.

### (3) Enforcing Court Orders

The future of community corrections might be left to sentencing courts to define—with or without input from community corrections. This future would be the sum of activities undertaken to enforce courts' probation orders (and, in some jurisdictions, court-specified terms of post-confinement supervision). Particularly in jurisdictions where probation is an arm of the court, housed within the judicial branch, this appears a likely way for the future to be defined. But because court orders can be as various as the characteristics and circumstances of offenders coming before judges for sentencing, the specifics of this future are unknowable—unless courts impose generic orders, which many do. But generic supervision orders—community supervision without court specification of means and objectives in the particular case—make uncertainty about purpose, and confusion of ends with means, inescapable.

The most promising variation on the "court ordered" future emerged from a realization that probation agencies might do much more with the opportunities they have to specify the court's purpose and its choice of the means of supervision in each case. Control over the content of supervision orders might be shared with the court in such a way that the courts' authority is bent to the purpose of re-engineering community corrections, while the greater operational capacity in probation (which should result) is put at the courts' disposal. Seen this way, a "court-ordered" future is unspecified only until community corrections and the courts come to an agreeable vision of it. But sentencing courts are understandably focused on individual offenders, while probation and parole agencies must engage

many others as well, if they are to be effective in advancing public safety, attending to victims, or restoring communities. And the reality in many courts is that the sentencing is, in effect, done by the prosecutor or the prosecuting and defense attorney together. These are all points of difficulty, but not insurmountable difficulty for the strategic use of court orders to force a shift of focus and objectives in community corrections agencies.

Before moving to the next possible future, a word of caution needs to be added about this one. The plain vanilla future of "enforcing court orders" is a dangerous one, if the courts' supervision orders are not so much meant to be enforced as to shield the court from criticism—criticism for having done nothing to punish the offender, to hold him accountable, to reform him, to restore the victim he has wronged or the community he has disrupted, or otherwise use its sentencing authority for public benefit. Under those circumstances, it is the order that has value—not its enforcement—and sufficient resources would not be likely to flow to community corrections for the supervision of offenders to be effective. And neither the courts nor the public would be likely to hold community corrections harmless when things go wrong. So, if probation is passive in a future defined by enforcement of court orders, it may in the end be hard to distinguish it from "muddling along."

#### (4) Community Justice and Restorative Justice

"Community justice" proved hard to define in this conversation, and we are therefore cautious to suggest it as defining a possible future for probation and parole. Part of our unease arises from a sense that both words—"community" and "justice"—refer to things people almost universally say they want, but they do not all want the same things. Still, in the conversation, there were repeated references to a future in which probation and parole draw their authority and their resources (including the political resources from which appropriations flow) from the community—not from the court. There is much to recommend this view.

First, although offenders' future behavior might be shaped by community corrections agents directly, greater powers to control and socialize offenders are found in their families, schools, labor markets, and networks of naturally-occurring guardians over them, their potential victims, and the places where they come together. To create value for the public, then, probation and parole need to invoke these forces, support them, and act in concert with them when they are available to help enforce court orders, maintain public safety, or achieve any other purpose community corrections "owns."

Second, all of the resources probation and parole require, if they are to achieve any purpose at all, flow in the end from the communities in which offenders under their supervision are found. Financial resources are made available or not through a political process; a failure to produce something of value to the public assures reduced financial support in the appropriations process. But money is of marginal utility at best, if authority and legitimacy are lacking—and while community corrections agencies get their formal authority from law and from the courts, their authority to command offenders' compliance with court orders, and their authority to engage the informal agents of social control in that effort, flow directly from the community:

The building of community is important for community corrections agencies to attend to, but it is, at the same time, an end in itself, an instrument for advancing public safety, and a source of authority to do that. [I]t is important to attend to each dimension.

The "community justice" future would be constructed from a direct exchange relationship, or a set of them, between communities on the one hand, and probation and parole on the other. The participants

in this conversation placed quite a bit of emphasis on the value of community service projects as a window into this future—probation and parole projects in which offenders visibly and directly produce things the larger community wants, such as gardens, graffiti-free neighborhoods, less dangerous alleys, habitable housing for the homeless. There was general agreement that compelling offenders to labor for the good of the communities they have wronged can punish and restore at the same time, and provides openings for more complex cooperation between community corrections agencies and the public they depend on for authority and resources. Projects of this kind have also helped build stronger communities, and have carved channels into the labor market for the offenders engaged in them—which suggested to some participants that imposing and enforcing community service obligations has public safety value as well.

