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The Development and Validation of a Pretrial Screening Tool

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THE LAST TWO decades have witnessed a sharp increase in the use of offender assessment instruments across every stage of the criminal justice system. The reasons for this increase in use are generally centered on the problems of overcrowding and shrinking monetary resources (Jones, 1996). These conditions are ubiquitous across every level of the criminal justice system, forcing correctional institutions at all levels to accommodate themselves to these expanding populations with diminishing resources. Correctional institutions (Beck, Karberg, and Harrison, 2002; Sabol and Couture, 2008), community corrections agencies (Glaze and Bonczar, 2007), and jails (Sabol and Minton, 2008) have had significant increases in their respective populations over the last decade. While population growth has slowed for jail populations in the last eight years, it has not declined. Despite a continual growth in jail capacity over the last few years, estimates calculate that local jails operated at 96 percent capacity, which is significantly higher than years before (Sabol and Minton, 2008).

In the search for assistance, many agencies have employed classification techniques that develop typologies of an individual's level of risk. Researchers have summarized the numerous ways these typologies benefit the agencies that utilize them, including: minimizing the subjective personal bias that exists in decision making, improving the placement of individuals for treatment and public safety, aiding in protecting against legal scrutiny, and improving the allocation of resources (Andrews and Bonta, 2007; Andrews, 1995; Bonta, 1996; Jones, 1996; Latessa and Allen, 2003; Van Voorhis, Braswell and Lester, 2004). While a majority of these efforts are

based on probation or prison populations, the underlying classification principles are not limited to these agencies and are also applicable to pretrial goals and decisions.

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Pretrial Assessment

Pretrial agencies are routinely required to perform numerous services at the initial phases of the criminal justice process. These include the gathering of information about the defendant in order to make an informed decision about pretrial release, assessing the likelihood that a defendant will fail to appear to a mandatory court appointment or will be re-arrested, providing recommendations regarding conditional release including supervision, and facilitating voluntary participation in treatment programs. Some agencies have even implemented drug screening (Henry and Clark, 1999) as part of their routine duties.

The pretrial agencies' most fundamental decision lies in the recommendation made to the courts regarding whether an individual is detained or released and, if released, with (or without) some conditional requirements. The bail decision generally considers two factors: 1) the likelihood that a defendant will appear for subsequent court dates and 2) the likelihood that public safety will not be jeopardized as a result of the defendant's return to their community. This is an important decision, since it must strike a balance between the individual's personal freedom and the public safety. Unlike agents in subsequent stages of the criminal justice process, pretrial agencies have the unique responsibility of working with arrestees prior to disposition. Individuals they see may or may not eventually be convicted of the offenses for which they were arrested. The defendant is presumed innocent and the law requires the treatment of the defendant to reflect that presumption. Therefore, it is even more vital that the decision be made in a consistent and fair manner to ensure the protection of defendants' rights and the integrity of the criminal justice process.

Since the arrestee is presumed innocent, the American Bar Association (American Bar Association, 2002), the National Association of Pretrial Services Agencies (National Association of Pretrial Services Agencies, 2004), and the National Institute of Justice (Mahoney et al., 2001) have issued strong recommendations about the adoption and use of objective standardized guidelines or criteria (i.e., risk assessments) in assisting court and pretrial agents in making bail decisions. These organizations believe that improved bail decisions provide substantial benefits to the defendants and the criminal justice system, including increased public safety, protection of civil liberties with minimal disruption in the lives of those presumed innocent, efficiently managed jail space and staff, and a reduction in disparity for bail decisions/release decisions (VanNostrand, 2003, 2007).

A structured objective classification process aids pretrial services in the replacement of subjective judgment with objective criteria in the determination of a defendant's risk to the community and the likelihood of nonattendance during court proceedings. Previous research indicates that bail decisions have often been made arbitrarily and that little information, with the exception of previous criminal history and current charges, was provided to judicial officers to assist in the determination of appropriate bond amounts or the conditions of bail (Maxwell, 1999). Since that time, there has been a professional movement to incorporate explicit, objective criteria into pretrial decision making (Clark and Henry, 2003). This has been done with the rationale that consistently applied explicit criteria can assist in minimizing the disparate outcomes resulting from arbitrary and subjective decisions.

Classification instruments at the pretrial stage are designed to identify arrestees who are more likely to be a danger to the public and less likely to appear in court once released. In addition, these tools aid the decision maker in choosing which arrestees should receive available services and, perhaps just as important, which individuals do not need those services. Such information has substantial implications for referral processes, placement, and supervision decisions, and can impact significantly the allocation of financial resources. Integral to the identification and classification of risk is the principle that each category should have differential official responses.

In other words, arrestees who are assessed at different risks elicit different responses from that agency. To accurately identify high- and low-risk arrestees, an objective and validated assessment instrument should be used.

Evidence from correctional research also indicates that providing intensive services and supervision to low-risk offenders does little to change their likelihood of recidivism and, worse, occasionally increases it. Conversely, high-risk offenders often need services and supervision more intensive in nature and of longer duration (Lowenkamp and Latessa 2002; Lowenkamp, Pealer, Smith, and Latessa 2006). The adoption of this principle has been widespread, since the supporting evidence transcends community corrections (Brown 1996; Lowenkamp and Latessa 2002), institutional corrections (Andrews and Bonta 2007; Armstrong and Bourgon 2001), or existing pretrial assessments (VanNostrand, 2003, 2007).

Accurate classification of pretrial defendants has substantial implications for the bail process, affecting both the decision to release and the conditions imposed on the defendant once released. By efficiently assessing and releasing defendants who pose little danger to the public or are likely to comply with court dates, the process upholds and affirms the arrestee's constitutional protections and minimizes the infringement of their day-to-day lives. For jails, releasing these low-risk arrestees frees previously occupied bed space in a jail system that is nearing capacity. By classifying some individuals as low risk, agencies may then reallocate resources (community referrals, supervision decisions, etc.) to higher-risk clients.

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History of Pretrial Assessments

While the growing empirical support of these principles is recent, the principles and underlying premises (equality, resource management, public safety) are not, and the recognition of these goals was the impetus behind the development and implementation of pretrial services agencies nationwide. In 1961, the Vera Institute created the first pretrial screening program, the Manhattan bail project, which sought to aid pretrial agents in making release decisions. The factors incorporated included the defendants' ties to the area, employment status, education, and prior criminal record. As the first such program of its kind, the Manhattan bail project produced two significant findings. The first was that financial limitations of defendants, and the frequent use of finances as bail, forced many defendants to remain in pretrial custody. Second, individuals with strong ties to the community were likely to appear at required court proceedings, even if they were not assigned financial bail. The experiences and findings from the Manhattan bail project were integral to the bail reform movement, which emphasized releasing defendants pending disposition of their trial without financial surety. However, in order to do this, information about the defendant was needed prior to release. Because of the risk of releasing a charged individual into the community, the accuracy and verification of the information was considered paramount.

Recently, several jurisdictions have attempted to develop and implement objective risk assessments. In 2003, the Urban Institute Justice Policy Center developed and validated a risk prediction instrument on a large sample of Washington, DC pretrial defendants (Winterfield, Coggeshall, Harrell 2003). The resulting instrument comprised 22 items in two separate subscales; the safety risk scale and the appearance risk scale. Nearly all the incorporated items that predicted either of the outcomes were components of criminal history, demographics (i.e., age, citizenship), current criminal charge, and drug involvement/testing.

Individuals assessed on the Urban Risk Prediction Instrument were categorized in one of five risk categories that represented the five alternative formal responses utilized in the jurisdiction. The tool categories had moderate correlations, with .21 for predicting failure to appear and .16 for recidivism. The authors suggest that the moderate values may have been a result of the formulated cut-off scores, since nearly half the sample was classified at moderate risk.

The work of the Vera and Urban Institutes notwithstanding, there have been few multi-site, racially diverse, empirically validated pretrial assessments for use in the United States. One

recent attempt is the Virginia pretrial risk assessment, which comprises nine risk factors (VanNostrand, 2003). Six of the nine risk factors are derived from an individual's criminal history, and three incorporate additional factors such as residential stability, employment, and drug use. The risk assessment is administered by interviewing the defendant; however, individuals conducting the assessment are required to verify all possible information provided by the defendant. The author reported that the assessment successfully differentiated defendants into the five risk categories, which had significant differences in failure rates. These failure rates held up even when gender, race, and income were isolated and examined.

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The Use of Pretrial Risk Assessment Tools

The development and implementation of a standardized tool is often costly, and is a task that few criminal justice agencies have the finances or experience to undertake (Jones, 1996). In the most recent survey of pretrial services programs by the U.S. Department of Justice (Clark and Henry, 2003), the authors found that fewer than 1 in 4 pretrial programs relied exclusively on objective criteria when making bail recommendations. Of those agencies using a risk assessment process, 39 percent reported adopting a classification scheme from another jurisdiction, while only 25 percent reported developing it by using data from their own jurisdiction.

It appears that jurisdictions often rely on implementing pre-existing tools derived for similar purposes but on different samples. Given that it is unlikely for a single instrument to have universal applicability, research has suggested that adopted assessments should be piloted and validated on the jurisdiction implementing the tool, since the instrument or its classification scales may not be valid for the agency's specific population (Gottfredson & Moriarty, 2006; Jones, 1996; Wright, Clear, & Dickson, 1984). Specifically, it should be shown that the instrument can successfully predict the outcomes of interest for the population being served (Flores, Travis & Latessa, 2003; Lowenkamp & Latessa, 2002).

When choosing an assessment tool for implementation in a new jurisdiction, research has identified characteristics of effective assessment practices. These characteristics include choosing an assessment that 1) contains items that are theoretically derived, 2) contains multiple measures of the constructs being assessed, and 3) measures multiple domains that are empirically related to the behavior being predicted (Monahan and Steadman 1994; Monahan 1996; Bonta 1996). These characteristics appear to be relevant regardless of the correctional outcomes being predicted.

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The Current Project

The current study details the construction and validation of a pretrial risk assessment. This assessment is the first component of a larger project that includes development of distinct tools for each stage of the criminal justice system, including probation, prison intake, and community re-entry. The overall purpose of the project is to create a risk assessment process that promotes more effective classification and efficient resource allocation and facilitates risk communication across criminal justice agencies.

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Risk and Need Measures

The data collection tool integrated structured interview questions and a self-report questionnaire. The data collection tool consisted of 63 items covering 8 theoretical risk and need domains. These domains are: criminal behavior history, pretrial supervision history, drug/alcohol abuse, employment and attitudes about employment, residential stability, mental and medical health, criminal attitudes and orientation, and criminal associations. [Table 1](#) reports the various domains and the number of individual items within each category.

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Outcome Measures

Individual cases were tracked using multiple methods, including county court records, reports from pretrial supervision officers, and a computerized database of criminal records that contained detailed case file information on individuals' criminal histories. The outcomes tracked for each defendant were whether they failed to attend a mandatory court appearance (FTA) and whether any new offense occurred while they were released pending sentencing. Both of these outcomes were coded dichotomously, with a value of 1 indicating the occurrence of this outcome and a 0 indicating that the outcome had not occurred for that case.

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Data Collection Procedures

Defendants who were referred to five pretrial services agencies in two states during the data collection phase were asked by pretrial caseworkers to participate in the research. Those who volunteered were provided with a secluded interview space where the data collection tool was administered. The first half of the data collection tool was administered by a trained research staff member, who used the structured data collection tool to gather information on criminal history, probation history, employment, mental and medical health, and residency. Once the interview was completed, defendants then filled out a self-report questionnaire. Information obtained was verified, when possible, through a review of the individual's case file information. To ensure valid and candid responses from participants, a series of measures were employed, including the acquisition of a certificate of confidentiality and verification with official records. Once the interview data were collected, defendants were tracked until case sentencing and outcome data were coded and entered into the database.

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Data Analysis

Once data collection was complete, a split-half methodology was applied to the complete pretrial sample (N=342). This procedure randomly divides our single research sample into two separate but equal subsamples: construction and validation. The construction subsample was used to identify individual items from the data collection tool that had a significant relationship with the outcome measures. Once identified, these items were organized into a draft assessment instrument and both the individual item correlations and the total assessment scores were re-examined, using only those cases in the validation sample. While the limitation of this procedure is the reduction of the sample size, the benefit is that it minimizes error from overmatching the assessment to a specific sample.

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Sample

The pretrial project utilized multiple pretrial agencies across two states to generate a total sample of 342 adult defendants placed on pretrial release (with or without supervision) between June of 2006 and July of 2007. [Table 2](#) presents the description of the sample and results from the outcome measures. The sample ranged in age between 18 and 59 years (Mean=33.8) and was primarily male (74.3 percent), non-white (58.8 percent), had been arrested on a felony (59.6 percent), had a high-school education or greater (57 percent) and was single (66 percent). With respect to outcome measures, 18.4 percent of the defendants failed to appear at their court appointment, and 15.8 percent were rearrested during pretrial supervision.

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Item Selection

From a total of 64 possible predictors, items were selected based on their relationship to the two outcomes of interest: failure to appear and new arrest under pretrial supervision. To determine which items were selected, chi-square statistics were utilized. These statistics identified six predictive items. [Table 3](#) shows these six factors. It is important to note that the number reported in the table represents only the number of individuals who received a FTA or were arrested while under supervision. As indicated below, six factors emerged as significant predictors ($p < .05$) of a subsequent FTA. These factors can be subsumed under three domains; criminal history (age of defendant at first arrest, the number of previous FTAs, three or more prior jail incarcerations), drug use (any drug use history, severity of reported problems resulting from use), and employment (employment status at time of arrest). In terms of criminal history, individuals who were more likely to have a warrant for failure to appear were arrested at a younger age ($\chi^2=3.93$, $p < .05$), had a previous failure to appear ($\chi^2=4.52$, $p < .05$), and had at least one jail sentence imposed upon conviction ($\chi^2=7.18$, $p < .05$). In addition, these defendants were more likely to be unemployed ($\chi^2=7.31$, $p < .05$), report recent drug use ($\chi^2=5.17$, $p < .05$), and report greater personal and legal problems when it came to drug use ($\chi^2=6.06$, $p < .05$).

Six of the items that were identified as significant using the construction sample were combined into a tentative pretrial risk assessment instrument. Two additional items, residential stability and the number of occurrences of FTA within the last two years, were incorporated into the assessment despite their statistical non-significance. The decision to include these items was based on two factors. First, both of these items have traditionally been held as predictors of failure to appear and success on pretrial supervision. Second, a review of the instrument by field staff and the judiciary indicated that these items, regardless of their statistical relationship with outcomes, were required for the instrument to have face validity. Therefore, these items were added to the model and had little effect on predictive power. The relationship these items have with FTA and arrest will be reviewed again following a fairly large field test of the instrument. [Table 4](#) elaborates on the individual items and scoring weight assigned to each of those items.

[Table 5](#) presents the range of possible risk values (0–10) for the pretrial assessment, the quantity and proportion of the sample that was assigned to each value, and the failure rates of the two outcome measures. When the table is examined in terms of the distribution of assessment scores, the largest group of the sample ($n=38$) scored a five on the assessment, with the second largest group scoring either a four ($n=35$) or a three ($n=27$). The overall distribution of scores is bell-shaped, with most individuals falling into the center of the distribution, with fewer cases at either extreme end. It is important to note that this distribution holds regardless of whether the sample is examined in its entirety or the examiner focuses exclusively on the validation sample.

A higher score corresponds to a greater likelihood of failing to appear or supervision failure. For example, 14.8 percent of the individuals who received a score of 3 received a FTA, and 7.4 percent were arrested for a new crime under supervision. Comparatively, 37.5 of the individuals who received a score of 8 received a FTA, and 25 percent were arrested for a new crime under supervision.

A series of cross-tabulation analyses were used to create cut-off values in the distribution of risk scores of the construction sample. From these cross-tabulations, an optimal cut-off score was devised with three categories. Individuals who scored a 0-3 on the risk assessment were classified as low risk, or individuals unlikely either to receive a FTA or to commit a new offense while under supervision. Individuals who scored a 4-7 on the risk assessment were classified as medium risk, and were substantively more likely than low-risk individuals to reoffend in either outcome measure. High-risk individuals scored an 8, 9, or 10 on the assessment and were the most likely classification to fail at either outcome. A majority of the defendants in the construction sample were classified as medium risk ($n=108$), followed by low risk ($n=52$), with fewer defendants classified as high risk ($n=20$). [Table 6](#) reports the number of defendants assigned to each risk level and failure rates attributed to those risk levels.

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Validation

With the assessment constructed and risk level cutoffs created, the next analyses have the purpose of testing the assessment on the validation sample. To test the linear relationship between the pretrial assessment score and outcomes, a series of correlations were conducted. Correlations were conducted for the whole sample, the construction and validation samples, and by gender, and are reported in [Table 7](#). Overall, the total score was significantly correlated with both outcome measures. Without exception, the assessment score had consistent correlations above .23 with failure to appear for each sample. The total score is also significantly correlated with a new arrest while under supervision. Significant correlations range from .211 to .235. When the sample was disaggregated by gender, the relationship between risk assessment total score and new arrest was not significant for female defendants. However, the assessment score was predictive for female defendants when failure to appear was the outcome of interest. In fact, the correlation for female defendants was noticeably larger in magnitude than it was for male defendants.

The practical utility of a risk assessment lies in its ability to accurately distinguish between risk groups of defendants (low, medium, and high) for the purposes of case planning, resource allocation, and supervision. Therefore, the second series of analyses examines the ability of the pretrial assessment to distinguish among risk groups by evaluating their respective failure rates. As demonstrated by the analysis, there is considerable difference in the failure rates between risk categories for both failure to appear ($\chi^2= 11.65, p<.01$) and new arrest while under supervision ($\chi^2= 9.17, p<.01$). Specific to predicting failure to appear, 2.1 percent of those classified as low risk re-offended, compared to 19.6 percent of medium-risk defendants, and 33.3 percent of high-risk defendants. A similar significant distribution was found for new arrests under pretrial supervision. Only 4.3 percent of those classified as low-risk defendants were arrested, compared to 19.6 percent of medium-risk defendants, and 33.3 percent for high-risk groups. These failure rates are illustrated in [Graph 1](#). [1](#)

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Limitations

The current study has some methodological limitations that should be addressed. The first is the relatively small size of the sample. Due to the size of the sample and the voluntary nature of the research, arguments could be made that this sample is likely to represent a subgroup of pretrial defendants who are lower risk or who are more apt to comply with supervision requirements. If this is the case, there is a chance that the sample characteristics could have limited the robustness of the predictive ability of items and the assessment in its entirety. This problem is inherent in the initial study of any assessment and only additional studies and samples will confirm either argument. In addition, the applicability of the pretrial assessment for special offending populations (sex offenders, white collar criminals, etc.) should be tentative until additional studies can determine the robustness of the predictive validity for those samples.

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Conclusions

The current study attempted to add to the risk assessment literature by constructing and validating a pretrial risk instrument. Using data from 342 adult offenders, eight items were selected to comprise the pretrial instrument, including age at first arrest, history of FTA, recent occurrence of FTA, prior jail incarcerations, employment status, drug use, drug-related problems, and residential stability. With the validation sample, the pretrial assessment score was found to be significantly correlated with both failure to appear ($r=.263$) and new arrest ($r=.235$). When the cut-off scores were examined, the pretrial instrument successfully differentiated between low-risk defendants, medium-risk defendants and high-risk defendants.

In addition to the construction and validation of the pretrial risk assessment, the current project had the advantage of incorporating and examining additional factors in the data collection process, such as criminal thinking and criminal peers (Andrews and Bonta 2007), and obstacles

to adhering to court requirements (medical and mental health, lack of transportation, etc.), that could impact the ability or desire of an individual to adhere to court requirements. For the current project, none of the items in these domains was significant in predicting FTA or new arrest while under pretrial supervision. This lack of significance could be due to the operationalization of these variables (i.e., use of self report for criminal thinking and criminal peers) or under-reporting of criminal values or criminal acquaintances/friends for fear of self-incrimination, or these variables could be less important when predicting FTA. For example, having criminal peers may not as greatly influence an individual's probability of appearing in court as engaging in crime in general.

Notwithstanding the limitation reported above, the pretrial assessment was found to have good predictive validity for a population of adult defendants. The ability to identify higher-risk defendants for the purposes of safety and the allocation of agency resources is an important aspect of a valid risk assessment. Just as important, risk assessments should also accurately identify those low-risk defendants who do not need such supervision or detention. As Lowenkamp and Latessa (2004) suggest, assigning intense supervision or preventative detention to low-risk defendants either removes the individual from pro-social aspects of their life or exposes them to risk factors that were previously nonexistent in the defendant's life. Either way, these actions put the defendant at greater risk of recidivism or negative supervision outcomes.

In addition, a multi-site pilot of the pretrial assessment is currently underway that promises to address several of the noted limitations. First, the implementation of pilot sites will address identified deficits in the characteristics of the sample. Pilot sites are comprised of both rural and urban jurisdictions, which will allow for a more geographically diverse sample. Furthermore, the inclusion of a greater sample of female defendants will assist in addressing whether the sample size is the driving force behind the non-significant correlation for new arrest, or if the eight variables included in the device are gender sensitive.

Second, to address inconsistencies between the reported findings and past research, some variables were incorporated into the pilot assessment instrument, permitting agencies to pilot case-managing specific questions or allow for the data-driven clarification of existing items. For example, if a defendant lives in the same residence for 3 years (a score of 0 on item #8), but that residence is in another jurisdiction, would the defendant be at greater risk of failing to appear? Data from the pilot regarding these follow-up questions will better assist our understanding of pretrial predictors and the current assessment instrument.