If community service by offenders is an important example, and perhaps a useful starting point for a future of "community justice," it is a relatively small part of the final product. The larger ambition of the "community justice" being pursued by some participants is "restorative justice." In a restorative justice future, probation and parole supervision of an offender would still aim for his rehabilitation and his accountability to the court, but they focus equally on restoring his victims' lives, and on restoring his relationships with them and with the community of which he remains a part or to which he will surely return.

Both "community justice" and "restorative justice" require a new or renewed alignment of probation and parole with the informal institutions of social control and social cohesion. In each, the relationship of an offender to his victim and to his community is the engine of value creation, not the offender's relationship to the court or the court order. Both are grounded in conviction that the criminal justice system is an insufficient response to crime, to the harm it causes, and to the future threats to public safety presented by the offenders enmeshed in it.

We find it difficult to gauge the likelihood of these futures. But there is no denying their power to capture the imagination of some of today's community corrections leaders.

### **Community Justice:**

I want to talk about partnership with the community and how that [contributes to] public safety. We have a monthly meeting in one of our neighborhoods that started with the police and the probation department—about six police officers who have community policing responsibilities in this neighborhood and [the same number] of probation officers. They opened this meeting up ... and now the entire community is involved. And where there's maybe nine professionals around that table, there's probably at an average meeting 40, 45 citizens from that community.... [Their neighborhood] is as tough as any neighborhood in any city you want to deal with—gang-infested, drugs, prostitution, the whole thing—and they identify every month the four worst spots.... [The] first part of the meeting is about the police and probation responses—what they've done in the last month with hot spots identified the month before: "What we've done, we've closed down that crack house, or we've told these people to turn down their radios for the tenth time and the next time we're taking the damn radio ... or that gang's not going to be allowed anymore to park their damn cars across the sidewalk.... The whole neighborhood's coming together [to get these things done]....

### *Restorative Justice:*

We hired a guy [who] did time as a kid and then he went into the military and retired as a Sergeant Major. He has no training in social work or probation, right? So he's caught up in the new lingo about repairing harm, getting the victim paid back, getting the community back, and here's how he handles his day: He goes to where Habitat for Humanity's got two or three houses going all the time, ... and he's got four, five, six probation guys on each site. Then he goes downtown and cuts a deal with the lady who runs the downtown [association]—that the guys will do downtown clean-up projects. Two weeks ago, we had a bunch of [probationers] putting Christmas tree lights up under [her] supervision, right? Then he goes over to the domestic violence group who want a safe house, and they're going to put together a safe house paid for by offenders' fees and built by the offenders themselves. So what he does during his day is he visits with the people who are stakeholders in each project. Now, to me, in terms of supervision, that's the highest form of supervision. It's not his relationship with these probation guys on the crews, it's the relationship between these naturally-occurring forces, the community people, and these guys performing the work. And, even if this doesn't have long-term effect on these offenders, the people involved in this are getting a sense that, "Hey, there's some good coming from the money that we've been putting into this [community corrections agency] that we used to know nothing about.... We never had these guys come out before and work alongside of us; everything was done around the government offices...." Let me put it this way, if the public knew that when you commit some wrongdoing, you're held accountable in constructive ways and you've got to earn your way back through these kinds of good works, ... we wouldn't be in the rut that we're in right now with the public....

**Allowing for a "Meld"** Before specifying the final possible future for community corrections, we should identify an important variation on "muddling along"—a meld of selected features of the muddle into a more coherent whole:

I'd like to make the case for modified muddle. Because, I was thinking: we all know that community policing is practiced at varying degrees of efficacy. But where it's really practiced well, they didn't walk away from their duties to enforce the law. They realized that they had to get into problem solving [but] if you look at really good community policing, when community police officers hear about a burglary, they immediately deal with [the] responsibility they have of doing something about the burglary. But during the rest of [the] day, they spend their time problem-solving at the community level. And I think the same could and should be the case [in probation and parole] because I tell you we cannot walk away from enforcement of the court order.... The question becomes, [as in] community policing, how do you get the community into it, how do you maintain your basic duties and get into doing some other things that contribute to public safety? We have going for us that a lot of us know neighborhoods, we know communities, we know generations of offenders. We're in a pretty good position to promote partnerships that can rally around the larger issue of public safety while maintaining the responsibility of enforcement. So, it's enforcement plus public safety [and] it's difficult to be responsive to the community if we have probationers getting high and not working, or kids that are not in school, or if we're not collecting restitution.