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Table 1: Theoretical Constructs Examined and Number of Items Incorporated

Constructs	Number of Items
Criminal History	12
Pretrial Supervision	8
Drug/alcohol use	10
Employment	9
Residence/transportation	5
Medical and Mental Health	4
Criminal Thoughts/attitude	11
Criminal Associations	4
Total Items	63

Table 2: Sample Descriptives

Variable	Total	%	Construction	%	Validation	%
<i>Gender</i>						
- Male	254	74.3	131	72.8	123	75.9
- Female	87	25.4	49	27.2	38	23.5
<i>Race</i>						
- White	141	41.2	77	42.8	64	39.5
- Black	50	14.6	26	14.4	24	14.8
- Other	151	44.1	77	9.4	74	45.6
<i>Offense Severity</i>						
- Misdemeanor	141	14.9	28	15.5	23	14.3
- Felony	50	59.6	109	60.5	95	59.0
- Both	151	.0	1	5.5	3	.0
- Missing	82	23.9	42	23.3	40	25.0
<i>Education</i>						
- Grade 8 or less	13	3.9	6	3.3	7	4.3
- 9–11	85	25.2	45	25.4	40	25.0
- GED	43	12.7	25	14.1	18	11.2
- HS grad or greater	196	58.1	101	57.2	95	59.3
<i>Marital Status</i>						
- Married	44	12.8	19	10.5	25	15.5
- Single	227	66.4	120	66.6	107	66.5
- Divorced	67	19.6	38	21.1	29	18.0
<i>Average Age</i>	33.8	SD (9.6)	34.0	SD (10.0)	33.5	SD (9.8)
<i>Outcome</i>						
<i>Fail to appear</i>						
- Yes	63	18.4	37	20.6	26	16.0
- No	279	81.6	143	79.4	136	84.0
<i>New Conviction</i>						
- Yes	54	15.8	27	15.0	27	16.7
- No	286	83.6	152	84.4	134	82.7

*Ns may not equal 343 due to missing data.

Table 3: Chi-square statistics of each of the eight factors

Item	FTA	Any arrest	χ^2	<i>p</i>
Age of defendant at first arrest				
<i>33 or older</i>	1 (4.5%)	2 (9.1%)	3.93	<.05
<i>32 or younger</i>	36 (22.8%)	25 (15.9%)	.703	.402
Number of prior FTA				
<i>One or fewer</i>	19 (16%)	15 (12%)	4.52	<.05
<i>Two or more</i>	18 (29.5%)	12 (20%)	1.70	.192
Number of prior FTA in last 24 months				
<i>None</i>	19 (17.1%)	13 (11.7%)	2.32	.314
<i>Single</i>	5 (22.7%)	5 (22.7%)	2.71	.258
<i>Two or more</i>	13 (27.7%)	9 (19.6%)		
Any jail incarcerations				
<i>None, one, or two prior</i>	23 (16.2%)	17 (12.1%)	7.82	<.05
<i>Three or more prior</i>	14 (36.8%)	10 (26.3%)	4.75	<.05
Employment status at arrest				
<i>Employed Full Time</i>	1 (3.1%)	3 (9.4%)	7.31	<.05
<i>Employed Part Time</i>	15 (25.4%)	10 (17.2%)	1.05	.590
<i>Unemployed</i>	21 (23.6%)	14 (15.7%)		
Any illegal drug use in past 6 months				
<i>No reported drug use in last 6 months</i>	11 (12.9%)	10 (11.8%)	5.71	<.05
<i>Reported drug use in last 6 months</i>	26 (27.4%)	17 (18.1%)	1.39	.238
Defendant reported severe drug-related problems				
<i>Severe drug problems reported</i>	17 (14.9%)	11 (9.7%)	6.06	<.05
<i>No severe drug problems reported</i>	20 (30.3%)	16 (24.2%)	6.84	<.05
Defendant has resided at same residence for 6 months or less				
<i>Six months or less at current home</i>	23 (21.7%)	13 (12.4%)	.20	.397
<i>More than six months at home</i>	14 (18.9%)	14 (18.9%)	1.44	.161

Table 4: Scoring of the pretrial assessment items

Pretrial Assessment Items	Range	Maximum Score
1. Age of the defendant at first arrest	0 to 1	1
- 33 or older	0	
- 32 or younger	1	
2. Defendant has a prior failure to appear	0 to 1	1
- No	0	
- Yes	1	
3. FTA in the last 24 months	0 to 2	2
- None	0	
- A single FTA in the last 2 years	1	
- More than one FTA in the last two years	2	
4. Defendant had 3 or more prior jail incarcerations	0 to 1	1
- No	0	
- Yes	1	
5. Defendant's employment status	0 to 2	2
- Employed full time	0	
- Employed part time	1	
- Unemployed	2	
6. Defendant reported illegal drug use in last 6 months	0 to 1	1
- No	0	
- Yes	1	
7. Defendant reports severe drug problems 0 to 1 1	0 to 1	1
- No	0	
- Yes	1	
8. Defendant has lived in current residence for more than 6 months	0 to 1	1
- Yes	0	
- No	1	

Table 5: Distribution of failure rates across total assessment score

Total Score	N	% of Construction Sample	% of total sample	Failure rate of sample: FTA	Failure rate of sample: Arrest
0	2	1.1	.9	0	0
1	8	4.4	3.5	12.5	0
2	15	8.3	9.6	0	6.7
3	27	15.0	14.9	14.8	7.4
4	35	19.4	17.3	14.3	17.1
5	38	21.1	20.5	18.4	10.5
6	24	13.3	12.9	33.3	30.4
7	11	6.1	9.4	27.3	9.1
8	8	4.4	5.3	37.5	25.0
9	9	5.0	4.7	55.6	22.2
10	3	1.7	1.2	33.3	66.7

Table 6: Distribution of construction sample and outcome across risk category

Risk Categories	N	Failure Rate^a: FTA	Failure Rate^b: Arrest
<i>Low</i>	52	9.6	5.8
<i>Medium</i>	108	21.3	16.8
<i>High</i>	20	45.0	30

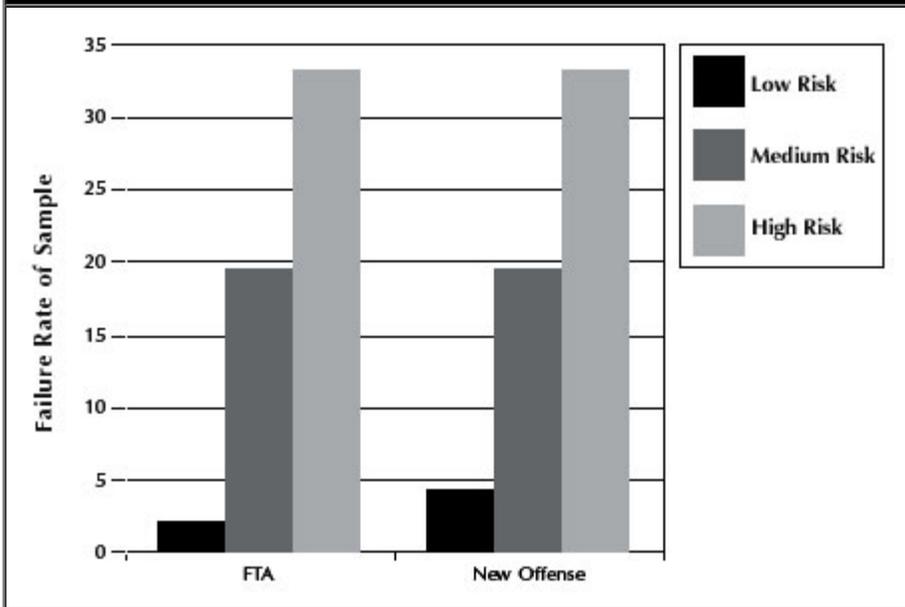
^a Pearson $\chi^2=21.85$, $p < .001$
^b Pearson $\chi^2=16.30$, $p < .001$

Table 7: Bivariate correlations for total score and recidivism

Sample	FTA	New Arrest
Total Sample (N=342)	.267**	.223**
Construction Sample (N=180)	.276**	.211**
Validation Sample (N=160)	.263**	.235**

** $p \leq .001$

Graph 1 : Failure Rates by Risk Level for Pretrial Assessment



The Best Laid Plans: An Assessment of the Varied Consequences of New Technologies for Crime and Social Control ¹

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TECHNOLOGICAL INNOVATION is a double-edged sword in the field of criminal justice. It has the potential to dramatically improve both the efficiency and the effectiveness of the criminal justice system; but it also has the potential to divert critical resources away from more traditional crime prevention and control strategies that may actually make us safer, without the negative side effects (such as erosion of personal freedom, increased public distrust, and emphasis on coercive control). Recent changes in the technology area generally—and in the area of information technology in particular—have been so dramatic and profound that they deserve special attention and critical review. Technological advances and innovations have been decried by some as a *cause* of crime and embraced by others as a *solution* to our crime problem. As I demonstrate in this article, it is important to consider new technology both in terms of crime causation and crime prevention and crime control, because if history is our guide—and in this case it needs to be—there will invariably be both intended and unintended consequences for any new technological innovation in each area (Marx, 2007).

It is my intent to provide readers with an examination of a wide range of new technological innovations that have applications in the areas of crime commission, crime prevention, and crime control (by police, courts, and corrections). In presenting this review, I offer a description of recent technological innovations, along with my preliminary assessment of the impact—both intended and unintended—of each form of new technology, while also exploring the key issues—1) privacy vs. protection, 2) coercive vs. non-coercive technology, 3) public vs. private sector

control over justice—raised by both proponents and critics of what has come to be known as the *technology revolution*.

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1. Hard versus Soft Technology Innovations

Innovations in criminal justice technology can be divided into two broad categories: hard technology (hardware) and soft technology (software/information systems). Hard technology innovations include new materials, devices, and equipment that can be used to either commit crime or prevent and control crime. Soft technology innovations include new software programs, classification systems, crime analysis techniques, and data sharing/system integration techniques that also provide opportunities for both crime commission and crime control. [Table 1](#) highlights the types of hard and soft technology innovations in crime prevention, policing, the courts, institutional corrections, and community corrections (adapted from Byrne and Rebovich, 2007). Although this listing of new hard and soft technologies is not meant to be exhaustive, I suspect that it captures the range of technological innovations currently being applied in police, court, corrections, and community crime prevention programs, both in this country and abroad.

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2. The New Technology of Crime

As I consider each of these hard and soft technology applications in the field of criminal justice, it is certainly possible to think of how individuals or groups could utilize some of these same technological innovations to commit crimes and/or support ongoing terrorist activities. Indeed, this is precisely the rationale underlying the FBI's assessment of our country's cyber crime problem:

Cyber threats confronting the United States emerge from two distinct areas: (1) traditional criminal activity that has migrated to the Internet, such as fraud, identity theft, child pornography, and trade secret theft; and (2) Internet facilitated activity, such as terrorist attacks, foreign intelligence threats, and criminal intrusions into public and private networks for disruption or theft. The vulnerability of the United States to such activity is rapidly escalating as its economy and critical infrastructures become increasingly reliant on interdependent computer networks and the World Wide Web. (FBI Strategic Plan, 2004, as summarized in Byrne and Rebovich, 2007:5)

It appears that advances in both hard and soft technology have resulted in new *opportunities* for crime (through the internet), new *forms* of criminality (e.g. Internet scams, sex crimes on the Internet), new *techniques* for committing crimes (e.g. computer software programs, pirating, and extortion; the use of tasers as weapons in robberies), and new *categories* of offenders and victims (such as online predators, and identity theft victims). There is obviously much more to discuss in this area (see Schlegal & Cohen, 2007; Taylor, et al., 2006), but I mention the technology of crime here to make a simple point: advances in both hard and soft technology have not been restricted to the criminal justice system's response to crime; they have also influenced criminal behavior in ways that are important to understand. I include some examples below of technology-related criminal behavior, using a typology originally offered by Richard Sparks (1980) to differentiate various forms of criminal activities as follows: 1) crime at work, 2) crime after work, and 3) crime as work. One development that bears closer scrutiny is the extent to which private sector companies may be marketing technology (new weapons/tasers and/or various surveillance software come to mind) to both criminal justice agencies and the general public. Similarly, the same companies contracted to protect the privacy of criminal justice data (e.g. data warehousing) may also be involved in selling information to the public included in these data bases (Rebovich and Martino, 2007).

The New Technology of Crime AFTER Work

- Internet Sex Crimes (sex tourism, child pornography, child predators/solicitation)
- Internet Hate Crimes
- Internet Stalking
- Cyber-Terrorism
- Spreading Viruses and Malicious Codes
- Hacking/Illegal Access to Data

The New Technology of Crime AS Work: Some Examples

- Internet Fraud Schemes: Nigerian letter, online auctions, drug/health frauds, lottery frauds, revictimization frauds
- Telemarketing Fraud Schemes: Investments, promotions, sales
- Identity Theft
- Credit Card/Check Fraud
- Phishing (for Profit)
- Internet Sex Crimes
- Sale of Private, Confidential, Personal Data
- Internet Piracy
- Theft of Computers, Computer Software, Internet Access

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3. The New Technology of Criminal Justice

I examine five separate topic areas related to the application of new technological innovations, which—if successful—will lead to the prevention and control of criminal behavior: 1) crime prevention, 2) police, 3) courts, 4) institutional corrections, and 5) community corrections. In the following section, I examine the available research on the *intended* impact of innovations in each of these areas, focusing on a simple question: Is there sufficient evidence to support the continued use of these innovations? As I consider the scientific basis for each of these technological innovations, I have also attempted to identify the moral/ethical implications of various forms of technological innovations in criminal justice. As Marx (2008) has recently observed, we need to examine both the *science* and the *ethics* of new technology, recognizing that we have a choice—between the development and expansion of coercive technology and noncoercive crime prevention and crime control policies. Not surprisingly, the empirical foundation for new technological innovations has not been established; these innovations have not had their intended impact; they also have potential *unintended* consequences that are critical to keep in mind.

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3a. The New Technology of Crime Prevention

Crime prevention is a concept that has been applied in a number of different ways to the problem of crime: it has been used to refer to both *activities* (such as crime prevention programs and/or strategies) and *outcomes* (such as lower levels of crime in communities and/or lower levels of offending/re-offending by individuals). In the name of crime prevention, researchers have examined the influence/role of *formal* social control mechanisms (e.g. the deterrent effects of police, courts, and corrections) and *informal* social control mechanisms (e.g. the influence—through mechanisms such as attachment, commitment, and involvement—of family, peers, school, work, community; the role of shame and belief systems/religion). In addition, crime prevention strategies have been targeted on different levels of prevention (primary, secondary, tertiary) and on the need for individual (i.e. private actions), parochial (group actions by neighborhood residents), and public actions (i.e. decisions to call the police) to prevent crime.

While crime prevention currently is used as a ubiquitous, catch-all phrase that can be applied to both criminal justice-based and non-criminal justice-based initiatives, my focus will be on strategies that utilize new technological innovations either to prevent crime (in particular places) or to prevent reoffending by targeted groups of offenders (sex offenders, mentally ill offenders)

that *do not* rely exclusively on traditional actions by the police (arrest), courts (prosecution), and/or corrections (punishment, control, reform).

When considering the evidence of the impact of these strategies on crime, it is first necessary to define the term “crime prevention.” I share Lawrence Sherman’s view, which he presented in his influential report to Congress on *What Works* in the area of crime prevention (Sherman, et al., 1997:2):

Crime prevention is ... defined not by its intentions, but by its consequences. These consequences can be defined in at least two ways. One is by the number of **criminal events**; the other is by the number of **criminal offenders** (Hirschi, 1987). Some would also define it by the amount of **harm** prevented (Reiss and Roth, 1993: 59-61) or by the number of **victims** harmed or harmed repeatedly (Farrell, 1995). In asking the Attorney General to report on the effectiveness of crime prevention efforts supported by the Justice Department’s Office of Justice Programs, the U.S. Congress has embraced an even broader definition of crime prevention: reduction of **risk factors** for crime (such as gang membership) and increases in **protective factors** (such as completing high school)— concepts that a National Academy of Sciences report has labeled as “primary” prevention (Reiss and Roth, 1993:150). What all these definitions have in common is their focus on observed effects, and not the “hard” or “soft” content, of a program.

According to a recent review of crime prevention technology by Brandon Welsh and David Farrington (2007: 81),

Technological advances over the years have had a profound influence on the way we think about crime and the efforts that are taken to prevent it. Hard technologies to prevent crime cover a wide range of applications in different contexts, including metal detectors in schools, baggage screening at airports, bullet proof teller windows at banks, and security systems at homes and businesses.

There are other hard technology applications that quickly come to mind, including the use of personal protection devices (tasers, mace, lifeline/emergency call mechanisms) and ignition interlock systems with alcohol sensors to prevent an individual from starting a car while intoxicated, and the various types of “social engineering strategies” described by Marx (such as target insulation, target devaluation, target removal, offender incapacitation, and offender exclusion) and advocates of crime prevention through situational crime control and/or environmental design manipulations (Marx, 2007; Clark, 1997).

While there are certainly a number of possible hard technology applications to crime prevention, Welsh and Farrington focus their research review exclusively on the only two hard technology innovations that they believe have *known* effects on crime: closed circuit television cameras (CCTV) and improved street lighting. To identify these crime prevention effects, the authors conducted a systematic review of the research on both forms of hard technology, which they have continually updated (Welsh and Farrington, 2002, 2004, 2006, 2007). Their findings are worth noting: “CCTV and improved lighting were more effective in reducing property crimes than in reducing violent crimes, with CCTV being significantly more effective than street lighting in reducing property crime” (2007:94). Of course, the majority of the evaluations reviewed by these authors focused on parking lots and/or garages; we simply do not have adequate empirical research to know whether these crime prevention effects will be found in other public places.

One additional caveat is in order when considering these findings. Both CCTV and improved street lighting strategies were found to be “far more effective in reducing crime in the U.K. than in the U.S.” (Welsh and Farrington, 2007:95). The obvious question is: why? The authors consider a number of possibilities for this differential effect, including length of follow-up (shorter follow-ups show better results), the actual date the study was conducted and the specific technology used (newer studies/technologies do better), whether the strategy was implemented as a stand-alone innovation or used in conjunction with another initiative (stand-alones do worse),

and cultural context/public support (more public support for CCTV in U.K. than in U.S.). I agree with the authors that while these two strategies meet the review criteria established for identifying programs/ strategies that *work* (this standard has been described by some, myself included, as the bronze standard, since it only requires a minimum of two level 3 (quasi-experiments) research studies to support this assessment (Byrne and Hummer, 2008). Assuming acceptance of this standard of proof, it is clear that these new technologies only work in one setting (parking lots/garages) and for very specific categories of crime (i.e. property). I assume it is understatement, but Welsh and Farrington conclude with a typical refrain: “there is still much to be learned about the optimal conditions under which CCTV and improved street lighting are most effective in reducing crime” (2007). Given these findings, it is certainly reasonable to ask why CCTV is on the “wish list” for so many college administrators and police chiefs around the country; it appears that CCTV has successfully marketed limited evidence of success in very specific areas (parking lots) as an effective crime prevention strategy—for both violence and property crime prevention—in *all* public places. While Welsh and Farrington argue that we need to conduct further research on the optimal conditions under which CCTV and street lighting “work,” I would recommend a more cautious approach, emphasizing where they do *not* work as well and highlighting the lack of rigorous “gold standard” research in this area (Haggerty, 2008).

In addition to the various hard technology applications I have just described, there are a variety of areas where soft technology has been used to predict –and attempt to prevent— violent and property crime. Andrew Harris and Arthur Lurigio (2007) recently examined the implementation and impact of selected soft technology. The authors highlighted the wide range of current soft technology applications to crime prevention, focusing on two major areas where soft technology has been applied to the problem of how best to prevent violent end property crime—risk assessment and threat assessment. According to the authors,

A wide range of strategies and models can be included under the rubric of “soft” crime prevention strategies. These include those associated with community policing, information-sharing protocols among law enforcement agencies, advances in computer protection technology, new anti-theft/target devaluation technologies, and social policy measures designed to ameliorate the environmental, economic, and psychosocial factors that encourage violent crime (Harris and Lurigio, 2007:103).

Harris and Lurigio provide a detailed review of the research on the design, implementation, and evaluation of the new generation of risk assessment and threat assessment instruments currently being used in this country and abroad. They focus their review of risk assessment on two offender groups: sex offenders and mentally ill offenders. For each offender group they identify new risk assessment technology (e.g. RRASOR, Static-99, SORAG, MnSOST, SONAR, SVR-20 for sex offenders; VRAG, Hare Psychopathy Checklist-Revised, HCR-20, ITC, COVR for the mentally ill) and then examine the available evidence of its effectiveness. The authors point out that one of the major paradoxes related to the development and expansion of risk-assessment technology in the area of violence prevention is that practitioners seem obsessed by the need to assess risk in groups of individuals (such as sex offenders) with very low failure rates (Harris and Lurigio, 2007). For some offender groups, risk appears much less important than stakes; for sex offenders in particular, it appears that the *possibility* of re-offending is more important than the *probability* of reoffending (Byrne, forthcoming).

In addition to their examination of risk assessment technology, Harris and Lurigio (2007) examined the development of new threat assessment protocols, and observe the following:

threat assessment...involves instruments or protocols to prevent violent incidents that rarely occur (e.g. an individual’s risk of being a murder victim in a school shooting is less than one in a million), but nonetheless create great fear and anxiety in the general population, such as terrorism and violence in the school and workplace. The purpose of threat assessment strategies is to prevent events of *targeted violence* (e.g. at schools and in the workplace) in which assessing a particular individual’s inherent risk of violence is secondary to the trajectory of

behaviors leading up to the planned attack (Harris & Lurigio, 2007 pp. 104).

Harris and Lurigio's review revealed that threat assessment is only in its early stages of development and that the risk assessment field has a much sounder empirical base. However, it is critical to emphasize that we are not currently able to accurately predict either violent behavior or the likely location of violent acts.

Both risk assessment and threat assessment represent examples of how soft technology innovations can be applied to the prevention of crime by targeted individuals (sex offenders, mentally ill) or at targeted places (schools, workplace, airports). The problem is that whether we "profile" high-risk people or high-risk places, we simply do not have the necessary information to make accurate predictions; as a result, false positives are subject to unnecessary—and potentially harmful—surveillance and control. In our quest to prevent a small number of high stakes, but low-risk, crimes (e.g. school shootings, terrorist attacks, sex offending), we have essentially traded personal freedom for the (false) promise of crime prevention. To the extent that the *actuarial assumption* inherent in the newest generation of risk prediction devices results in the identification of minority group members as the potential "at-risk" group, the use of these risk instruments may institutionalize disparities by race and class (Gandy, 2007). Perhaps equally important is the notion that we are wasting crime prevention resources on unproven strategies, many of them coercive in nature; a more prudent course would be to reallocate resources to non-coercive strategies with *known* crime/violence prevention effects (such as education, jobs, and poverty reduction) and fewer ethical concerns (Byrne & Roberts, 2007; Stemen, 2007).

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3b. The New Technology of Policing

Changes in both the hard and soft technology of policing appear to be transforming local, state, and federal policing departments in a number of fundamental ways, but some scholars have raised questions about how much has really changed (Manning, 2003). Two recent reviews (Hummer, 2007; Harris, 2007) of technology and the police describe this transformation process, review the evidence of its impact on police practices and outcomes, and discuss the implications of technological changes in policing for the public. Both Hummer (2007) and Harris (2007) reach similar conclusions: police technology has not been found to significantly improve police performance. Similar assessments of the limited measurable impact of police technology on police performance have been reached by others who have reviewed the available research on the impact of recent technological innovations on police performance (NRC, 2006; Manning, 2003).

Hummer (2007) recently identified several recent advances in the hard technology of policing, including: 1) non-lethal weaponry (chemical irritants, electric shock immobilizing technology, rubber, plastic, wooden bullet guns, beanbag shotguns, strobe and acoustical weaponry), 2) various non-electric immobilizing devices (water pressure, trap nets, sticky foam), 3) technology to reduce the number of vehicular pursuits (barrier strips, vehicle disabling and tracking devices), and 4) technology designed for officer safety (improved bullet-proof vests, new body armor technology, improved patrol car protection technology). While there are certainly other hard technology applications in policing that can be identified (including new gunshot location devices, cameras to detect speeders and red light violations, the use of biometrics/improved fingerprint identification, and the hands-free communications systems being tested in patrol cars), Hummer has focused his review on a critical policing issue: how can we develop new technology that provides *both* officer safety and citizen safety and protection?

At the outset of his review, Hummer considers the argument that advances in new, hard technology are the inevitable consequence of the militarization of domestic law enforcement (Kraska, 2001). He observes that "While some of these devices were created exclusively for law enforcement use (Silberman, 2005), many of these technological advances originated from the U.S. military, NASA, DARPA (the Defense Advanced Research Projects Agency), other national research laboratories, and private sector corporations (Alexander, 2005; Hubbs and Klinger,

2004; Nunn, 2001)” (Hummer, 2007:133). I will return to this issue in the concluding section of my review, but it is important to keep in mind the profit factor: hard-technology police innovations are the direct result of the private sector’s need to find lucrative, non-military (post-war) applications for military hard technology.

Focusing on the issue of officer safety, Hummer concludes that “While there are many factors in a complex dynamic associated with the significant decline in officer deaths over the past thirty years (Batton and Wilson, 2006), it seems reasonable to state that these innovations have played more than a negligible role” (2007:146). Apart from significant improvements in officer safety linked (generally) to advances in body armor, Hummer argues that there is little empirical evidence available to assess the impact of the other hard technology innovations on police performance. My own view is that while hard technology may account for significant improvements in officer safety, a more likely explanation is that these improvements in officer safety are linked to a general reduction in violence across the country over the past several decades.

In the conclusion of Hummer’s review, he emphasizes the need for a “best practices,” evidence-based review of the available research on these hard technology innovations. Given the cost of acquiring and maintaining these new hard technologies, it certainly appears that such a review is needed. Consider tasers, for example: there is *no evidence* that the introduction of this form of non-lethal technology has resulted in fewer instances where police will decide to draw and use their weapons; it appears that tasers and other non-lethal weaponry are actually being used to control individuals who would not—in the past—have been viewed as a threat necessitating a weaponbased response. It is in this context that it can be argued that we have “widened the net” of coercive police control, not only with the introduction of non-lethal force, but with a variety of other hard-technology applications. Given the fact that there is no evidence that spending money on the types of hard technology innovations *improves* police performance, one has to ask: why are we so enamored of these innovations?

There have also been a number of recent reviews of the design, implementation, and impact of soft information technology in the policing area (Pattavina, 2005; Manning, 2006; National Research Council, 2006). I will highlight the recent review by Christopher Harris (2007), who examined the impact of recent advances in information technology on police practices and performance, but I should emphasize that Manning (2003) and NRC (2005) cover the same ground and reach similar conclusions. Harris’s review includes a description of new, technologydriven advances in 1) data collection and management (new record management systems, mobile data terminals, computeraided dispatch (CAD) systems, information sharing via the internet), and 2) new datadriven police strategies (including Compstat, the use of computerized crime analysis and crime mapping software, and early warning/ early intervention systems targeting police misconduct). Harris also examines the technological and organizational challenges to the full development of IT (information technology) in local, state, and federal police departments in this country.

Given the current debate over the effectiveness of both problem-oriented policing and community-oriented policing strategies (Skogan and Frydl, 2004; Rosenfeld, Fornango, and Baumer, 2005; Berk, 2005; Manning, 2003; Weisburd, Mastrofski, Greenspan, and Willis, 2003), Harris is cautious in his appraisal of the long-term impact of the IT revolution on police organization and administration. He concludes his review by placing these recent soft technology enhancements in their proper historical context:

While IT has the potential to enhance police work, and perhaps fundamentally alter traditional police practices, there is little evidence that IT has revolutionized policing when compared to the earlier eras of policing and the adoption of the telephone, two-way radio, and automobile. To the extent that newer IT has contributed to policing, it appears to have largely enhanced traditional practices (Harris, 2007:181).

Critics of the technological revolution in policing argue that we are “transforming policing” not

by linking science to practice (Manning, 2008; Marx, 2008), but rather by developing strategies that utilize science/technology as a means to an end (coercive social control). Of course if such control-based technologies *improved* police performance, then such innovations would be on firm scientific ground, despite the obvious ethical/moral issues. In this regard, observe that clearance rates for every major crime category have dropped significantly over the past 50 years. For example, consider the crime of homicide: clearance rates have dropped from 92 percent in the late 60s to about 60 percent in 2007 (FBI, 2007). I would be hard pressed to offer an assessment of the positive effect of new technological innovations during this period, given these data on police performance.

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3c. The New Technology of Law and the Courts

As federal and state lawmakers in states across the country scramble to write and rewrite laws defining the elements of—and punishments for—a wide range of technology-related crimes (among them distribution of steroids, creation of meth labs, 911 abuse, new forms of financial and internet fraud, sale/distribution of child pornography on the internet, sex predators on the internet, human trafficking on the internet, identity theft, credit card fraud, theft of private information and trade secrets, and disruption of computer systems), court administrators in these same jurisdictions are considering exactly how to integrate cutting edge technologies—some used by the new categories of techno-criminals we have just created—into the traditional court process. The courts also play a role in sanctioning the use of (often coercive) control technology in policing (wiretaps, surveillance), prisons (race-driven classification schemes in *California v. Johnson*, use of segregation, and supermax), and community corrections (lifetime supervision laws and location restrictions for sex offenders, mandatory drug testing and treatment, etc.).

The courts appear to lag behind the police in their utilization of both hard and soft technology to improve the efficiency and effectiveness of the court process while also protecting the rights of defendants, victims, witnesses, and the general public (Cornell, 2001). In addition, the courts appear to lag behind the police in their use of new technology to improve staff and courthouse safety. According to a recent review by the Joint Technology Committee of the Council of State Court Administrators and the National Association of Court Managers, “Despite the billions invested on court technology, any objective observer would have to conclude that the courts have not received the return they should have from the time, efforts, and dollars spent on court technology” (Cornell, 2001: 17, as quoted in Corbett, 2007:225).

Absent an evidence-based review of the impact of technological innovations in court settings, policy-makers are often forced to make critical decisions regarding new technology initiatives based only on anecdotal assessments and case studies by court managers, which may or may not be accurate (Center for Court Innovation, 2007). There is a paucity of quality research on the impact on court technology and on court performance; the need for more—and better quality—research in this area is obvious.

Bellone (2007) recently described the application of a wide range of new technological innovations in courtroom settings across the country (CD-ROM, desktop and laptop computers, the internet, real-time transcription, video monitors and cameras, video conferencing, stored video/digital testimony, language translation devices, Braille systems and enhanced hearing devices, and the use of virtual reality simulations). He goes on to describe the rise of the cyber court (for instance, the Courtroom 21 Project at William and Mary School of Law) and then discusses the application of this new technology at key decision points in the court process, including 1) pretrial preparation, 2) the courtroom, 3) multi-jurisdictional and multi-court hearings, and 4) jury deliberations. In addition, he describes the use of new forms of hard technology (new weapons detection devices, shackles/restraints, video surveillance of the courthouse, and duress alarms) to improve the overall *safety* of courts. Finally, Bellone highlights the unique hard technology needs of one type of specialized court, the drug court (e.g. new drug testing technology, new integrated data systems).

Applying the evidence-based review criteria used by Sherman and colleagues (1997) to the topic of hard technology and the courts is revealing: we simply do not know “what works” in this area, because the necessary, independent quality evaluation research has not yet been conducted. Further clouding the picture is the cost of new technology and the likelihood that there will be differences in both access to technology and access to training on its use in the court process between public defenders and private attorneys; these differences in access and knowledge may affect outcomes in individual cases. After considering these issues, Bellone offers the following assessment: “Given the special significance of the courts, perhaps the slow pace of hard technological integration is appropriate and leaves room for social scientists and legal scholars to properly measure the impact—and ramifications—of such changes on the judiciary as a branch of government” (Bellone, 2007:207). My own assessment is more direct: one unintended consequence of technological innovation in the courts is that the documented disparity between rich and poor defendants (Taxman, Byrne, and Pattavina, 2005) will likely increase.

Ronald Corbett (2007:211), the Executive Director of Massachusetts Supreme Judicial Court, begins his review of soft technology in the courts by noting that in 2002, “over 500 million dollars was spent by courts nationally on technology (Collins, et al., 2002).” Unfortunately, it appears that much of this funding did not have its intended effect, because one third of all IT projects are cancelled before completion; only a fraction of IT projects are completed on time and under budget; and even when completed, most IT projects cost nearly twice as much as initially projected (Clark et al., 2001). Clearly, Corbett raises the cost and implementation issues at the outset of his review for a reason: “In the midst of all the manifest commitment to technology and the related techno-boosterism sweeping through the professional organizations, a clear note of caution and some restraint on the rhetoric is justified” (Corbett, 2007:225).

Corbett has identified a number of specific soft technology innovations that have been implemented in courtrooms throughout the country, including: 1) the new generation of automated court record systems, 2) court-specific web site development, 3) online access to case information, 4) electronic court documents, 5) new software-supported case management and court performance measurement systems (such as CourTools), 6) RFID (Radio Frequency Identification) technology, 7) data warehouses such as Pennsylvania’s Justice Network, JNET, and 8) the emergence of problem-solving courts with new soft technology requirements (e.g. drug testing, sentencing support tools). After reviewing recent developments in each of these areas, Corbett highlighted a critical issue that is now being played out in court systems (and in court cases) around the country: How do we balance the *public’s* right to know with an *individual’s* right to privacy?

Our answer to this question will likely determine the future course of technological innovations in the courts. As Corbett correctly observes, “The most likely future for the clash between public access and individual rights to privacy is contained in this National Center For State Courts (2005:58) prediction: The battle between institutional efforts to protect the personal information of their clientele and the ingenuity of those who seek the sensitive data for dishonest endeavors will continue to escalate” (Corbett, 2007:225). This certainly highlights the “varied consequences” theme that runs through my review. Advances in soft technology— while perhaps improving court efficiency (we don’t know yet)—may further erode individual privacy rights. Since court data are being managed in many jurisdictions by private, for-profit companies, there certainly appears to be a link between the *privatization* of these functions and the erosion of personal privacy. The role of the private sector in the management of court records may need to be reexamined if individual privacy rights are a priority (Rebovich & Marino, 2007).

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3d. The New Technology of Institutional Corrections

Our institutional corrections system has become the testing ground for a large number of hard technology and soft technology innovations, in part through the efforts of the Office of Law Enforcement Technology Commercialization, which attempts to utilize the expertise and resources in the private sector to address problems (e.g., the detection of cell phones in prisons,

safe toilet seats, and other common items that can be turned into weapons) facing managers in the public sector (Barte, 2006). According to a recent review by the National Commission on Safety and Abuse in America's Prisons, we spent sixty billion dollars on corrections nationwide last year alone; the vast majority of these funds were used to build prisons and to house and manage prisoners (Gibbons and Katzenbach, 2006). While reliable estimates on the proportion of total corrections spending targeted for new technology development are not available, it seems safe to assert that it is a substantial sum.

Given the sheer number of prisons (1,668 in 2000) and jails (3,376 in 2000), and the amount of money our nation appears willing to spend to incarcerate offenders, it is not surprising that private-for-profit companies would be interested in public/private partnerships generally, and the development and testing of new technologies in particular. However, questions need to be answered about the impact of corrections technologies on the behavior, mental health, and physical health of offenders, both during their time in prison and upon return to the community. In the United States, inmate-line officer ratios are generally reported to be between 3:1 and 8:1 (Sourcebook, 2005), but reports of much higher ratios (100: 1) are not unusual; by comparison, the ratios found in British prisons are much lower, allowing for closer interaction between staff and inmates and different strategies for staff management and offender change (Byrne, Hummer, and Taxman, 2008).

We rely on the technology of control in this country because we have no reasonable alternative, given our decision to use prison as the sanction of choice for certain categories of offenders (particularly drug offenders). In fact, we have made a conscious choice to imprison a large number of people (over 2 million at last count) and to supervise them using a relatively small number of line staff (270,317 custody/security staff in 2000, according to the Sourcebook of Criminal Justice Statistics, 2003: 96). While there is a continuing debate on the general deterrencebased, crime reduction effects of a prison sentence (Webster, Doob, and Zimring, 2006; Cook, 2006; Levitt, 2006), there appears to be an emerging consensus that 1) prisons are dangerous places, 2) what happens in prison doesn't stay in prison, and 3) *offender change*—not offender control—should be the primary mission of institutional corrections (Byrne, Hummer, and Taxman, 2008). It is in this broader context of sentencing policy and correctional philosophy that we now consider the new technology of prison control.

A recent review by Jacob Stowell (2007) highlighted the application of new, hard technology in three general areas of institutional control: 1) facility monitoring (e.g. weapon and contraband detection, remote monitoring of inmates, officer duress systems, and perimeter security), 2) inmate/officer interactions (e.g. language translation devices, less-than-lethal force), and 3) high-risk inmate control (e.g. the use of supermax prisons). According to Stowell (2007:242). "With the size of the incarceration population increasing and jail and prison budgets shrinking, the ability to effectively manage prisoners has never been more difficult. One challenge that the field faces is how to strike a balance between the amount of resources dedicated to inmate control (technology upgrades) compared to that devoted to *treatment* (i.e. mental health services, programming) of inmates." The recently expanded role of the private sector in the construction and management of prisons is another potentially problematic area (Herival and Wright, 2007), because it seems safe to assume that the public and private sectors may have very different views of how to define success.

Byrne and Pattavina (2007) completed a recent review of soft technology applications in institutional corrections that argued for further research on the appropriate "tipping point" between strategies designed to control offenders and strategies designed to change their attitudes, values, and behaviors. The authors identify a variety of current and potential soft technology applications to problem solving in institutional settings, focusing on a wide range of inmate (classification, treatment and control) and staff (management and protection) activities, including: 1) new techniques for the initial classification of inmates and subsequent offender location decisions; 2) new offender monitoring strategies (both health and behavior related); 3) crime analysis, hot-spot identification, and problem-oriented conflict resolution strategies within prison and jail; 4) information-sharing with police, courts, corrections, public health, and public/private sector treatment providers; 5) the application of crime mapping and neighborhood risk

assessment in reentry initiatives and 6) performance measurement system development in prisons and jails.

At the conclusion of their review, Byrne and Pattavina (2007) offer an alternative perspective on soft technology applications, suggesting that various forms of information technology—in particular, prison classification at the outset of an offender’s prison experience and reclassification nearing the end of an offender’s time in prison as he/ she prepares for reentry—can be revised to emphasize the goal of *offender change* rather than short-term offender control. The results of a recent evidence-based review of the research on prison violence and disorder by Byrne, Hummer, and Taxman (2008) support this position:

Given recent reviews highlighting the over-classification of female inmates (Austin, 2003), and the expansion of protective custody, administrative and disciplinary segregation (Commission on Safety and Abuse in America’s Prisons, 2006), it appears that the primary purpose of current external and internal classification systems is the short-term control of our inmate population. There is no evidence that our current emphasis on control-based classification systems makes prisons any safer; but there is a mounting body of evidence that we can reduce violence and disorder in prison by increasing inmate program participation rates.

Byrne and Pattavina (2007) offer a framework for changing offenders *while in prison* by linking offender assessment to offender placement in various forms of prison treatment (for mental health problems, substance abuse problems, educational deficits, employment/ skill deficits, etc.). As Gilligan and others have pointed out (Gilligan and Lee, 2004), one of the ironies of imprisonment is that some of the most compelling evidence of offender change is from evaluations of programs operated in institutional settings (e.g. prison therapeutic communities and cognitive restructuring programs located in both prisons and halfway houses). Similarly, Liebling (2004) and others have argued that prisons can and should be monitored and judged in terms of their “moral performance” (e.g. staff-inmate interactions, procedural justice, access to treatment, etc.), based on a simple axiom: The moral performance of *prisons* will affect the moral performance of *prisoners*, while in prison and upon release to the community (Byrne, Hummer, and Taxman, 2008). The U.S. prison system has demonstrated that it is possible to design and operate a prison system from which few prisoners can escape (Byrne and Hummer, 2007). However, over 90 percent of these prisoners will return to the community; what we gain in coercive short-term offender control is essentially lost when these offenders “fail” in the community.

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3e. *The New Technology of Community Corrections*

The growth of our corrections system has not been limited to institutional corrections. Community corrections populations have actually grown at a faster pace than the populations of its institutional counterpart, but what has shrunk over the past decade and a half is the proportion of corrections spending allocated to community corrections. (For example, last year, community corrections supervised 70 percent of the total corrections population but received about 20 percent of all corrections funding.) According to a recent Bureau of Justice Statistics Bulletin, *Probation and Parole in the United States, 2004*, authored by Lauren Glaze and Seri Palla (2005: 2), “The number of adult men and women in the United States who were being supervised on probation and parole at the end of 2004 reached a new high of 4,916,480, up from 3,757,282 on December 31, 1995...Overall, the correctional population increased by nearly 2.5 million, or 57 percent, from 1990 to 2004. Probationers accounted for 51 percent of the growth (or 1,262,000), followed by prisoners (27 percent or 679,000), jail inmates (12 percent or 309,000), and parolees (9 percent or 234,000).” The reason these numbers matter is that as the scale of the community corrections system has increased, community corrections managers have embraced a wide range of hard and soft technologies designed to improve the community control of offenders *without adding significant numbers of new personnel*.

There are a variety of ways that community corrections managers can apply new technological innovations to the management of offenders under community supervision. For example, one strategy would be to use the results of risk classification to identify a group of low-risk offenders that do not need direct supervision. In 2004, 26 percent of all probationers were not placed on active supervision, up from 21 percent in 1995; the comparable numbers for parole move in the opposite direction, with 15 percent of parolees not placed under active supervision, down from 22 percent in 1995 (Glaze and Palla, 2005). When fiscal resources are scarce, the size (or threshold) of the low-risk population targeted for non-supervision can be increased with little or no effect on public safety (Austin, 2006).

For the remaining offenders on active supervision, one hard-technology option involves the use of electronic monitoring, and this monitoring function is quickly moving to the private sector (see Harris and Byrne, 2007). Active offender supervision using new technology innovations will likely vary by the seriousness of the conviction offense. According to Glaze and Palla (2005:6), “The largest percentage of the probation population was convicted of a drug law violation (26 percent), followed by a DWI (15 percent) and larceny/theft (12 percent).” By comparison, parolees (in 2004) have typically served at least a year—often much longer—in prison for one of the following crimes: violent (24 percent), property (26 percent), drug (38 percent), and other (12 percent) crimes.