## (5) Public Safety

The fifth possible future for community corrections is framed by the following definition of "public safety": public safety is the condition found in a place where persons are free from attack or theft and know it. This idea of public safety is that it is something different from a lower crime rate: we do not, after all, enjoy public safety when there are no robbery complaints but we are locked in our homes while adolescents prowl the area looking in vain for folks to rob. This idea of public safety is that it is something different from offenders' compliance with court orders: we do not enjoy public safety when adolescents convicted or paroled last month are counted in attendance at anger management programs, but no one knows they are stockpiling weapons at home. This idea of public safety is that it exists where naturally-occurring guardians are in protective relationships with offenders under supervision, with their potential victims and with the places they are likely to come together. The idea is that public safety is a local, not a statistical phenomenon, and that it is found when and where there exist generally-agreed rules of behavior, a shared appreciation that rule-breaking will be punished, and a further appreciation that playing by the rules will be rewarded. This is our definition of public safety, but participants in this conversation were for the most part familiar with it from articles distributed before the meeting (Rhine and Paparozzi, 1999).

With "public safety" understood this way, a future in which the production and maintenance of public safety is the core purpose of community corrections would require very substantial re-engineering of most probation and parole agencies. (Smith and Dickey, 1998) Place would replace offender as the focus of agency activity; and the agencies would be held accountable for the conditions of places, not the number of offender contacts, the number of successful urine screens, or the number of employment program referrals. Probation and parole would have to be concerned that the lessons of responsibility and accountability are convincingly conveyed to offenders under their supervision—and to the offenders' peers who are not. But community corrections would have to acknowledge that this is principally the task of parents, neighbors, schools, churches, employers, and other informal agents of social control, in the places where the offenders are found. We have on another occasion summarized the implications this view of public safety has for probation and parole:

1. The nature and character of an offender's supervision should be directly related to and tailored to the gravity of harm he might cause and the likelihood of its occurring without supervision;
2. The more grave the harm he might cause, the more active must be the supervision when he is not in prison;
3. Staff need a configuration of legal authority and resources that permits swift, flexible tailoring of correctional measures to changes in the circumstances of offenders and of the conditions in which they are found;
4. Active supervision should aim to reduce offenders' anonymity, for offenders can hide from the naturally-occurring agents of social control as well as from probation and parole agents;
5. Active supervision requires broad engagement with offenders in the settings, in which

they are found, as well as the operational capacity to secure their stable housing, to require their continuing engagement in the labor market (and their receipt of legitimate income), and to surround them with supportive networks of family, neighbors and others; and

6. Active supervision invokes the naturally-occurring agents of social control found in even the most crime-ridden neighborhoods, and therefore requires familiarity with the shifting forces operating in the lives of the offenders under supervision. (Smith and Dickey 1998: 18-21)

If the future of community corrections is the creation or maintenance of public safety, the prospects for success would surely be increased by some borrowing from "principled minimalism" and from the collaborative approaches that characterize "community justice" and "restorative justice." It is a possible future, but a daunting one. It risks failure. But its strategic virtue is obvious: by aligning their modest operational capacity with the greater operational capacity of communities, for the purpose of making places in the community safer, and by "co-owning" management of the risks posed by offenders under supervision (and by others, not currently under supervision), probation and parole have a chance of creating enough public value to secure the political and material support they require.

#### IV. Conclusion

We were struck by the honesty, humility, and humor of the participants in this conversation. Confined together for two days, they exhibited more than a little courage in exploring their predicaments and what the future might have in store. Bottom-line consensus eluded us, but simple truths were evident to all:

If I had to summarize the last 24 hours, I would say that we all agree that we're suffering from an identity crisis, a resource crisis, and a credibility crisis. But it seems to me that we can't reinvent community corrections until we clarify our objectives—crystal-clear clarify our objectives. I don't think those objectives would be credible unless they're supported by the public. And I don't think our resources will come until we've settled on credible objectives supported by the public.

The "modified muddle" may prove right, in the end: community corrections cannot avoid responsibility for enforcing court orders (though it has more opportunity than it uses to specify the ends and means of supervision); community corrections cannot secure the resources required for any of its possible futures (except the "muddle") unless it finds ways to advance public safety; but advancing public safety will require broader engagements than are typical of traditional, offender-centered probation and parole.

It is not for us to say which of the possible futures is either the most desirable or the most likely. That is for the professionals in the community corrections field—whose views we think were fairly represented at this extraordinary meeting. But Assistant Attorney General Laurie Robinson's opening remarks seem to us to provide a true compass for surveying the possibilities, and we repeat them here:

[H]ow can we have a conversation about public safety in this country and not talk about the ... 3.9•million people on probation and parole. That's about three times the number of people behind bars.

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