For both parolees and probationers, success rates have remained stable for the past decade: about 60 percent of all probationers and about 46 percent of all parolees “successfully met the conditions of their supervision” (Glaze and Palla, 2005:9). However, most observers feel that these success rates are unacceptably low, especially when viewed in terms of long-term declines beginning in the early eighties, a period in community corrections history marked by a new emphasis on surveillance-oriented community corrections programs (Byrne, Lurigio, and Petersilia, 1994). To the extent that new technological innovations emphasize surveillance and de-emphasize treatment, they may actually exacerbate the control problem in both institutional settings (more new prison admissions due to technical violations) and in the community, due to the destabilizing effect of both offender removal and reentry on communities (Clear and Cadova, 2003). Harris and Byrne (2007) have identified a number of hard-technology innovations currently being used by probation and parole agencies across the country, including: 1) new electronic monitoring technology, 2) new drug-testing technology (via urinalysis, sweat patches, saliva samples, hair analysis, and blood tests), 3) technologies for managing alcohol-involved offenders (ignition interlock systems, remote alcohol monitoring devices, 4) technologies for managing sex offenders (polygraph testing, the penile plethysmograph), and 5) automated reporting systems (telephone-based reporting, kiosks, language translators).

Harris and Byrne’s review highlights the very minimal scientific evidence available to date that focuses on the link between the adoption of these new technologies and the performance of probation/parole agencies. Absent scientific evidence, I do not anticipate quick, definitive resolution of either 1) the continuing debate between advocates of treatment and control-based corrections strategies (Byrne and Taxman, 2005; Farabee, 2005); or 2) the ongoing debate over the intended and unintended consequences of privatization of certain technology-based supervision functions (e.g. electronic monitoring) for community corrections’ organization, administration, and effectiveness.

Pattavina and Taxman (2007) recently offered an assessment of the impact of information technology on community corrections that echoes the “culture of control” argument offered by Garland (2002) and others. According to the authors, “Despite their good intentions, advances in soft technology in community corrections have resulted in more control over offenders. We collect more information about them, use that information to shape their future behavior and then closely monitor and control that behavior in the community” (2007:344). Pattavina and Taxman focus their review on the following areas of community corrections practice that utilize new forms of soft information technology in the classification, treatment, and control of offenders: 1) the new generation of classification instruments used in community corrections (LSI-R, PCL-R, HCR-20, VRAG, LCSF, RRASOR, Static-99, MnSOST-R, and SVR-20), 2) new approaches to

offender treatment based on the Risk/Need Responsivity model (and using the COMPAS classification system), 3) new case management information technology (e.g. the SMART, Supervision and Management Automated Record Tracking, system), and 4) new approaches to information sharing, crime mapping, and the assessment of community risk level for offenders under community supervision (and during reentry). Unfortunately, the necessary evaluation research on the implementation and impact of these soft technology innovations has not been completed, leading Pattavina and Taxman to conclude that we do not know whether improvements in information technology have resulted in the improved performance of the community corrections system.

One final caveat appears appropriate. Given the expanding role of the private sector in community corrections, it makes sense to ask a simple question: If we contract electronic monitoring/ supervision to one vendor, assessment to a second vendor, and service provision/treatment to a third vendor, then what is left for line community corrections officers to do? This is a question that will need to be addressed; and how it is resolved will determine whether privatization is just a short-term “fad” or a long-term strategic reduction in reliance on public social control mechanisms.

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4. Innovations in Criminal Justice Technology: Issues to Consider

Any new technological innovation is likely to have both intended and unintended consequences for crime and social control that are important to understand. Nonetheless, three critical issues come immediately to mind. First, perhaps the most salient issue related to the new technological innovations is whether—over time—we will replace *people* (police officers, court officers, judges, corrections officers, and community corrections officers) with various forms of *thing* technology (CCTV, cameras that detect speeders, wired courts, electronic monitoring, supermax prisons, etc.). For example, why do we need police officers patrolling the streets (and highways) when we have the technological resources (via cameras to detect speeders and red light violations, and CCTV to monitor public places) to remotely monitor activities and deploy a smaller number of police to address crime problems that are detected? The downsizing of police force manpower may be an inevitable consequence of this type of technological innovation, which is one reason that technological change may be viewed suspiciously by line personnel and the unions that represent their interests. Similar scenarios can be offered about the likely impact of various technological innovations in the courts (electronic filings, sentencing software) institutional corrections (the techno-prison, new identification and prisoner tracking devices), and community corrections (electronic monitoring with realtime tracking/location restrictions). What do we lose when we rely on technology rather than people to perform essential criminal justice tasks? My guess is that Gary Marx’s admonition—written about electronic monitoring over 20 years ago—is right on target: there is no soul in the new machine.

Another aspect of the *person vs. thing technology* analogy is worth considering here. It is certainly possible that our increased reliance on technology will lead us further down a potentially treacherous road: an increased reliance on both coercive surveillance and coercive control strategies. For those who draw parallels between domestic policing and military strategy (e.g. Kraska, 2001), it may be helpful to consider a recent shift in the approach of the military to the question of troop strength/deployment strategy: we are now considering reducing our reliance on large, standing forces of military personnel (e.g. in June, 2008, there were 150,000 troops in Iraq) and instead creating a number of small, highly trained, and technology-rich quick-strike Ranger-style units that can move to (and from) various “hot spot” areas as needed. This strategy may represent a possible deployment model for local, state, and federal police agencies that use various forms of hard technology (e.g. cameras, gunshot location devices, CCTV) and soft technology (e.g. crime mapping, hot spot analysis) to monitor areas (and analyze crime patterns) from a central location.

While it is certainly possible that such strategies may increase police performance initially, the longer-term effects may not be so positive, due to the distrust of the police in high-crime,

poverty-pocket areas that will likely be fostered by such strategies. Before we move too far in this direction, I think we need to consider the alternative: the development of non-coercive crime prevention and crime control strategies (Cole and Lobel, 2007). We can spend money on the latest *unproven technological innovation* in our search for an effective crime prevention and/or crime control strategy, but it is worth considering whether similar—or greater—crime prevention/control effects can be realized by using this money on *proven strategies* to improve drug treatment and education systems, create job training programs, improve housing, relocate families living in high-crime areas, reduce poverty, or hire more police to walk, talk, and problem solve in these “at risk” communities (Stemen, 2007; Byrne and Roberts, 2007).

A second related issue is whether our fascination with the new technology of offender control will result in the continued development and expansion of criminal justice policies that minimize the possibility—and undermine the prospects—for individual (offender) and community change (Byrne and Taxman, 2006). One doesn’t have to look any further than our recent prison build-up to find a good example of how our reliance on offender control in institutional settings—we spent 60 billion on corrections last year alone, with over three quarters of that total allotted to prison management—has undermined our ability to provide treatment to offenders (for substance abuse, mental health, education/ skill deficits) that might actually change their (criminal) behavior, both while in prison and upon reentry to the community (Gibbons and Katzenbach, National Commission on Safety and Abuse in American Prisons, 2006). To the extent that new technological innovations reinforce what David Garland has aptly labeled a culture of control, technology may be moving our corrections system in the wrong direction. Perhaps we need to think in terms of a correctional paradigm that emphasizes the new technology of offender change and would represent a departure from our current emphasis on control technologies; in doing so, we would recognize a simple lesson of history: more often than not, “brute force” fails (Kleiman, 2005).

And finally, out of necessity rather than by design, we certainly need to consider the longterm consequences of privatization of key criminal justice system functions, including information management, offender/placebased monitoring, and offender control. In large part because the line staff and management in most criminal justice agencies do not currently have the necessary technologybased skill sets, we are forced to rely on the private sector today more than at any point in our history, particularly in the area of information technology. It is certainly possible to envision a *Brave New World* of crime prevention and control, where the private sector’s helping, short-term support role (e.g. in the areas of information technology, system integration, electronic monitoring, and private prison construction/management) expands to the point where private sector crime control ultimately replaces public sector crime control in several critical areas (crime prevention, offender monitoring, place-based monitoring, and various forms of offender control). If this occurs, my concern would be that the moral performance of the criminal justice system will suffer, because a concern for the economic bottom line will have negative consequences in a number of critical areas (privacy protections, resource availability and quality, fairness, procedural justice).

The New Technology of Criminal Justice: Intended vs. Unintended Consequences

	Intended	Unintended
Crime Prevention	Prevent crime	Less Freedom
Police	Less crime Increased Officer Safety Less Harm to Public	More Distrust More Coercion Increased Harm
Courts	More Efficiency Better Decisions	More Disparity Less Privacy
Institutional Corrections	More Control	Less Change

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Conclusion: Understanding the Context and Consequences of Technological Change

It should be apparent from my brief, selected review of the available research that technological innovation will likely have both intended and unintended consequences for criminal justice organizations—and, by extension, the public—that are important to consider. Given the weak empirical foundation for these innovations (the science is not convincing) and the potentially detrimental side effects (the ethics are questionable), it seems reasonable to ask: Why change? We are currently experiencing a long-term downward trend in crime, with violent crime rates down over twenty percent since 1995 and our overall crime rate back to where it was in 1970.

The pressure to innovate is not related to a deteriorating crime problem; in fact, the opposite is true. However, it could certainly be argued that the need to innovate comes from a source more directly linked to criminal justice strategic planning and decision making: the poor performance of the criminal justice system in several key areas. For example, police clearance rates for homicide have dropped from over 90 percent in the late 1960s to 60 percent today, with similar precipitous drops for other categories of violent crime. The court system has developed a variety of reforms designed to address the long-standing problems of race and class bias over the past two decades, including the introduction of actuarial-based pretrial and sentencing decision-making tools (e.g. sentencing guidelines), but these reforms appear to have simply institutionalized race- and class-based disparity; the problem still remains. The institutional correctional system has been criticized in a number of performance-related areas in a recent comprehensive review by the National Commission on Safety and Abuse in America's Prisons. While there is an ongoing debate on the extent of the violence problem in prison, there is an emerging consensus that our prison system "makes offenders worse" in critical areas, such as mental health and physical health. Offenders leaving prison and being supervised in the community are failing at a much higher rate today than in 1980, with parole success rates dropping from 60 to 40 percent and probation success rates dropping from 80 to 60 percent.

Assuming that it is the poor performance of the criminal justice system that drives our current fascination with a wide range of technological innovations, the next logical question after "Why change?" is: "Why have we decided to move toward these forms of technology?" The short answer is that we appear to favor innovations that increase our ability to control, rather than change, individuals. Gary Marx's perspective on the use and misuse of technology in support of social control challenges much of the current thinking about the benefits of technological change:

The study of social control is a central element of sociological understanding. By social control I refer to the multi-faceted study of norms and rule enforcement. This can involve studying the creation of norms, processes of adjudication and sanctioning and also the broad societal guidance, integration and ordering which were of concern to early theorists of industrialization and urbanization.

Social control also centrally involves efforts to enforce norms. ... An important part of contemporary enforcement efforts involves using science and technology to strategically structure normative environments so that rule breaking is reduced and the identification of offenders and offenses and the minimization of harm are increased.

I am particularly interested in engineering efforts as applied to settings where there is a conflict of interest between agents and subjects of social control. While all technological control efforts have elements in common, those involving dissensus show some distinctive characteristics such as the dynamics of control and counter-control and the centrality of human rights issues (Marx, 2007 pp. 347).

I think it is fitting to conclude my review with another quote from Marx, which I believe highlights a critical insight: We need to find ways to apply new technology to the problems related to the monitoring and control of individuals and places; but we also need to find ways to use technology for an even more important purpose—to *reinforce moral performance at both the institutional and individual level*.

As Marx (2007) wryly observed,

A well known, if often naïve expression (given that individuals and groups do not start with equivalent resources), holds that where there is a will there is a way. This speaks to the role of human effort in obtaining goals. With the control possibilities made available by science and technology this may be reversed to where there is a way there is a will. As the myth of Frankenstein implies, we must be ever vigilant to be sure that we control the technology rather than the reverse. As Jacques Ellul (1964) argues there is a danger of self-amplifying technical means silently coming to determine the ends or even becoming ends in themselves, divorced from a vision of, and the continual search for, the good society. (Marx, 2007).

I think we need to continue to evaluate the effectiveness of new control-oriented technology in institutional and community corrections, documenting both the intended and unintended consequences of these types of technological innovation. However, we also need to recognize that new technology does not have to be synonymous with offender control. By investing in a wide range of (hard and soft) *offender change* technology (e.g. new treatment-oriented prisons and jails, new treatment-oriented community corrections programs, new drugs to assist addicts and the mentally ill), we may be able to find ways to apply new technological innovations for an even more important correctional purpose—to change offenders in ways that will result in desistance from criminal behavior.

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Table 1: The Application of Hard and Soft Technology to Crime Prevention and Control

	HARD Technology	SOFT Technology
Crime Prevention	<ul style="list-style-type: none"> • CCTV • Street lighting • Citizen protection devices (e.g. mace, tasers) • Metal detectors • Ignition interlock systems (drunk drivers) 	<ul style="list-style-type: none"> • Threat assessment instruments • Risk assessment instruments • Bullying ID protocol • Sex offender registration • Risk assessment prior to involuntary civil commitment • Profiling
Police	<ul style="list-style-type: none"> • Improved police protection devices (helmets, vests, cars, buildings) • Improved/new weapons • Less than lethal force (mobile/ riot control) • Computers in squad cars • Hands free patrol car control (Project 54) • Offender and citizen IDs via biometrics/fingerprints • Gunshot location devices 	<ul style="list-style-type: none"> • Crime mapping (hot spots) • Crime analysis (e.g. COMPSTAT) • Criminal history data systems enhancement • Info sharing w/in CJS and private sector • New technologies to monitor communications (phone, mail, internet) to/from targeted individuals • Amber alerts
Courts	<ul style="list-style-type: none"> • The high tech courtroom (computers, video, cameras, design features of buildings) • Weapon detection devices • Video conferencing • Electronic court documents • Drug testing at pretrial stage 	<ul style="list-style-type: none"> • Case flow mgt systems • Radio frequency identification technology • Data warehousing • Automation of court records • Problem-oriented courts
Institutional Corrections	<ul style="list-style-type: none"> • Contraband detection devices • Duress alarm systems • Language translation devices • Remote monitoring • Perimeter screening • Less than lethal force in prison • Prison design (supermax) • Expanded use of segregation units 	<ul style="list-style-type: none"> • Use of simulations as training tools (mock prison riots) • Facial recognition software • New Inmate classification systems (external/internal) • Within prison crime analysis (hot spots; high rate offenders) • Info sharing with police, community, victims, and community-based corrections (reentry)
Community Corrections	<ul style="list-style-type: none"> • GPS for offender monitoring and location restriction enforcement • New Devices (breathalyzers, instant drug tests, language translators, plethysmographs) • Polygraph tests (improved) • Laptops/GPS for line staff • Reporting kiosks 	<ul style="list-style-type: none"> • New classification devices for sex, drugs, and MI offenders • New workload software • New computer monitoring programs for sex offenders • Info sharing with community, police, treatment providers (for active offender supervision,

The Empirical Status of the Level of Service Inventory ¹

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THE CRIMINAL JUSTICE system supervises over 7.2 million offenders of all ages, from diverse backgrounds, and with a variety of individual needs (Glaze & Bonczar, 2007). The individual differences across offenders make it imprudent to take a one-size-fits-all approach to correctional treatment. Instead, criminal justice officials have the daunting task of identifying the risks and needs of every individual offender in order to determine the appropriate case management plan that will both protect the general public and effectively treat offenders so that they will not recidivate when released from criminal justice supervision.

To that end, correctional agencies have adopted a variety of assessment instruments to help classify, manage, and treat the burgeoning offender population. One of the most popular of these instruments in use today is the Level of Service Inventory, also known by its acronym of the "LSI." An estimated 900 correctional agencies across North America employ the LSI (Lowenkamp, Lovins, & Latessa, in press). ²

Given the prominence of the LSI, a crucial issue is whether it is an effective assessment instrument. To date, at least 47 studies have been conducted on the predictive validity of the LSI. The current paper summarizes this research and thus provides a systematic overview of the empirical status of the Level of Service Inventory. As we report below, the extant literature suggests that the LSI is an effective instrument for assessing correctional populations.

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The Level of Service Inventory

The Level of Supervision Inventory (LSI) was developed in the early 1980s by Canadian psychologists Don Andrews and James Bonta. In the 1990s, the LSI was updated and renamed the Level of Service Inventory- Revised (LSI-R). This risk/needs assessment instrument is based largely on theory and research on social learning. As will be explained below, the LSI is considered to be a "third-generation" risk/needs assessment instrument, and it can be used to measure offender risk and to direct the delivery of rehabilitative services. The most current

version of the instrument is called the Level of Service/Case Management Inventory (LS/ CMI) and contains a section to assist case managers with treatment planning. ³

As Bonta (1996) notes, first-generation assessments are based largely on subjective judgments. They are primarily clinical assessments in which those working with offenders rely on experience and intuition to decide which offenders do or do not pose a risk to society. Although clinical wisdom should not be discounted, the research is clear in showing that decisions based on such expertise are less accurate than empirical or actuarial-based decisions (Sarbin, 1943; Grove & Meehl, 1996; Gardner, Lidz, Mulvey, & Shaw, 1996; Grove, Zald, Boyd, Lebow, Snitz, & Nelson, 2000; Bonta, 2002). In a meta-analysis of 136 studies of human behavior conducted between 1966 and 1988, actuarial assessments were consistently more accurate than clinical judgments in predicting study outcomes (Grove et al., 2000). Grove and Meehl (1996, p. 320) assert that relying on clinical judgment instead of using an actuarial assessment instrument “is not only unscientific and irrational, it is unethical” (Ayles, 2007).

A second-generation of assessment then emerged that sought to advance beyond clinical judgments by using instruments that attempted to objectively measure offender risk (Bonta, 1996). The main weakness with these instruments is that they were composed of items that primarily measured “static risks” for recidivism. A static risk factor is a characteristic about an offender that is not amenable to change, such as criminal history. Although it may predict future criminality, criminal history gives little guidance for treatment intervention, because it cannot be altered. By contrast, a factor such as antisocial attitudes can be measured, targeted for change, and tested to determine whether or not changes in attitudes produce changes in subsequent criminal conduct. These have been termed “dynamic risk factors” because they are characteristics that are not inherently immutable but can potentially increase or decrease over time.

The third-generation assessment instruments include both static and dynamic risk factors. The LSI is an example of a third generation instrument. The domains selected for inclusion were based on a theory of effective correctional intervention developed by Andrews, Bonta, and other Canadian psychologists (such as Paul Gendreau). This theory argues that interventions should target for change empirically established predictors of recidivism (such as antisocial peers, antisocial attitudes, and antisocial personality). The term “criminogenic needs” is used for dynamic risk factors. An assessment instrument thus should not only identify whether offenders are at high risk of offending but also identify those “criminogenic needs” that might be targeted for treatment in the process of correctional intervention. According to Andrews and Bonta (1995, p. 3), the LSI is appropriate for use in “identifying treatment targets and monitoring offender risk while under supervision and/or treatment services, making probation/supervision decisions, making decisions regarding placement into halfway houses, deciding appropriate security- level classification within institutions, and assessing the likelihood of recidivism.”

The LSI-R is the most widely used version of the instrument. This assessment includes 54 questions that fall into 10 domains or categories: Criminal History (10), Education/ Employment (10), Financial (2), Family/Marital (4), Accommodation (3), Leisure/Recreation (2), Companions (5), Alcohol/Drug Problems (9), Emotional/Personal (5), and Attitudes/ Orientation (4) (Andrews & Bonta, 1995). Although the instrument does contain items that target static factors, the majority of the questions assess dynamic factors that potentially can be changed through treatment.

The assessment is designed to be administered by a criminal justice practitioner who has been trained on the instrument. This practitioner administers the instrument in a semi-structured interview with the offender that typically takes 45 minutes to an hour to complete. The 54 items on the assessment are scored as either Yes or No or on a scale of 0 to 3. The 0 to 3 scale can be translated to the following: 3 = a satisfactory situation with no need for improvement; 2 = a relatively satisfactory situation with some room for improvement evident; 1 = a relatively unsatisfactory situation with a need for improvement, and 0 = a very unsatisfactory situation with a very clear and strong need for improvement (Andrews & Bonta, 1995, p. 5).

Upon completion of the interview, the criminal justice practitioner scores the offender on the 54

items. One point is awarded for each item that is scored Yes, 1, or 0. The criminal practitioner then tallies up the points based on the offender's responses to the 54 questions to determine the total score. The score is then compared against the range of scores that fall within each designated risk level: 0–13 = Low, 14–23 = Low/Moderate, 24–33 = Moderate, 34–40 = Moderate/High, and 41–54 = High. Based on the risk designation determined by the offender's total LSI-R score, the criminal justice practitioner is able to outline a case management plan most suitable for the offender, based on his or her risk, needs, and responsivity factors.

The LSI is an important tool in promoting effective correctional treatment, because it addresses and overcomes a number of limitations associated with first- and second-generation assessments. To illustrate, the LSI uses a semi-structured interview and includes dynamic items that have been empirically proven to be the best predictors of crime. Moreover, the LSI is straightforward, easy to administer and score, and allows for criminal justice practitioners to exercise professional override if necessary. The LSI assigns each offender to a risk category, so that an appropriate case management strategy can be put into place. Once the offender has received treatment, then a follow-up LSI can be administered to monitor the offender's progress and modify the offender's treatment plan as needed. In sum, the LSI is a theoretically and empirically based assessment instrument that is designed to enhance the supervision and effective treatment of offenders.

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Methods

Sample

The sample includes 47 studies on the predictive validity of the Level of Service Inventory (all versions of the instrument) conducted between 1982 and 2008. Individually, the 47 studies include samples of adults, juveniles, males, and females. The studies examine offenders in a variety of correctional placement settings in the United States, Canada, and Europe.

Measures

Six study/sample characteristics, including age, sex, correctional placement, location, type of LSI instrument, and measure of recidivism, are included in this literature review. All of the study/sample characteristics are nominal in nature.

The primary outcome measure is valid predictor of recidivism: that is, whether or not an offender's total score on the Level of Service Inventory predicts recidivism. This variable is a dichotomous outcome measured 0 = no and 1 = yes. In most cases, the individual studies included in the literature review reported Pearson *r* correlation coefficients to indicate whether or not the Level of Service Inventory was a valid predictor of recidivism. If a study reported the instrument to be a valid predictor of recidivism, the outcome measure is coded 1 = yes. If a study reported the instrument was not a valid predictor of recidivism, the outcome measure is coded 0 = no.

A secondary outcome measure is positive association—that is, whether or not an offender's total score is associated with recidivism. This outcome measure is dichotomous and coded 0 = no and 1 = yes. Studies that indicated that the Level of Service Inventory is a valid predictor of recidivism were coded as 1 = yes. Studies that failed to report the instrument as a valid predictor of recidivism but indicated a positive association between total LSI score and recidivism were also coded 1 = yes. Studies that failed to find an association between total LSI score and recidivism were coded 0 = no. Analysis The analysis will include univariate and bivariate statistics summarizing the results from the 47 studies included in the literature review. Subsequent tables will include raw numbers and corresponding percentages for the respective independent and dependent variables.

Analysis

The analysis will include univariate and bivariate statistics summarizing the results from the 47

studies included in the literature review. Subsequent tables will include raw numbers and corresponding percentages for the respective independent and dependent variables.

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Results

[Table 1](#) and [Table 2](#) present an overview of findings from 47 studies on the Level of Supervision/Level of Service Inventory (LSI) conducted between 1982 and 2008. Each of these studies tests the predictive validity of the LSI and/or various versions of the assessment instrument. Specifically, the findings describe the degree to which offenders' total LSI score can accurately predict their likelihood to recidivate. The following section is a discussion of four major conclusions drawn from the review of previous research.

First, the LSI appears to be an empirically supported instrument for predicting recidivism. As indicated in the Valid Predictor of Recidivism column ([Table 1](#)), a large majority of studies (81.4 percent) report a statistically significant relationship between total LSI score and recidivism. Although some studies (18.6 percent) fail to report a significant relationship between the LSI total score and recidivism, nearly all (97.9 percent) of the studies report a positive association between total LSI score and recidivism. That is, the higher the total LSI score, the more likely the offender will recidivate. Conversely, the lower the total LSI score, the less likely the offender will recidivate.

Second, the LSI is a valid predictor of recidivism across groups of offenders. [Table 2](#) includes information on the LSI's predictive validity across categories of age, gender, correctional placement, and location. Thirtythree studies using adult samples (84.6 percent) report the LSI to be a valid predictor of recidivism. The findings from juvenile offender samples are slightly less favorable, though only five studies of juveniles were included in this review of literature.

Eighty percent of the juvenile samples report a positive association between the LSI and recidivism and half of the juvenile studies report statistically significant findings. However, given the very limited number of studies with juveniles coupled with relatively small sample sizes, it is important to interpret these findings with caution and to encourage more research in this area. It should be noted that the most recent and largest study of juveniles to date found the YLS/CMI to be a statistically significant predictor of recidivism.

The ability of the LSI to predict recidivism for male and female offenders is a topic of debate among researchers (Lowenkamp, Smith, & Latessa, 2008). Some suggest that the LSI may not predict as well for female offenders as it does for male offenders, because the risk factors of female offenders may not be identical to the risk factors of their male counterparts. These differences may result in female offenders being misclassified (Reisig, Holtfreter & Morash, 2006; Holtfreter & Culp, 2007). Despite the potential for important differences between male and female offenders (see [Table 2](#)), the results of this literature review indicate the LSI is a valid predictor of recidivism with samples of males (80 percent), females (71.4 percent), and mixed samples (94.7 percent).

The LSI is designed to be a versatile assessment tool, appropriate for use in a variety of correctional settings (Andrews & Bonta, 1995). For this reason, researchers have tested the instrument with offenders in prisons, jails, juvenile detention, and community corrections. As seen in [Table 2](#), research on the predictive validity of the LSI with offenders in prison has been established; in fact, 90 percent of the effect sizes with prison samples were statistically significant. The LSI also performs well in community corrections settings (77.3 percent) and in jails (75 percent). It appears that the LSI is the weakest predictor for offenders in juvenile detention, because only 50 percent of the studies report a statistically significant relationship. Again, this finding should be viewed with caution, due to the limited number of studies on juveniles in detention centers.

The LSI has been adopted for use by domestic and foreign correctional systems. To date, the

predictive validity of the LSI has been tested in Canada, Germany, the United Kingdom, the Island of Jersey, and the United States. Given the instrument's Canadian roots, it is no surprise that Canadian researchers have been actively involved in testing the LSI with Canadian offenders. As seen in [Table 2](#), the results indicate that the LSI is a valid predictor of recidivism in nearly 88 percent (87.5 percent) of Canadian studies. Nineteen studies of the LSI have been carried out in the United States, with two-thirds (66.7 percent) of the studies reporting statistically significant findings. Nine studies have been conducted in European countries or include Canadian and U.S. samples and each of the studies reports statistically significant findings between LSI total score and recidivism. Regardless of study location, the majority of the studies empirically support the LSI as a predictor of recidivism.

Third, the LSI appears to be an effective predictor across measures of recidivism. [Table 3](#) provides information on the variety of ways that recidivism has been measured in extant literature on the LSI. In the studies reviewed, reincarceration (26.6 percent) is the single most popular measure of recidivism, followed closely by re-arrest (21.9 percent) and reconviction (20.3 percent). Program completion (7.8 percent), absconding (3.1 percent), new charges (3.1 percent), parole violation (3.1 percent), release outcome (3.1 percent), supervision violation (3.1 percent), and evidence of domestic violence (1.6 percent) are used less often. Regardless of the measure of recidivism, a positive association between total score and recidivism is consistent across studies. Further, the LSI total score is a statistically significant predictor of recidivism across all 12 measures of recidivism.

Fourth, the LSI has garnered empirical support through three decades of research. During this time, the LSI has undergone minor modifications, resulting in multiple versions of the instrument. For this reason, the specific type of LSI instrument is identified for each individual study. As [Table 4](#) shows, 29 of the studies (61.7 percent) test the Level of Service Inventory-Revised (LSI-R) while 11 of the 47 studies (23.4 percent) test the original version of the LSI. Five studies (10.6 percent) test versions of the instrument designed for youthful offenders (i.e., Youth Level of Service/Case Management Inventory and Youth Level of Service Inventory). Finally, the Level of Service Inventory-Revised: Self Report (LSI-R:SR) and Level of Service Inventory- Ontario Revision (LSI-OR) have received much less scrutiny from researchers to date and respectively represent roughly 2 percent (2.1 percent) of the studies included in this review. Interestingly, all versions of the instrument received empirical support as valid predictors of recidivism.

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Discussion

The dramatic increase in the offender population over the last 30 years has forced correctional agencies to make difficult decisions about how to balance the need for public safety against the cost of treating and supervising the offender population. As a result, correctional agencies are forced to manage groups of offenders (Feeley & Simon, 1992). Offender classification instruments are commonly used by correctional agencies to separate offenders into groups based on offender risk level in order to adjust the intensity or duration of treatment accordingly. Although there are a number of different classification instruments available for use today, the LSI has emerged as one of the most popular.

A review of extant literature from 1982 through the present revealed that the majority of studies on the LSI conclude that the instrument is a valid predictor of recidivism (see Gendreau et al., 1997; Barnoski & Aos, 2003; Simourd, 2004; Mills et al., 2005; Holsinger et al., 2006). Moreover, the instrument has proven to be a valid predictor of recidivism with adults, juveniles, males and females. The LSI has been validated across a variety of correctional placement settings and with domestic and international offenders. The notion that the LSI is appropriate for general use (that is, for a variety of offender populations) as opposed to specific use (only appropriate for use with a select offender population) will likely add to the already broad appeal of the LSI with correctional agencies in the United States and internationally.

Although considerable research has been conducted on the LSI, there is still need for further inquiry. Much of the research to date has examined the predictive validity of the LSI based on a single assessment. Recently, scholars have explored the impact of assessing offenders at multiple points in time (O'Keefe, Klebe, & Hromas, 1998; Hollin, Palmer, & Clark, 2003; Miles & Raynor, 2004; Raynor, 2007, Vose, 2008). The notion that an offender's risk level may change from one assessment point to the next may mean that multiple assessment points are necessary.

Given the fact that the LSI includes a number of dynamic items, a reduction in an offender's total LSI score should occur after the offender has received treatment services appropriate for his or her risk, need, and responsivity levels (Andrews et al., 1990; Andrews & Bonta, 1998). To that end, multiple assessment points will allow correctional agencies to fine-tune an offender's supervision level to match fluctuations in offender risk level. This will afford correctional agencies the opportunity to allocate scarce resources in a more cost-effective manner that will balance the safety needs of the general public with the treatment needs of the offender population.

The LSI has received empirical support through three decades of research. The instrument's ability to effectively predict recidivism with a variety of offender populations has made this classification instrument a favorite among correctional agencies both foreign and domestic. That said, now is not the time to rest on our research laurels or turn attention away from the LSI. The need still exists for replication studies, studies that consider the effect of administering the instrument at multiple points, and other studies that bring to light innovative ways in which offender classification instruments may be improved to better treat, supervise, and manage the burgeoning offender population.

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Table 1: Summary Findings from Previous LSI Research

Author	Year	N	Measure	Strength of Prediction	Measure of Recidivism	Valid Predictor of Recidivism
Andrews	1982	561	LSI	r = .41	Reconviction	Yes
Bonta & Motiuk	1985	75 (S1) 89 (S2)	LSI	r = .40 (S1) r = .32 (S2)	Reincarceration Reincarceration	Yes Yes
Andrews et al.	1986	192	LSI	r = .48	Re-arrest	Yes
Motiuk et al.	1986	147	LSI	r = .36 r = .40	Program Completion Reincarceration	Yes Yes
Bonta & Motiuk	1987	108 (S1) 244 (S2)	LSI	r = .58 (S1) r = .39 (S2) r = .34 (S1) r = .31 (S2)	Program Completion Program Completion Reincarceration Reincarceration	Yes Yes Yes Yes
Bonta	1989	119	LSI	r = .35 (Natives) r = .50 (Non-Natives) r = .51 (Natives) r = .46 (Non-Natives)	Reincarceration Reincarceration Parole Violation Parole Violation	Yes Yes Yes Yes
Bonta & Motiuk	1990	580	LSI	RIOC = 70%	Reincarceration	NA
Bonta & Motiuk	1992	580	LSI	r = .35	Reincarceration	Yes
Motiuk et al.	1992	97	LSI	RIOC = 38.7%	Reincarceration	NA
Shields	1993	162	YO-LSI	r = .563	Reincarceration	Yes
Coulson et al.	1996	526	LSI	r = .51 r = .53 r = .45	New charges Parole Violation Program Completion	Yes
Gendreau et al.	1996	4,579	LSI-R	r = .35	Varies	Yes
Gendreau et al.	1997	2,252	LSI-R	r = .23	Varies	Yes
Kirkpatrick	1998	138 88 31 17	LSI-R	r = .27 (Intake) r = .40 (3 Months) r = .29 (9 Months) r = .60 (12 Months)	Release Outcome Release Outcome Release Outcome Release Outcome	Yes
O'Keefe et al.	1998	257	LSI	r = .31 (Parole T1) r = .22 (Parole T2) r = .08 (CCT1) r = .11 (CCT2)	Reincarceration Reincarceration Reincarceration Reincarceration	Yes Yes No No
Ilacqua et al.	1999	164	YO-LSI	Risk of recidivating increased as YO-LSI scores increased.	New charges or Reincarceration	NA
Kirkpatrick	1999	164	LSI-R	r = .41	Release Outcome	Yes
Raynor et al.	2000	948	LSI-R	r = .35	Reconviction	Yes

Lowenkamp et al.	2001	442	LSI-R	r = .26 r = .24 r = .14	Reincarceration Program Completion Absconding	Yes Yes Yes
Dowdy et al.	2002	140 127 123	LSI	r = .11 r = .14 r = .13	Program Completion Re-arrest Any Re-arrest Felony	No No No
Gendreau et al.	2002	7,367	LSI-R	r = .37	Varies	Yes
Austin et al.	2003	985	LSI-R	Risk of recidivating increased as LSI-R scores increased.	Re-arrest, Absconding or Reincarceration	NA
Barnoski & Aos	2003	22,533	LSI-R	r = .29	Reconviction	Yes
Marczyk et al.	2003	95	YLS-CMI	YLS/cMI score did not predict recidivism.	Re-arrest	No
Mills et al.	2003	209	LSI-R	r = .39	Re-arrest	Yes
Girard & Wormith	2004	630	LSI-OR	r = .39	Reconviction	Yes
Holtfreter et al.	2004	134	LSI-R	r = .16	Re-arrest	No
Miles & Raynor*	2004	1,380	LSI-R	r = .29	Reconviction	Yes
Simourd	2004	129	LSI-R	r = .44 r = .26 r = .31 r = .50 r = .46	Re-arrest Violent Rearrest Reconviction Reincarceration Supervision Violation	Yes Yes Yes Yes Yes
Mills et al.	2005	209	LSI-R	r = .39	Re-arrest	Yes
Schmidt et al.	2005	107	YLS-CMI	r = .19	Re-arrest	No
Dahle	2006	307	LSI-R	r = .41 r = .34 r = .29	Reincarceration	NA
Flores et al.	2006	2,030	LSI-R	r = .18	Reincarceration	Yes
Flores et al.	2006	2,107	LSI-R	r = .28	Reincarceration	Yes
Hendricks et al.	2006	200	LSI-R	r = .16	Domestic Violence	No
Hollin & Palmer	2006	216	LSI-R	r = .20	Reconviction	Yes
Holsinger et al.	2006	403	LSI-R	r = .18	Re-arrest	Yes
Mills & Kroner	2006	209	LSI-R	r = .39	Re-arrest	Yes
Reisig et al.	2006	402	LSI-R	r = .07	Violation, Re-arrest or Reconviction	No
Bechtel et al.	2007	4,482	YLS-CMI	r = .196	Reconviction	Yes
Folsom & Atkinson	2007	100	LSI-R:SR	r = .30	Reconviction	Yes
Palmer & Hollin	2007	96	LSI-R	r = .53	Reconviction	Yes

Lowenkamp & Bechtel	2007	1,145	LSI-R	$r = .25$	Re-arrest	Yes
Schlager & Simourd	2007	446	LSI-R	$r = .06$ $r = .09$	Re-arrest Reconviction	No No
Kelly & Welsh	2008	276	LSI-R	$r = .25$	Reincarceration	Yes
Lowenkamp et al.	2008	14,737	LSI-R	$r = .35$	Varies	Yes
Vose	2008	2,849	LSI-R	$r = .137$ (T1) $r = .193$ (T2)	Reconviction Reconviction	Yes Yes

* R scores for this study appear in Raynor (2007).

Table 2: Predictive Validity across Categories

	N	%	% Positive Association	N	% Valid Predictor of Recidivism
Age					
- Adults	42	89.4	100.0	33	84.6 ^a
- Juveniles	5	10.6	80.0	2	50.0 ^b
Sex					
- Female	7	14.9	100.0	5	71.4
- Male	17	36.2	100.0	12	80.0 ^c
- Mixed Sample	21	44.7	100.0	18	94.7 ^d
- Missing	2	4.3	100.0	0	0.0
Correctional Placement					
- Community Corrections	22	46.8	100.0	17	77.3
- Jails	4	8.5	100.0	3	75.0 ^e
- Juvenile Detention	5	10.6	80.0	2	50.0 ^f
- Prison	12	25.5	100.0	9	90.0 ^g
- Varies	4	8.5	100.0	4	100.0
Location					
- Canada	19	40.4	100.0	14	87.5 ^h
- United States	19	40.4	94.7	12	66.7 ⁱ
- Other	9	19.2	100.0	9	100.0

^a Calculation based on 39 studies instead of 42 because three studies failed to report significance.

^b Calculation based on 4 studies instead of 5 because one study failed to report significance.

^c Calculation based on 15 studies instead of 17 because two studies failed to report significance.

^d Calculation based on 19 studies instead of 21 because two studies failed to report significance.

^e Calculation based on 3 studies instead of 4 because one study failed to report significance.

^f Calculation based on 4 studies instead of 5 because one study failed to report significance.

^g Calculation based on 10 studies instead of 12 because two studies failed to report significance.

^h Calculation based on 16 studies instead of 19 because three studies failed to report significance.

ⁱ Calculation based on 18 studies instead of 19 because one study failed to report significance.

Table 3: Measures of Recidivism Across LSI Studies

	N	%	% Positive Association	N	% Valid Predictor of Recidivism
Reincarceration	17	26.6	100.0	12	100.0 ^a
Re-arrest	14	21.9	92.9	7	53.9 ^b
Reconviction	13	20.3	100.0	11	84.6
Program completion	5	7.8	100.0	4	80.0
Absconding	2	3.1	100.0	1	100.0 ^c
New charges	2	3.1	100.0	1	100.0 ^d
Parole Violation	2	3.1	100.0	2	100.0
Release Outcome	2	3.1	100.0	2	100.0
Supervision Violation	2	3.1	100.0	1	50.0
Domestic Violence	1	1.6	100.0	0	0.0
Varies	4	6.3	100.0	4	100.0

^a Calculation based on 12 instead of 17 because five studies failed to report significance.

^b Calculation based on 13 instead of 14 because one study failed to report significance.

^c Calculation based on 1 instead of 2 because one study failed to report significance.

^d Calculation based on 1 instead of 2 because one study failed to report significance

Table 4: Types of LSI Instruments

	N	%	% Positive Association	N	% Valid Predictor of Recidivism
LSI-R	29	61.7	100.0	23	85.2 ^a
LSI	11	23.4	100.0	9	90.0 ^b
LSI-OR	1	2.1	100.0	1	100.0
LSI-R:SR	1	2.1	100.0	1	100.0
YO-LSI	2	4.2	100.0	1	100.0 ^c
YLS-CMI	3	6.4	66.7	1	33.3

^a Calculation based on 27 instead of 29 because two studies failed to report significance.

^b Calculation based on 10 instead of 11 because one study failed to report significance.

^c Calculation based on 1 instead of 2 because one study failed to report significance.

Cognitive Behavioral Intervention with Serious and Violent Juvenile Offenders: Some Historical Perspective ¹

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[Spencer Youth Center and Juvenile Corrections in the 1970s Intensive Treatment Unit](#)
[Teaching Responsibility: Core Principles of the ITU Approach Summary](#)

COGNITIVE BEHAVIORAL Intervention (CBI) is an increasingly popular strategy for juvenile justice policy makers and practitioners looking for an effective way to meet public expectations for safety, security, and rehabilitation while addressing the various needs of the juvenile offender population (Glick, 2006a). The popularity of CBI parallels the field's renewed emphasis on *what works* or interventions with empirical outcomes. These evidence-based studies identify CBI as an effective approach to juvenile delinquency (Latessa, 2006; Lipsey, 1999; Pealer & Latessa, 2004), including the difficult population of juvenile sex offenders (Bingham, Turner & Piotrowski, 1995; Calley, 2007; Marques, Day, Nelson & West, 1994; National Adolescent Perpetrator Network, 1993). These findings receive additional encouragement from recent brain research, particularly the intriguing links between cognitive behavior therapy and *neuroplasticity* or the application of cognitive restructuring to sustained changes in neurophysiology (Begley, 2007).

Discussions of the historical origins of the CBI (Glick, 2006b), particularly the first program applications with juvenile offenders, reveal the challenges of describing seldom documented events. Juvenile correctional practice seems to be historically-situated and subject to the multiple constraints of shifting values and politics and, therefore, periodically discussed, debated, and re-defined. The benefit of historical analysis (Schutz, 1963) is that all program development occurs within a historical context, and historical knowledge adds meaning to the current practitioner's understanding and appreciation of how CBI began and evolved.

Most program materials, evaluations, and archival information on early CBI efforts no longer exist. Juvenile institutions still do not do a good job of chronicling and saving important program information and data; however, one program warrants re-consideration. The Tennessee Department of Corrections' Intensive Treatment Unit (ITU), which started in isolation from early CBI programs (Glick, 2006b), represents one of the first systematic applications of a CBI with incarcerated serious and violent juvenile offenders.

Spencer Youth Center and Juvenile Corrections in the 1970s

ITU, a maximum-security treatment unit, and its predecessor the Control Unit (CU), a maximum-security disciplinary dorm, existed from 1972 to 1978 at Spencer Youth Center (SYC) (currently Woodland Hills), the state-operated training school for 14- to 16-year-old delinquent boys in Nashville. The CU became the ITU in January 1974 ² under the leadership of Howard G. Cook, the newly appointed SYC Superintendent, with the support of both Albert Murray, SYC Director of Residential Life and the current Commissioner of the Georgia Department of Juvenile Justice, and Sam Haskins, MSW, SYC Director of Treatment.

Like other juvenile correctional facilities of that time, SYC was in the midst of upheavals that would change the course of juvenile corrections. One change was what Rubin calls the *constitutionalization* of the juvenile justice system (Rubin, 2003). The Supreme Court decisions of the late 1960s, including *Kent*, *In re Gault*, and *Winship*, shifted the juvenile justice landscape in ways that were not anticipated by juvenile correctional practitioners in the early 1970s. These newly articulated due process rights became powerful targets for lawsuits (and the threat of lawsuits) within juvenile detention and corrections, and that liability prompted a redefinition of institutional best practices. The juvenile correctional community's desire to define good faith practice in response to these court decisions and the growing body of case law involving juvenile institutions was a motivating factor for the American Correctional Association (ACA) to develop professional standards for juvenile detention and juvenile corrections facilities (Farkas, 1977; Sechrest, 1978), the first editions of which appeared in 1979 (Commission on Accreditation for Corrections, 1979).

SYC administration approached juvenile corrections from a mainstream perspective, stressing the importance of a therapeutic milieu characterized by order, discipline, education (general, remedial, and vocational), and recreation. The program mirrored Shireman's (1963) model of an effective correctional facility, including healthy experiences with authority, effective use of limits, socially acceptable achievement, positive peer relationships, positive relationships with an older adult, strengthening of moral values, and counseling. SYC looked very much like most juvenile correctional institutions in the early 1970s.

A small counseling department consisting largely of counselors with bachelor's degrees coordinated the rehabilitative and treatment services for over 400 SYC youth. An accredited school program, with a vocation component and an auto shop, along with a campus-wide recreation program housed in a large, freestanding gymnasium, supplemented the counseling efforts. Like most juvenile institutions of that era, SYC depended upon the line staff or Group Leaders to have the primary impact on the youth through the group living or dorm life programs. Most discipline and instruction about life's lessons came informally and eclectically from the Group Leaders and their supervisors, the Dorm Managers. Every Monday afternoon, representatives from all programs met in the SYC school library with administrators to evaluate each youth for promotion or demotion in a levels system consisting of freshman, sophomore, junior, and senior status. Achieving senior level initiated the youth's preparation for release.

A small percentage of the SYC population created significant problems for staff. Institutional disciplinary measures included a) the loss of a limited number of privileges, including demotion within the levels system (or lengthening incarceration through the loss of progress toward release), b) isolation in the *cells*, a freestanding, 1920s-style jail complete with six jail cells, c) and *licks* or corporal punishment administered with a large paddle. These sanctions proved largely ineffective with this small group of offenders, due in part to their mental health problems.

The Control Unit

To address the management of these sometimes violent but always irritating youth, SYC Superintendent Billy McWherter organized a committee of administrators and created a 24-bed maximum security disciplinary dorm, called the Control Unit (CU). Youth who could not adapt to the institution or cooperate with staff were committed to the CU for a period of two weeks, especially when their behaviors were dangerous or harmful. The committee selected Albert Murray to direct the CU.

The purpose of the CU was to provide a new and more effective type of discipline that would stop the troubling behaviors of those disruptive youth who would not respond to the institution's system of rewards and punishments. Stated differently, the CU targeted those youth who would not stop their troubling and dangerous misbehavior after the use of corporal punishment and solitary confinement. SYC administration understood that it risked greater exposure to liability if it increased the use of *licks* and the *cells*, especially with this population of youth, so the CU also became an experiment with an alternative disciplinary strategy that administration hoped would prove effective.

CU residents initially spent the majority of the day watching television. Recreation and education occurred on an irregular basis, and the staffing ratio of 1:24 proved to be insufficient for adequate programming. Idleness and boredom were common precursors to inappropriate behaviors, so the SYC administration moved quickly to implement programs in the Control Unit.

Program development took several forms. Administration added Group Leaders and two masters-level counselors to provide treatment services. The additional line staff improved the staff-to-resident ratio to 1:12 during program hours. Administration also required special services staff to work with CU staff on special problems and hired both a full-time recreation coordinator and teacher. Finally, administration approved a daily individual and group counseling schedule along with a basic point system to evaluate resident behavior.

These additions led to space problems, ³ so administration secured funds to renovate the old print shop for use as a new and expanded CU, while staff suggested that administration rethink the name of the Control Unit. Instead of a disciplinary dorm, the Control Unit had become the primary treatment intervention for the institution's most difficult youth. Murray, as a newly promoted institutional administrator, provided the needed support to change the name from the Control Unit to the Intensive Treatment Unit (ITU) at the time of its move to the renovated print shop.

Fear of Liability

Of the issues and forces contributing to the creation of ITU, an important factor was the fear of liability. In a move that appeared proactive at the time, SYC invited the Vanderbilt University Law School Juvenile Clinical Legal Education Project to review legal rights and services for youth. As a result, SYC had law students interviewing residents and examining due process rights in all aspects of SYC discipline. The unintended effect was to create a hyper-vigilance about litigation. In fact, the differences in perspectives between these young attorneys and state corrections officials created such acrimony that one lawsuit forced the closing of ITU and all special housing programs in 1978. Therefore, concern about how to avoid litigation was a significant motivating factor for SYC administration, and the CU/ITU experiment offered a viable disciplinary alternative that did not include prolonged solitary confinement and corporal punishment, two hot-button issues for litigation.

The evolution of the ITU revealed many of the pitfalls associated with a disciplinary approach that was too reliant on punishment as the main strategy to reduce inappropriate behaviors. To the credit of the SYC administrators, they held fast to a commitment to create a disciplinary alternative that could eliminate the need for corporal punishment and reduce the frequency and duration of solitary confinement. Administration remained reluctantly open to additional program changes when evidence existed that one of its mainstream discipline strategies was not working or that persistence in using these strategies would only increase liability. Reports and opinions from the Vanderbilt law students based on case law placed administration on notice that they now "knew or should know" of this ineffectiveness. Additionally, administration received behavior reports from the ITU staff with data demonstrating the relative effectiveness of non-punitive interventions.

Intensive Treatment Unit

The ITU marked a surge in program development that followed a common ordering of goals and tasks. The immediate priorities were staffing and behavior management. First, ITU meant a

commitment to maintaining adequate numbers of competent staff and a direct care staff ratio of 1:12 during waking hours. Second, ITU also meant an improved strategy to eliminate dangerous and disruptive behaviors. Before treatment can occur, the environment needs to be safe, calm, and orderly. Based on the works of J. D. Burchard (Burchard, 1967; Burchard & Barrera, 1972; Burchard & Tyler, 1965) and a thorough review of the applied behavior analysis literature, ITU developed and implemented a system of time-outs as the first level intervention with inappropriate behaviors. Third, ITU needed a systematic approach to creating and strengthening appropriate behaviors. A revision of the token economy resulted in a new point system with a canteen and a levels system.

The simple behavioral techniques (individual contracts and a point system) served as a foundation for the expanded behavior management strategy. The central program development theme was that concepts should be simple, clear, and understandable for both residents and staff. Therefore, ITU staff worked hard to eliminate complication and confusion. ITU staff maintained that a competent behavior management system did two things: It eliminated or weakened inappropriate behaviors, and it expanded or strengthened appropriate behaviors.

Weakening Inappropriate Behaviors through Time-Out

The first program development task was bringing inappropriate behaviors under staff control and authority (Dahms, 1978). Therefore, ITU staff designed and implemented a strategy to eliminate and weaken dangerous and inappropriate behaviors through the use of response-contingent, same-area [4](#) time-out from reinforcement.

Leitenberg (1965, p. 428) maintained that the essential feature of time-out was a period of time in which positive reinforcement was no longer available. White, Nielsen, and Johnson (1972) expanded this definition by referring to time-out as an arrangement in which the occurrence of a response is followed by a period of time when reinforcement is no longer available. This definition best described the time-out used in ITU.

The effectiveness of time-out depends upon an ongoing positive reinforcement that can be interrupted (Ross, 1972). The use of time-out presupposed that ITU youth would be under relatively high reinforcement so that the termination of the positive reinforcement would have an aversive impact (Kanfer & Phillips, 1970). Ongoing reinforcement presented a difficult challenge in a juvenile corrections setting that, by definition, was supposed to be punishing. Furthermore, the use of tangible reinforcers brought about frequent criticisms that incarcerated juvenile offenders were treated better than disadvantaged youth who did not engage in delinquent behaviors. Hence, the importance of the relationship between staff and residents increased significantly because it was a source of social reinforcement and a way to generate an ongoing reinforcement in the institution.

Two factors that influence the effective use of punishment in an institutional setting are intensity (severity) and timing. Banks and Vogel-Sprott (1965) reported that the extent of a punisher's suppression effect on inappropriate behaviors was inversely proportional to the amount of time between the inappropriate behavior and the delivery of the punishment. Punishment that occurred near the beginning of a sequence of related behaviors (a behavior chain) was more effective than punishment that occurred near the end of the behavior chain (Walters, Parks & Cane, 1965). Therefore, ITU staff concluded that time-out would be more effective as a consequence for inappropriate behaviors when used as soon as possible after the first incident of inappropriate behavior (Steelman, 1976).

Corporal Punishment

The 1970s saw increased attention to the legal rights of children (Rodham, 1973) with the courts, the public, and the media tending to reject punishment, especially corporal punishment, as an acceptable strategy for work with children and youth. ITU staff supported the Department of Correction's desire to reduce the SYC dependency on corporal punishment, but administration needed an effective way to suppress inappropriate behaviors, especially the violent and dangerous behaviors associated with severe personality and mental health disorders.

A common sanction in juvenile institutions of that era was corporal punishment. It was also a lightning rod for child advocacy attorneys. Beyond the negative side effects of aggression toward the punisher, avoidance of the punishing situation, and hostility (Azrin & Holz, 1966; Watson & Tharp, 1969), corporal punishment usually included more harmful side effects such as tissue damage, embarrassment, and the modeling of aggressive behaviors (Killory, 1974). Even though the case law regarding the use of corporal punishment in public schools and institutions for children and youth was in its formative stages, the prevailing attitude among SYC administration was to seek out alternatives to corporal punishment that maintained a safe environment and reduced the possibility of litigation. Time-out emerged as the alternative of choice.

Strengthening Appropriate Behaviors through a Token Economy

ITU used a token economy (point system) (Ayllon & Azrin, 1968; Kazdin, 1977; Phillips, 1968) to expand and strengthen appropriate behaviors. Before the strengths-based movement (Butts, Mayer, & Ruth, 2005; Clark, 1996), the ITU approach worked hard to turn negatives into positives and to build on assets or strengths whenever and wherever possible. One example of this was the development of the point system.

ITU staff got approval from SYC administration to survey Group Leaders in the regular dorms to find out which youth misbehaviors created the greatest problems or difficulties. The survey data identified five main clusters of misbehaviors: 1. not being under supervision or being outside of an area where youth could not be observed; 2. inappropriate talk; 3. not cooperating; 4. allowing others to incite or encourage inappropriate behaviors; and 5. horseplay or fighting (rough housing and physical contact). These five categories became the target behaviors for the ITU point system, using one-word labels for each category, “area,” “talk,” “cooperation,” “ignoring,” and “gestures.” Using a positive approach, ITU staff structured the point system so that youth earned points by displaying appropriate behaviors within each definition or behavior category during the grading periods.

This new emphasis meant that ITU residents earned points for doing things appropriately as opposed to other token economies where youth lost points through fines for inappropriate behavior. While the behavior research would prove the negative approach (fines) to be more efficient in the time needed to reduce inappropriate behaviors, both approaches demonstrated similar levels of effectiveness. ITU staff rejected the use of fines on philosophical and practical bases. Philosophically, fining or taking away points sent a clear message to youth that the one way to succeed was by doing nothing wrong, an approach diametrically opposed to the ITU philosophy of behavior change through reinforcement. From a practical perspective, ITU staff concluded that it was better for direct care staff to work in a system that minimized punishment. Without extensive training and close supervision (luxuries seldom found in state-operated correctional systems), line staff tended to increase the intensity of punishers (increased fines or increased numbers of licks) and to expand the list of behaviors that qualified for punishment. This backward strategy also meant that, in the minds of staff, each youth started each grading period with the maximum number of available points and then staff members deducted arbitrary amounts of points for various specified and unspecified inappropriate behaviors that occurred throughout the grading period.

During the 1970s, a criticism of juvenile corrections was that it *institutionalized* youth, i.e., reinforced and taught behaviors that had little or no usefulness outside the institution itself. ITU staff believed that one contribution to institutionalization was the improper use of a token economy. To minimize institutionalization, it was important to construct a behavior management system that communicated clearly to youth and staff that the best way to succeed was to do things right and behave appropriately.

The turning point for ITU occurred with the publication of research findings on SYC’s two systems of discipline (Roush 1974). ITU staff compared the SYC’s institution-wide system of motivators/demotions and corporal punishment to the ITU system of time-outs, a token economy, and no corporal punishment. The data revealed a significant reduction in the use of solitary

confinement with the ITU system. In an extension of this study, Steelman (1976) reported time-out to be a more effective alternative than corporal punishment in the management of inappropriate behavior of delinquent males in a training school setting. Based on these two ITU projects, SYC administration concluded that there could be effective institutional discipline (as measured by solitary confinement, one significant source of liability) without corporal punishment (the number one source of concern about liability).

Cognitive Behavior Modification

Attention turned next to the counseling or cognitive intervention. ITU Counselor B. Thomas Steelman recommended strongly the use of Rational-Emotive Therapy (RET) (Ellis, 1962). After lengthy discussions about the best application and modification of cognitive principles with youth, ITU staff combined RET and Maultsby's Rational Behavior Training (RBT) (Maultsby, 1975) with behavior modification to form the ITU cognitive-behavioral intervention (CBI) strategy.

As Lipsey's (1999) research would later reveal, the non-directive, individual-centered, and psychoanalytical models for juvenile offender treatment showed little effectiveness. Practitioners, who inherently sensed the ineffectiveness of these approaches, sought alternate strategies. Harry Vorrath received considerable acclaim with his Positive Peer Culture (PPC) experience at the training school in Red Wing, MN. PPC became a popular option for juvenile corrections, and Vorrath moved to Michigan in 1972, where he introduced PPC to the state-operated training school and teamed with Larry Brendtro at the Starr Commonwealth Schools to publish the first text on PPC (Vorrath & Brendtro, 1974). Most officials overlooked the controversial peer-restraint practice because PPC, under Vorrath's watchful eyes, produced a coveted, positive institutional culture infused with a powerful rehabilitative model; *and* it required relatively fewer numbers of staff.

The other alternative was the well-researched and evidence-based behavior therapy (Bandura, 1969; O'Leary & Wilson, 1975; Stumphauzer, 1979) and its companion, cognitive behavior therapy (Mahoney, 1974; Meichenbaum, & Goodman, 1971). One behavior therapy technique, the token economy (Ayllon & Azrin, 1968; Kazdin, 1977; Kazdin & Bootzin, 1972), emerged as an effective method of behavior change with children and adolescents; and Ellery Phillips' (1968) success using a point-based token economy with delinquent youth became required reading for anyone using behavioral techniques in a juvenile justice setting.

The SYC counseling department's strong dislike of behavioral methods insured that ITU got the most troubled youth in the institution. It was as if a referral of the most severely mentally ill juvenile to ITU was the counseling department's way of punishing ITU for its errant ways. However, this practice supported the argument that referrals to ITU should be for the entirety of the youth's SYC commitment instead of just a two-week stay, as originally designed. Following the transition to the new building, the length of ITU referrals expanded.

Teaching Responsibility: Core Principles of the ITU Approach

ITU resulted from the belief that the most effective and efficient way to teach responsibility to juvenile offenders is through a cognitive behavioral approach. Given the number of juvenile institutions that have replicated the CBI originating with ITU in one form or another, what are the core principles of this early CBI with juvenile offenders?

Relationships

Teaching responsibility is the conceptual bedrock, and its implementation starts with good people who have significant, structured, and positive influences in the lives of juvenile offenders during their stay in the institution. Good people forming powerful relationships with youth is the glue that sustains behavior change over time. The primacy of the relationship manifests itself in different ways, and the ITU philosophy can be seen today in the vision statement of the National Partnership for Juvenile Services (NPJS) Center for Research and Professional Development, which states: "The most effective way to return a juvenile offender to a healthy, law abiding

lifestyle is through healthy relationships with healthy adults in healthy environments.” Therefore, replications of the ITU program philosophy express the concepts of healthy adults, healthy relationships, and healthy environments in program and staff development before cognitive behavioral strategies begin.

Megar’s Triangle: Choices, Consequences, and Respect

ITU counselor James R. Megar used a triangle to describe three elements of teaching responsibility during a new staff training session in 1974. Megar explained that without the full development of each side of the triangle (each interactive component), the entire concept would collapse. The success of ITU depended on a balance, harmony, and interconnectedness among all three sides. Each side of the triangle represents a core concept: a) an internal or cognitive change process, b) an external or behavioral change process and c) a grounding of staff and youth in the value of human worth. These three components translate for staff into three skill areas: choices, consequences, and respect. The ITU staff translated the triangle explanation into axioms for treatment: a) choices in the absence of consequences are meaningless, and b) treatment gains in the absence of respect are temporary and superficial.

Research-Based Practice

As much as any juvenile corrections program in the 1970s, ITU emerged from empirical research with children and adolescents. The ITU behavior management system drew specifically on a *what works* perspective based on empirical evidence with similar populations of children and youth (Aitchison & Green, 1974; Alevizos & Alevizos, 1975; Becker, Madsen, Arnold, & Thomas, 1967; Burchard, 1967; Burchard & Barrera, 1972; Burchard & Tyler, 1965; Drabman & Spitalnik, 1973; Krop, Calhoun, & Verrier, 1971; MacDonough & Forehand, 1973; Madsen, Becker, & Thomas, 1968; Phillips, 1968; Staats, 1971; White, Nielsen, & Johnson, 1972). Through access to the early unpublished and published works of Bonnie Camp (Camp, 1976; Camp & Bash, 1981; Camp et al., 1979), Raymond DiGuseppi (1975), Rudolf Dreikurs (Dreikurs & Grey, 1968; Dreikurs & Cassel, 1972), Paul Hauck (1967), Maxie Maultsby (1971, 1975), Rian McMullin (McMullin & Casey, 1975), Don Meichenbaum (Meichenbaum & Goodman, 1971), Myrna Shure (Shure & Spivak, 1982; Shure, Spivak & Jaeger, 1971), and Donald Tosi (1974), ITU staff delineated the specific applications of cognitive interventions with troubled children and adolescents.

Juvenile-Specific

From a juvenile justice perspective, core ITU assumptions were: a) juveniles are not merely small adults and b) while many of the concepts and principles that apply to adults may also apply to juveniles, there are substantial differences in adolescents that must be addressed. The previously cited research convinced ITU staff that it was a mistake to assume that adult-oriented cognitive interventions, concepts, and techniques automatically worked with juveniles. Bernard and Joyce (1984) independently drew a similar conclusion and published one of the first primers on the applications of CBI with children and youth. Most explanations of CBIs do not make this distinction clear enough (Glick, 2006a).

Evaluation Driven

Limited resources constrained the many evaluation efforts of ITU staff. Yet, the desire to provide evidence of change at the individual and systems levels produced sufficient evidence about reductions in confinement and the elimination of corporal punishment (Roush, 1974; Steelman, 1976) that ITU became associated with outcomes data. The ITU experience was the source of a) Darrell Ray’s important studies on crowding and density (Ray & Wandersman, 1981; Ray et al., 1978; Ray et al., 1982), b) the development of the therapeutic social climate in a residential treatment program for serious juvenile offenders (Roush & Steelman, 1982), c) the reduction in average lengths of stay (ALOS) in a residential treatment program, resulting in improved cost-effectiveness (Roush, 1999), and d) the significant improvement in residents’ perceptions of safety in a troubled urban detention facility (DeMuro, 2003). Each replication of the ITU experience emphasizes evaluation and quality assurance.

Summary

The history of a program's development is important for many reasons. While today's practitioners might question a lengthy foray into bygone issues, there is some truth to the notion that an indifference to history in any endeavor increases the likelihood that today's practitioner will make yesterday's mistakes. The absence of historical information about CBI programs means that facilities are on their own in the development of policies, procedures, and practices. A detailed history supplies ideas for programs and operations along with the meanings of concepts and principles that can aid in problem solving across time and situations.

More importantly, as the juvenile justice community redefines itself, the historical perspective provides some continuity between today's practitioners and the values and beliefs of the prior generation. It is difficult to know where a program or institution or system is headed if no one knows where it has been.

The historical perspective also explains how a CBI intended for the most difficult offenders in a juvenile corrections facility could gain popularity among short-term detention facilities. While critics maintain that the average length of stay in detention is far too short to use a cognitive behavioral strategy effectively, the historical perspective points to its utility. The CBI is useful and meaningful to detainees because it provides staff with an understandable and more effective way of building relationships, managing behavior, and increasing resident and staff safety. In response to the questions about average lengths of stay, the utility of the CBI is that positive behavior changes can be made with troubled youth in very short periods of time, even two weeks in temporary detention. However, the applicability of CBI to juvenile detention depends more on its utility to staff whose job tenure is sufficient to learn the CBI, to build skills to use with juvenile offenders, and more importantly to internalize the teachings so that they result in better and more effective job performance.

A seemingly natural appeal surrounds the CBI, which might explain its continued popularity beyond the favorable research data. The present emphasis on evidence-based practices confers on juvenile justice programs a need to embrace the scientific method or at least a more rigorous grounding in common sense. Aaron Beck (1976) understood this appeal so well that he began his classic text on cognitive therapies with the following quote from philosopher Alfred North Whitehead:

Science is rooted in what I have just called the whole apparatus of common sense. That is the datum from which it starts, and to which it must recur. You may polish up common sense, you may contradict it in detail, you may surprise it. But ultimately your whole task is to satisfy it. (Beck, 1976, p. 6)

The CBI continues to satisfy that task for juvenile justice programmers and practitioners.

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References

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Juvenile Sex Offenders and Sex Offender Legislation: Unintended Consequences ¹

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DURING THE 1990s, growing concerns from sexual offenders regarding public safety prompted legislation to be enacted throughout the United States. The two primary pieces of legislation resulted in sex offender registration and sex offender notification, both of which were designed to promote public knowledge and visibility of convicted sex offenders. Whereas crimes committed by adult sex offenders against children directly influenced the creation of this legislation (i.e., Megan Kanka and Jason Wetterling), several states have since included juvenile sex offenders in their legislation (Center for Sex Offender Management, 2005). The inclusion of juvenile sex offenders in registration and community notification has sparked a great deal of debate as academics, criminologists and lawyers have discussed a range of implications. Two primary discussions have focused on the legislation's interaction with civil rights of juvenile offenders (Turoff, 2001) and with the rehabilitative philosophy of the juvenile justice system (Hiller, 1998; Swearingen, 1997; Trivits & Reppucci, 2002). In addition to these controversial issues, a small body of empirical research on sex offender legislation has begun to emerge addressing such issues as the efficacy of the legislation on sexual recidivism (Petrosino & Petrosino, 1999; Vasquez, Maddan, & Walker, 2008), characteristics of registered juvenile and adult sex offenders (Craun & Kernsmith, 2006), and public perceptions of sex offender legislation (Phillips, 1998; Proctor, Badzinski, & Johnson, 2002; Zevitz & Farkas, 2000). Missing from the empirical research, however, is an examination of the effect of the legislation on juvenile sex offenders, and more specifically, the effect of the legislation on dispositional decision-making and subsequent treatment implications for these youth.

This article intends to begin to address this gap in the literature through an examination of the treatment implications associated with efforts to avoid juvenile sex offender registration. To accomplish this, one full year of juvenile sex offense data from initial charge to treatment outcome was analyzed in a large, urban Midwest region. The findings suggest a possible unintended consequence of sex offender legislation on juvenile sex offenders: withholding juvenile sex offender treatment for youth that have committed sex crimes as a result of reduced

charges at disposition in order to avoid registration requirements.

Review of the Literature

In 1994, President Bill Clinton signed the Jacob Wetterling Crimes Against Children and Sexually Violent Registration Act (Jacob Wetterling Act). The Jacob Wetterling Act established a national registry for sex offenders who committed sexual offenses against children or adults) or violent offenses against children. Following the inception of the Wetterling Act, several other pieces of legislation were enacted, including: 1) Megan's Law, 1996 (requiring community notification); 2) the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (heightening registration requirements for certain serious and repeat offenders); 3) the Appropriations Act for the Departments of Commerce, Justice, and State, the Judiciary of 1998 (basing registration on a range of offenses specified by state law); and 4) the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Act of 2000 (requiring colleges and universities to notify the campus community about registered sex offenders on campus (Michigan State Police, 2006). It should be noted that although none of this legislation required states to register juvenile sex offenders, 32 states currently require some or all juvenile sex offenders to register and six states have developed separate registration laws for juveniles and adults (National Sexual Behaviors of Youth, 2008). The most recent legislation, the Adam Walsh Child Protection and Safety Act of 2006, was signed into law in August, 2006. This Act establishes a comprehensive national system for the registration of sex offenders, including juvenile offenders 14 years of age or older whose offense (or attempted offense) was comparable to or more severe than aggravated sexual abuse. The Adam Walsh Act is by far the most comprehensive piece of sex offender legislation that specifically includes juvenile sex offenders. Briefly, the Act contains several provisions related to the type of information that can be disclosed about the offender, the duration of registration requirements, and the extent of community notification, among other issues. States have three years from the passage of the Act to comply with its requirements.

Because of the far-reaching nature of the registration and community notification laws, sex offenders have been significantly differentiated from other types of offenders. As a result, there has been a great deal of controversy since the inception of the laws. Various challenges have been made to the constitutionality of the community notification law, including accusations that the law violates the Eighth Amendment's Cruel and Unusual Punishment Clause, the Ex Post Facto Clause, and the Fifth Amendment's Double Jeopardy Clause (Bredlie, 1996; Miller, 1998). Examining the constitutionality of the legislation with regard to juvenile offenders, the Due Process and Equal Protection Clauses of the Fourteenth Amendment have been questioned, since minors do not receive the protection of the Sixth Amendment (Turoff, 2001). Namely, whereas some states may mandate jury trials for juvenile offenders, there is no state or federal constitutional protection for jury trials involving juvenile defendants, thereby creating an unjust legal situation for juvenile offenders.

In addition to challenges against the constitutionality of the sex offender registration laws, opponents have argued that the legislation is in direct conflict with the rehabilitation philosophy of the juvenile justice system (Hiller, 1998; Swearingen, 1997; Trivits & Reppucci, 2002). With the inception of the juvenile justice system in Illinois in 1899, it was determined that juvenile offenders differed from adult offenders. As a result, the juvenile justice system was conceived with a focus on rehabilitation rather than punishment. Although certain legislative changes over the last century have at times resulted in attitudinal shifts toward a more punitive juvenile justice system (i.e., extending Constitutional rights of adult offenders to juveniles), historically the rehabilitative emphasis has continued to prevail (Trivits & Reppucci, 2002). Sex offender legislation has, however, once again challenged the system's rehabilitative philosophy, because the very nature of registration and community notification is viewed as punitive. In fact, community notification may result in social ostracism, as well as physical and emotional harm (Trivits & Reppucci, 2002).

Because of the controversy surrounding juvenile sex offender legislation, sex offender legislation has prompted legal attempts to avoid registration and community notification for juvenile offenders. As a result of legal maneuvers to avoid sex offender legislation for juvenile offenders,

legal proceedings may be increasingly complex and as a result, the treatment needs of juvenile offenders may not be addressed. Bremer (2003) identifies three scenarios that illustrate the results of legal efforts to avoid registration requirements for juvenile sex offenders: 1) being granted a trial during which evidence may be insufficient to produce judicial findings of facts and youth may receive no intervention at all; 2) being granted a stay of adjudication for youth to begin treatment only to have treatment disrupted when adjudication is resolved prior to completion of treatment; and 3) accepting a reduced charge that prohibits treatment even when evaluations indicate treatment is needed.

Michigan Sex Offender Legislation

Since 1995, both juveniles and adults have been required to register as sex offenders as a result of being found guilty of specific felony sexual offenses. In addition, information is made available to the public regarding adults convicted of specific sex crimes. The community notification legislation in Michigan also differentiates between juveniles and adults in another way: the identity of juvenile offenders is not released to the public until the juvenile's eighteenth birthday, whereas information regarding an adult offender's identity is immediately made available to the public.

In the Michigan region where this study took place, there were six primary sexual offense charges related to juvenile sex offenders. These offenses included the four classifications of Criminal Sexual Conduct (CSC I-IV), Gross Indecency, and Indecent Exposure. Criminal Sexual Conduct I (CSC I) is the most serious of the sexual offenses and involves penetration and typically the use of force and/or some form of coercion. Criminal Sexual Conduct II (CSC II) consists of sexual contact that involves the use of force and/or some form of coercion. Criminal Sexual Conduct III (CSC III) involves penetration without the use of force or coercion, and Criminal Sexual Conduct IV (CSC IV) involves contact without the use of force or coercion. Of the Criminal Sexual Conduct charges, CSC I – III are felony charges while CSC IV is a misdemeanor. Gross Indecency involves gross or indecent sexual behavior and is a felony charge while Indecent Exposure involves public exposure and is a misdemeanor. Of these six charges, CSC I, CSC II, and CSC III result in sex offender registration for juvenile sex offenders whereas CSC-IV, Gross Indecency, and Indecent Exposure do not require sex offender registration.

Because of the controversy surrounding the application of sex offender legislation to juvenile offenders (Hiller, 1998; Swearingen, 1997; Trivits & Repucci, 2002; Turoff, 2001), the author was specifically interested in examining dispositional decision-making and treatment implications of juvenile sex offenders to determine what, if any, impact the legislation may have had on these interdependent areas.

Method

This study analyzed one full calendar year of juvenile sex offender data in an urban region in Michigan. In particular, the study focused on initial charges, dispositional charges, and the treatment and/or service results related to dispositional charges as determined by dispositional decision-making.

The county provided the data for the study. There were a total of 299 juvenile sex offender petitions filed in the region in 2006. Two hundred and twenty-four of these cases were adjudicated before January 1, 2007. Of the 224 cases, 49 petitions were denied while 175 were approved. The study examined the 175 approved juvenile sex offender cases.

Variables

To promote an increased understanding of the relationship between initial charge, dispositional charge and treatment and/or service outcomes for juvenile sex offenders based on dispositional decision-making, four specific areas were examined. These areas included: initial charges (charges initially pursued by the prosecutor), case resolution (legal action taken by the court to address the initial charge), dispositional charges (adjudication charge), and case outcomes (service and/or treatment provided to the offender as a result of the dispositional charge). By

examining these four major components, the author hoped to increase knowledge of the relationships between these four areas and their implications to juvenile sex offender treatment.

Results

Initial Charges

The majority of the initial charges were Criminal Sexual Conduct in the First Degree (CSC I), comprising 59 percent of the total (n=103 cases). The next largest portion of initial charges was CSC II, which constituted 23 percent (n=40) of all cases. CSC-III comprised 6 percent (n = 11) of all cases, and CSC-IV comprised 7 percent (n=12) of the initial charges. The remaining 5 percent (n=9) of initial charges were classified as “other” and consisted of Electronic Stalking, Indecent Exposure, and Gross Indecency. It should be noted that because the region has one prosecuting attorney who handles all juvenile sex offender cases, the same prosecutor determined all initial charges based on the evidence provided by local law enforcement.

Case Resolution

The next step in the analysis focused on examining the legal action taken by the Court to resolve the case. The four methods of case resolution included: 1) the defendant was found Guilty as Charged, 2) the defendant was found Guilty of a Lesser Charge, 3) the defendant pled No Contest, or 4) the case was dismissed as a result of insufficient evidence for the case to proceed. Of the 175 cases, 82 percent (n=144) of the cases were initially resolved through finding the defendant Guilty of a Lesser Charge, while 10 percent (n=17) were found Guilty as Charged, and 7 percent (n=12) of the cases were Dismissed. One percent (n=2) of the defendants pled No Contest.

Dispositional Charges

The next area that was examined consisted of Dispositional Charges. The Dispositional Charge interacts with both the Initial Charge and the manner in which the case is resolved. The Dispositional Charge refers to the charge upon which the Court subsequently adjudicates the case. The Dispositional Charge has significant meaning, as the charged offense may result in the requirement of sex offender registration. Additionally, because the dispositional offense constitutes the adjudicated offense, this offense may directly impact the service and/or treatment outcome of the case as a result of the perceived severity of the charge (e.g., CSC I vs. Gross Indecency).

There were seven dispositional charges that included: CSC I - CSC IV, Gross Indecency, Indecent Exposure, and Assault. As stated above, 82 percent of the initial charges were pled down or reduced to lesser charges.

Of the 154 cases initially charged with CSC I – CSC III (each of which require sex offender registration), 51 percent (n=79) were pled down to Gross Indecency charges (which do not require sex offender registration and community notification). To more clearly examine this portion of the initial CSC I – CSC III cases, the breakdown per initial and dispositional charges were as follows: 57 percent (n=59) of the initial charges of CSC I were pled down to a dispositional charge of Gross Indecency, 40 percent (n=16) of initial charges of CSC II were pled down to Gross Indecency, and 40 percent (n=4) of initial charges of CSC III were pled down to Gross Indecency.

In addition to Gross Indecency, charges of CSC IV and Indecent Exposure do not require sex offender registration or community notification. Four percent (n=4) of the initial charges of CSC I resulted in dispositional charges of CSC IV and 2 percent (n=1) initial charge of CSC II resulted in a dispositional charge of CSC IV. Finally, 2 percent (n=2) of the initial charges of CSC I resulted in a dispositional charge of Indecent Exposure and 10 percent (n=1) of the CSC III charges resulted in a dispositional charge of CSC IV.

Case Outcomes

The final category consisted of Case Outcomes. Case Outcomes referred to action taken by the

court as a result of the dispositional charge, specifically dealing with the status of services and/or treatment provided to the offender. There were four possible case outcomes: Dismissal, Plea Under Advisement, Court Probation, or Commitment to the region's juvenile justice system.

Dismissal refers to formal dismissal of the case. When a case is dismissed, no services are provided and no continued relationship exists between the youth and family and the Court. The second Case Outcome option was Plea Under Advisement. Under a Plea Under Advisement, defendants may be encouraged to participate in the court's juvenile sex offense education program or may voluntarily pursue community-based therapy with a private practitioner; however, there is no formalized requirement that such participation must occur. In Plea Under Advisement cases, the court holds 90-day reviews at which time cases may be dismissed or further action taken. Most Plea Under Advisement cases result in dismissal in less than one year. The third possible case outcome is Court Probation, which results in youth being monitored by the court's Probation Department. These cases are regularly reviewed by the court and typically youth remain on probation from 6 months to 2 years. Some of these youth may also be required to participate in the court's sex offense education program or may be required to participate in some form of sex offense education with a private practitioner. Finally, the case may result in the youth's commitment to the region's juvenile justice system at a specific security level that restricts the youth's freedom of movement in the community. Within the region's juvenile justice system, an array of community-based and residential programming is available, that includes a small continuum of juvenile sex offender-specific treatment options. The continuum includes community-based treatment (both intensive in-home treatment and probation), residential treatment, and aftercare treatment/relapse prevention. Youth that are committed to the region's juvenile justice system for probation are also eligible for community-based treatment funded by the region. Each of the three treatment options facilitated by the region's juvenile justice system provides juvenile sex offender-specific treatment.

It should be noted that with the exception of Court Probation, in which assigned youth may be required to participate in juvenile sex offender education, all of the juvenile sex offender-specific services and treatment options available to the region's youth are only available as a result of commitment to the juvenile justice system. In examining the Case Outcomes for the population, 30 percent (n=53) of all juvenile sex offender cases were committed to the region's juvenile justice system while 31 percent (n=55) were granted Plea Under Advisement status and 8 percent (n=13) of the cases were dismissed. Twenty-six percent (n=45) were placed on Probation with the Court. Additionally, 5 percent (n=9) cases that were originally identified as committed to the region's juvenile justice system, and were therefore, unable to be accounted for.

Comparing the Case Outcome data to the Initial Charge data, of the 88 percent of all youth that were initially charged with CSC I – III, only 43.5 percent received a dispositional charge of CSC I – III. As a result, of the 175 total cases reviewed, only 30 percent were ultimately eligible for county-funded sex offender treatment through the region's sex offender treatment continuum, since placement is largely dependent upon dispositional charge. It should also be noted that although 30 percent of this population was ultimately committed to the region's juvenile justice system, not all youth were subsequently referred for sex offender treatment.

Discussion

The descriptive data presented demonstrate several key issues worthy of further discussion that include the following: 1) based on the initial charge, the majority of juvenile sex crimes committed in the region were the most serious sex crimes, 2) the majority of juvenile sex crimes were pled down to lesser charges, most of which became Gross Indecency charges, and 3) the majority of juvenile sex offenders were not eligible for county-funded sex offender treatment as a result of dispositional charges.

As noted in the data analysis, the vast majority of juvenile sex crimes initially charged in the region were the most serious sex crimes, with 59 percent comprised of Criminal Sexual Conduct I and 23 percent comprised of Criminal Sexual Conduct II charges. CSCS I is the most serious sex crime, involving both penetration and force and/or coercion, whereas CSC II is the next most

serious sex crime involving sexual contact and force and/or coercion. Together, these two offenses comprise 82 percent of the initial sex charges, illustrating a region dealing with very serious juvenile sex offenses.

The initial charge has particular significance as it refers to the initial alleged actions committed by the defendant. This charge is determined by the prosecuting attorney through a comparison of the case evidence to current legal statutes. As a result, the initial charge provides the closest thing to an objective initial assessment of the alleged crime and behavioral actions. The initial charge then, has specific importance as it relates to treatment implications, since treatment should be designed to address the specific behaviors displayed by the offender rather than addressing the results of legal action (i.e., reduced charge).

The second major point of discussion involves the plea process from initial charge to dispositional charge. As described earlier, 82 percent of the initial charges were reduced to lesser charges, with the majority of cases pled down to Gross Indecency, regardless of initial charge (e.g., CSC I – III). The data clearly illustrates little differentiation between initial charge and dispositional charge, since 57 percent of the initial charges of CSC I, 40 percent of CSC II, and 40 percent of CSC III resulted in reduced dispositional charges of Gross Indecency. Examining this data from another perspective, of the 79 dispositional charges of Gross Indecency, 75 percent had initially been CSC I, while 20 percent consisted of CSC II and 5 percent had initially been CSC III. Again, this data has clear implications for treatment, since treatment should address the actual behaviors of the offender as best as they can be determined (i.e., CSC I-III), rather than identified behaviors resulting from legal action (i.e., Indecent Exposure, Gross Indecency).

As stated earlier, CSC I-III are felony charges that require sex offender registration, whereas Gross Indecency is a misdemeanor that does not require sex offender registration. Since a sizeable portion of each of the CSC charges I-III resulted in the dispositional charge of Gross Indecency, there appeared to be little attention given in decision-making to differentiating between the seriousness of the three CSC charges. As a result, it appears that avoidance of the registration requirement was a motivating factor in dispositional decision-making.

The final point of discussion involves treatment implications as a result of dispositional charges or the case outcomes. Because dispositional charges comprise the actual charge upon which the offender is ultimately adjudicated, the type of dispositional charge may have significant influence on case outcomes. Case outcomes identify the status and type of service and/or treatment provided to an offender as a result of the dispositional charge. As stated earlier, 8 percent of the dispositional charges resulted in case dismissal and 31 percent resulted in Plea Under Advisement, neither of which mandates service and/or treatment. Additionally, 26 percent of the cases resulted in county probation that provides a limited degree of community supervision and no treatment. Of the 175 juvenile sex offender cases completed in 2006, only 31 percent resulted in commitment to the region's juvenile justice system. This has great significance in terms of treatment implications, because the county's juvenile justice system funds juvenile sex offender treatment programming. Conversely, youth that do not enter the region's juvenile justice system were not eligible for county-funded treatment. Therefore, 69 percent of the youth that committed sex offenses were not eligible for county-funded sex offender treatment.

Ultimately, as a result of dispositional decision-making largely to avoid sex offender registration, juvenile offenders were prohibited from receiving juvenile sex offender treatment. This practice is highly contrary to the overwhelming research support regarding the efficacy of early intervention/treatment of juvenile sex offenders, which has established that early juvenile sex offender-specific treatment has produced recidivism rates of 16-24 percent (Miner, Siekert, and Ackland, 1997; Rasmussen, 1999; Sipe, Jensen, and Everett, 1998). Further, this is contrary to the belief that effective public policy requires the careful balancing of criminal justice sanctions that are designed both to enhance public safety and to punish criminal acts by providing effective interventions (Association for the Treatment of Sexual Abusers, 2001).

Limitations of the Study

This study examined one full year of juvenile sex offender data from one region, and as a result, contributes to the body of knowledge regarding the impact of sex offender legislation on dispositional decision-making. However, because a multi-year, multi-region data set was not used, the degree to which the data can be generalized is limited. Future studies should provide multi-region, multi-year comparative analyses to increase generalizability and increased understanding of any regional or geographic differences.

Conclusions

The introduction of sex offender legislation has significant implications for juvenile justice. Although the interaction of this legislation with civil rights and the ideological foundations of the juvenile justice system has begun to be explored, the impact of this legislation on dispositional decision-making is still largely unknown. In particular, because of the controversy surrounding sex offender legislation and juveniles, dispositional decision-making actions to avoid registration requirements may inadvertently prohibit treatment opportunities for this population, as evidenced in this study. This is an area that will require continuous examination to ensure that the strides that have been made in juvenile sex offender treatment and management are not inadvertently lost due to challenges faced by prosecutors and jurists attempting to work within the constructs of this legislation.

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References

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Correlates of Re-arrest among Felony Domestic Violence Probationers

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DOMESTIC VIOLENCE is one of the most prevalent forms of violent crime to come to the attention of the criminal justice system. In 2004, more than 1,144,900 incidents of domestic assault were reported to the police in the U.S., resulting in over 948,000 arrests (FBI, 2005). Among the arrestees who were convicted, most typically receive a sentence to complete a batterers treatment program and to serve a period of community supervision on probation (Belknap, Graham, Hartman, Lippen, Allen, & Southerland, 2000; Buzawa, Hoteling, & Klein, 1998; Ferraro & Boychuk, 1992; Hofford, 1991). As a result, the research on identifying recidivism risk factors for domestic batterers should concentrate most on probationers and probation programs.

Prior research has suggested that domestic batterers frequently differ from the generalized population of violent offenders in their motivations, target selection, and thinking processes (Holtzworth-Munroe & Stuart, 1994; Saunders, 1995). These differences in criminal cognitive processes and behaviors suggest unique differences may exist for domestic batterers with regard to other factors as well, such as those influencing their chances of recidivism. While research findings currently exist on the recidivism risk factors of probationers in general (Morgan, 1993; 1994; Sims & Jones, 1997), little is known about what specific recidivism risk factors exist for domestic violence offenders. Furthermore, even less is known about the recidivism risk factors for domestic batterers convicted of felony offenses.

The present study sought to identify what risk factors were correlated with recidivism for a sample of felony domestic batterers serving a sentence of 24 months probation. Specifically, this study attempted to identify which offender characteristics were correlated with re-arrest for a new violent offense for a sample of 273 male offenders from one suburban county in Illinois, who were serving sentences of probation for a felony offense committed as part of an act of domestic violence. Successfully identifying such characteristics would help policy makers determine offender risk and decide upon the most appropriate sentence for felony domestic batterers. This information could also be useful for probation departments in developing rehabilitative case plans for felony domestic batterers.

Factors Associated with Recidivism on Probation

Several studies have identified factors associated with general offender recidivism while on probation. Morgan (1993) reviewed 24 studies published prior to 1990 and found that 9 offender characteristics were consistently associated with committing new criminal offenses while on probation. First, male offenders generally were more likely to be re-arrested than female offenders. Second, younger offenders were more likely to re-offend than older offenders. Third, unmarried offenders were re-arrested more frequently than married offenders. Fourth, education level was negatively correlated with re-offending, as each year of formal education reduced the likelihood of a new offense.

Fifth, members of racial minority groups were more likely to be re-arrested while on probation than Whites. Sixth, employment instability was associated with failure, as the more job changes the probationer experienced the more likely he/she was to re-offend. Seventh, the more prior criminal offense convictions the offender had collected, the higher the likelihood the offender would be re-arrested. Eighth, violent offenders were more likely to be re-arrested than were property offenders. Finally, the offender's sentence length was correlated with failure as the longer the period of supervision, the more likely the offender was to experience a new arrest (Morgan, 1993).

The more recent research literature has continued to support the significance of most of these nine predictors of recidivism among general probationers. Morgan (1994) studied a sample of 266 felons on probation in Tennessee and found that five of the nine predictors were significantly correlated with whether or not the offender's probation was revoked for a new offense. Sex, marital status, employment instability, type of offense, and prior criminal history were all significantly associated with recidivism. Age, education, race, and length of sentence, however, were not found to be significant influences in this study.

Sims and Jones (1997) examined factors associated with sentence revocation among 2,850 felony offenders on probation in North Carolina. Their findings were consistent with the previous research in that age, marital status, education level, race, employment instability, prior criminal record, offense type, and length of sentence were all correlated with re-arrest while on probation. This study also revealed three other factors that were significant: address instability (more frequent address changes increasing the odds of arrest), age at first offense (younger first offenses increasing the odds of arrest), and history of substance abuse (more frequent use of drugs or alcohol increasing the odds of arrest).

Only a few studies, however, have evaluated the offender characteristics associated with re-offending specifically among probationers convicted of domestic violence offenses. Olson and Stalans (2001) evaluated the likelihood of re-offending among 411 violent offenders on probation in Illinois, and compared domestic batterers with other violent offenders. They found that although both types of violent offenders were re-arrested for any type of criminal offense at similar rates, the domestic violence offenders were more likely to commit a new violent act, and commit it against the victim in their original offense. Although these researchers only included a limited number of potential recidivism correlates in their model (age, race, education, criminal history, substance abuse, and sentence length), they did find that four of these factors B age, education, substance abuse, and sentence length B were significantly correlated with arrest for a new violent offense among domestic batterers, and these correlations were in the same directions as those found with other types of probationers. Race and criminal history were not significant predictors of re-arrest for the domestic batterers in their sample (Olson & Stalans, 2001).

Hanson and Wallace-Capretta (2004) examined recidivism risk factors in a Canadian sample of 320 male domestic batterers who were sentenced to attend a domestic batterer counseling program, most of whom (but not all) were also serving a sentence of probation supervision. They found that re-arrest for a new violent offense was significantly correlated with a number of offender characteristics. Offenders re-arrested for violence within five years of sentencing were more likely to have experienced residential instability, employment instability, and financial instability, and were more likely to have criminal peers. Offenders with longer histories of substance abuse, prior arrests, and prior violent offense charges were also more likely to be arrested for a new violent act than those with shorter histories.

While previous studies have identified a number of factors related to the re-arrest among probationers generally, and only a few have studied domestic batterers on probation, none to date have specifically considered the correlates of re-arrest for domestic violence felony offenders on probation. Detecting such correlates would be useful in determining risk factors that could identify specific offenders who should not be considered for a sentence of probation due to their higher risk of re-offending. Identifying such risk factors could also assist probation officers in determining which offenders require closer supervision and case management due to their risks to public safety. The present study involved an examination of a sample of male offenders convicted of a felony level domestic battery offense, serving sentences of 24 months of probation and counseling in a suburban county in Illinois. This study sought to explore what offender characteristics were known to the court at the time of sentencing and were significantly predictive of being re-arrested for a new violent offense.

Method

The present study examined a sample of male offenders sentenced to probation for a domestic violence-related felony offense in a suburban county in the Chicago metropolitan area. This data was collected as part of a program evaluation of a domestic violence court program (Johnson, 2001). Automated court records were reviewed for all felony offenders sentenced by the county court between August 1, 1992 and July 31, 1999 to identify all offenders who had been charged with a count of domestic battery. This produced a sampling frame of 328 felony domestic violence offenders. Approximately 91 percent of these offenders were male and all but 26 received probation supervision as part of their sentence. In reviewing the sentences for these offenders it became apparent that in this court system the standard sentence, or going rate, for a felony domestic violence-related charge had been 24 months of probation supervision and a requirement to successfully complete a court-approved 26-week batterers counseling program.

In order to control for differences in sentence conditions (and possibly the severity of the instant offenses), only offenders who received this standard 24-month probation and counseling sentence were included in the sample. Also, because the number of female offenders in the sampling frame was so small, only male offenders were included in this analysis. This produced a final sample of 273 male offenders who had been sentenced for a violent felony charge associated with a domestic battery, received a sentence of 24 months of probation, and had been ordered to attend a 26-week domestic violence counseling program.

The Dependent Variable

The dependent variable in this analysis was whether or not the offender was re-arrested for a new violent offense while still on probation. This was determined by searching the judicial circuit's automated court records system to determine if a new violent charge had been recorded for the offender during the 24 months that immediately followed the offender's sentencing. Limitations exist, however, when measuring the dependent variable this way. Looking only within the circuit may have caused us to miss new arrests outside the three counties of the circuit. Nevertheless, due to the restrictions on the researcher's access to federal and statewide criminal history databases, this was the most prudent option available for measuring re-arrest.

Evidence also exists that the police frequently do not detect or are reluctant to initiate arrests in incidents of domestic violence (Buzawa & Buzawa, 2003), creating the possibility that some of the offenders in the sample who were not re-arrested for new acts of violence were simply not caught. Some of the offenders may have committed new acts of violence but the victim failed to report the incident. Some of the offenders may have re-offended and had the police intervene, yet the officers declined to make an arrest. Because of issues of victim privacy the author was unable to obtain permission to contact and interview the victims to determine if they had experienced new incidents of abuse by the offender. Therefore, reliance on an official record of re-arrest within the judicial circuit was the only option available.

Of the 273 offenders in the sample, 112 (41 percent) were found to have been re-arrested within the judicial circuit for a new violent offense before the end of their 24-month sentences. This

percentage of recidivism is slightly higher than revealed by the previous literature on domestic batterers on probation. In Olson and Stalans' (2001) sample of misdemeanor and felon domestic batterers, 32.3 percent were re-arrested for a violent offense before completing their probation supervision. Hanson and Wallace-Capretta's (2004) sample of (convicted and non-convicted) batterers attending counseling revealed that 25.6 percent of the offenders committed a new violent act within five years of sentencing. Neither of these two previous studies, however, had focused only on felony offenders, which may explain the higher recidivism found here.

The Independent Variables

The independent variables selected for analysis were all of the descriptive variables identified in the previous literature that were known to the court at the time of the offender's sentencing. These variables were the offender's race, age, education level, employment stability, address stability, shared residence status with the victim, history of substance abuse, prior completion of batterer's counseling, and the offender's prior criminal record.

As [Table 1](#) reveals, the sample involved 97 White (non-Hispanic) offenders, 97 African-American offenders, and 79 Hispanic offenders. Because some of the prior literature has suggested that probationers who are members of ethnic minority groups are more likely to be re-arrested than Whites (Morgan, 1993; Olson & Stalans, 2001; Sims & Jones, 1997), this variable was collapsed into a dichotomous dummy variable (White = 1, non-White = 0). It was predicted that being White would be negatively related to re-arrest, with Whites being less likely than non-Whites to be arrested again for violence while on probation.

Data was available for the offender's age in years at the time of sentencing; therefore this ratio level of measurement was used for the age variable. The ages of the offenders in the sample ranged from 18 to 50, with a mean of 32 years old. Because previous findings suggested that age was negatively correlated with re-offending (Morgan, 1993; Olson & Stalans, 2001; Sims & Jones, 1997), it was hypothesized that the younger the offender the more likely he would be to experience re-arrest while on probation.

Approximately 68 percent of the offenders in the sample had at least a high school diploma or GED certificate and 11 percent had at least a two-year college degree. This sample was generally more educated than most typical samples of felony offenders (Lochner & Moretti, 2001), which was likely a result of the suburban county environment, with a higher-than-average level of income and education. Because only about a tenth of the offenders had a college degree and most of the prior studies on the influence of education on probation outcome focused on whether or not the offender was a high school graduate (Morgan, 1993; Olson & Stalans, 2001; Sims & Jones, 1997), the measure used in the present study was a dichotomous variable assessing whether the offender had completed high school or an equivalency certificate. Consistent with the previous literature, it was hypothesized that offenders who did not possess a high school diploma or GED were more likely to be re-arrested for a new offense than more educated offenders.

Employment stability had been identified as a significant risk factor by the previous literature, suggesting that the more job changes an offender experienced while on probation the more likely the offender was to be re-arrested. In the present study data was available on the number of jobs the offender had held in the 36 months immediately prior to sentencing. As [Table 1](#) reveals, the offenders' jobs ranged from one to six, with a mean of approximately two jobs held during the three years prior to sentencing. Address stability had also been suggested as a risk factor in failing probation and re-offending (Hanson & Wallace-Capretta, 2004; Sims & Jones, 1997), and the number of official addresses for the offenders in the sample was available for the 36 months prior to sentencing. The number of different addresses held by the offenders ranged from one to five with a mean of approximately two different residence locations during the three years prior to sentencing. As was the case with employment stability, we hypothesized that offenders who had more address changes were more likely to re-offend than offenders with fewer address changes.

Dealing with a sample of primarily misdemeanor domestic batterers, Hanson and Wallace-Capretta (2004) found that whether or not the offender continued to reside with the victim of the domestic violence offense significantly predicted re-arrest and failure to complete counseling. In their study, domestic batterers who continued to reside with their victim (potentially recreating the situational circumstances that led to the initial offense) were more likely to re-offend and fail counseling. Of the sample for the present study, 55 percent of the offenders reported residing with their victim at the time of their sentencing. We hypothesized that the offenders who were still residing with their victims would be more likely to re-offend than the offenders who were not.

Hanson and Wallace-Capretta (2004) and Olson and Stalans (2001) found that substance abuse issues were related to re-offending among probationers. Offenders who abused alcohol or illegal drugs were more likely to re-offend. The court records on the offenders in this sample did not specifically detail whether or not any had disclosed having a drug or alcohol addiction. Even if asked, the accuracy of the offenders' statements may be unreliable due to the denial so deeply associated with alcohol and drug addictions, or a desire to appear socially responsible to the court. A proxy measure was established, however, whereby all offenders who had a prior conviction for a drug- or alcohol-related offense were counted as having a substance abuse issue. Therefore it was hypothesized that the offenders who had a previous conviction for a drug- or alcohol-related offense were more likely to be re-arrested than the offenders who lacked such a conviction on their record.

The existing research on the effectiveness of domestic batterer treatment or counseling programs at reducing recidivism has not been encouraging (Buzawa & Buzawa, 2003; Gondolf, 2004). These programs have generally been found to have little or no effect on recidivism, yet most courts continue to order domestic batterers to such counseling programs with hopes that they will help the offender rehabilitate. Information on whether or not the offender had previously successfully completed a court-recognized 26-week domestic batterer counseling program was in the court record and included in the analysis. As [Table 1](#) reveals, approximately half of the sample had already completed a 26-week domestic batterer counseling program at least once prior to sentencing for the present offense. It was hypothesized that if such programs were effective, then those who had already completed this counseling requirement would be less likely to re-offend than those who had not completed this type of a program.

Finally, the length of the offender's prior criminal record has been reported as a strong correlate with re-offending (Morgan, 1993; Olson & Stalans, 2001; Sims & Jones, 1997); therefore, the number of prior criminal convictions the offender had on his record was included as an overall measure of past criminal activity. The number of prior criminal convictions ranged from 1 to 29, with a mean of 7.68 prior criminal offense convictions. A second measure was also used, counting the number of prior convictions the offender had for violent offenses. The number of prior violent offense convictions ranged from 0 to 20, with a mean of 4.45 prior violence convictions. It was hypothesized that offenders with more prior convictions would be more likely to re-offend than offenders with fewer prior convictions. It was also hypothesized that offenders with more violent offense convictions would be more likely to be re-arrested than offenders with fewer prior violence convictions.

The dependent variable, whether or not the offender was re-arrested on a violent charge at any time during his 24-month sentence of probation, was then regressed by the 10 independent variables described above. Because the dependent variable was dichotomous, a binary logistic regression test was utilized to determine the influence of each predictor on the odds that the offender would be re-arrested for a new act of violence. The results of this test are presented in [Table 2](#).

Findings

As can be seen in [Table 2](#), the model chi-square value of the logistic equation was highly significant ($p < .000$), indicating that the independent variables in the model increased the goodness of fit of the chance of the model. Two model pseudo R-squares were also calculated.

The standard Nagelkerke pseudo R-square measure suggested that the model explained approximately 36 percent of the chance of re-arrest, and the more conservative Cox and Snell pseudo R-square suggested the model explained 26 percent. This finding was consistent with the models utilized in the previous studies of the recidivism of probationers (Morgan, 1993; Olson & Stalans, 2001; Sims & Jones, 1997).

Seven of the independent variables in the model were significant to the logistic equation. These were age, employment instability, residential instability, residing with the victim, substance abuse, prior criminal convictions, and prior violence convictions. The directions of all of these significant relationships were in the predicted directions. Younger offenders were more likely to be re-arrested than older offenders. The more job changes or address changes the offender had experienced, the more likely the offender was to be re-arrested. Offenders who were still residing with their victims were more likely to be rearrested than offenders who were not. Offenders with a prior alcohol or drug offense conviction were more likely to be re-arrested than offenders who had not; and the longer the offender's criminal record (both total offenses and violent offenses) the more likely he was to be re-arrested. An eighth variable, education, approached significance with a probability of .071, and displayed a negative relationship as predicted. Finally, two of the independent variables, race and prior batterer counseling, did not approach significance.

An examination of the odds ratios for those variables that were significant predictors of re-arrest revealed that prior arrest for a drug or alcohol offense was the strongest predictor of offender outcome. Having a prior conviction for a drug and/or alcohol offense almost doubled an offender's odds of re-arrest for a violent offense while on probation. While 27 percent of the offenders who had not been convicted of a drug or alcohol offense were re-arrested for violence while on probation, approximately 54 percent of the offenders with a past substance abuse related offense conviction were re-arrested.

The second most influential predictor of re-arrest was residence instability, followed by employment instability. For every address change the offender experienced during the three years prior to sentencing, the offender's odds of re-arrest increased approximately 1.5 times. The mean number of addresses held by those who were re-arrested was 1.9, while those who were not re-arrested had a mean of 1.3 addresses. Similarly, for every job change the offender had experienced, his odds of re-arrest increased approximately 1.4 times. While the mean number of jobs held by those who were not re-arrested was 1.87, those who were re-arrested held an average of 2.86 different jobs during the three years prior to being sentenced.

The number of prior criminal convictions and, to a lesser extent, prior violent offense convictions also increased the offender's odds of re-arrest for violence while on probation. Each prior criminal offense conviction on the offender's record increased the offender's odds of re-arrest by approximately 1.2 times, and each prior violent offense conviction raised the odds of re-arrest by .76. The offenders in the sample who were re-arrested for violence averaged 10 prior criminal convictions and 6 prior violent offense convictions. By contrast the offenders who were not re-arrested only averaged 6 prior criminal convictions and 4 prior convictions for violence.

Age was significantly and negatively related to re-arrest for violence. Younger offenders were more likely to be re-arrested than were older offenders. While the mean age of the offenders who were re-arrested was 30.5 years old, the mean age of the offenders who were not re-arrested was 33.1 years old. Finally, residing with one's victim increased the odds of re-arrest for the offenders in the sample. More than 60 percent of the offenders in the sample who were re-arrested for violence had been residing with their original victim when they began probation, while only about 39 percent of those not living with their original victim were re-arrested while on probation.

Discussion and Conclusion

Caution should be taken when inferring policy recommendations directly from these findings without waiting for replication by other researchers. This study was limited to only male

offenders in one suburban county in a Midwestern state. Differences may exist with female offenders, offenders in heavily urban or rural communities, or offenders from different parts of the nation or world. Furthermore, the outcome measure relied upon in this study was re-arrest for a new violent offense, not conviction or victim reporting. It is possible that some of these re-arrested offenders were never convicted of their new alleged offense. It is also possible that some of the offenders who were not re-arrested actually did re-offend, yet the crime was never reported to the police or an arrest made. It is not known how these possibilities could have affected the present findings.

Nevertheless, the findings here did identify several characteristics of felony domestic batterers that were predictive of re-arrest for a violent offense while on probation for this sample. These findings were also consistent with the previous research studies regarding the factors associated with recidivism for offenders of various types on probation. The fact that similar results were found by others is encouraging and increases confidence in the findings here.

The prior research on the influence of substance abuse on the offender's potential for getting into further trouble supports the results of the present study. Studying felons on probation for a variety of offenses, Sims and Jones (1997) found that substance abuse issues were a significant predictor that the probationer's sentence would be revoked. Olson and Stalans (2001) found that substance abuse issues were a significant predictor of both re-arrest for domestic batterers and non-domestic violent offenders on probation. Hanson and Wallace-Capretta (2004) evaluated the recidivism of domestic batterers undergoing court-ordered domestic batterer counseling, finding that substance abuse was also a significant predictor of re-arrest for these primarily misdemeanor offenders. These consistent findings suggest that having a prior history of substance abuse issues does increase a domestic violence probationer's odds of re-arrest. Illegal drug or alcohol abuse can cloud the mind, making attempts at cognitive change more difficult. It can lower inhibitions that would normally prevent an offender from re-offending. Finally, it can add stress to the relationship between the batterer and his domestic partner.

Sims and Jones (1997) found that residential instability increased a probationer's odds of recidivism. Hanson and Wallace-Capretta (2004) found that residential instability was correlated to re-arrest specifically with domestic batterers. The present study continued to support residential instability as a predictor of re-arrest among domestic batterer felons. Offenders who frequently moved might have experienced increased stress in their lives and a decreased sense of social stability. This increased pressure on the offender and lack of social stability could have resulted in an inability to control one's impulses toward violent behavior. The same could have been true for employment instability, which not only was correlated to re-arrest in the present study, but was also a factor correlated to probation recidivism in most of the prior literature (Hanson & Wallace-Capretta, 2004; Morgan, 1993, 1994; Sims & Jones, 1997).

Age was consistently another offender characteristic that has aided in the prediction of probationer recidivism (Morgan, 1993; Sims & Jones, 1997), and was again substantiated in the present study, as younger offenders were more likely to be re-arrested than older offenders. Another predictive characteristic well supported by the prior literature involved the offender's criminal record. In prior studies the more prior offenses that were found on the offender's record the higher the probability that the offender would recidivate (Morgan, 1993, 1994; Sims & Jones, 1997). The present study found that more prior criminal convictions, and also more prior violent offense convictions, predicted re-arrest.

Finally, whether or not the offender had successfully completed a domestic batterer counseling program prior to his current sentencing was not significantly associated with re-arrest. The inability of such batterer intervention programs to measurably impact offender behavior was not inconsistent with the existing literature regarding the effectiveness of domestic batterer counseling programs, as the numerous empirical evaluations of these programs have produced inconclusive findings (Gondolf, 2004; Healey, Smith, O'Sullivan, 1998).

Some exceptions to the prior literature, however, were found in the present study. While Morgan (1993, 1994) and Sims and Jones (1997) found that married offenders were less likely to

recidivate on probation than unmarried offenders, and Hanson and Wallace-Capretta (2004) found that whether or not the batterer was residing with his former victim was unrelated to recidivism, the present study found that residing with one's previous victim did increase the odds or re-arrest. This inconsistency with the prior research may be a difference unique to felony-level domestic batterers; however, replication must occur before this determination can be made. Furthermore, while race and education have often been correlated with probation success or failure, these characteristics were not significant here. These inconsistencies also need further investigation.

Community-based supervision on probation continues to be used extensively as a sentencing option for domestic batterers, including felony offenders. The importance of identifying true factors predictive of re-offending, therefore, is clear. Judges, when determining the most appropriate sentences for domestic batterers, need to have a clear understanding about the characteristics of defendants that suggest elevated levels of risk of re-offending. Likewise, probation officers need to be able to identify the characteristics of offenders that increase their odds of re-offending so that case planning can address these risk markers, and offenders at elevated risk can receive closer supervision. Such information may help increase the efficiency of the legal responses to domestic violence.

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The articles and reviews that appear in *Federal Probation* express the points of view of the persons who wrote them and not necessarily the points of view of the agencies and organizations with which these persons are affiliated. Moreover, *Federal Probation's* publication of the articles and reviews is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System. Published by the Administrative Office of the United States Courts www.uscourts.gov
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Table 1. Independent Variable Descriptives (N = 273)

Race - White - non-White	97 (35.5%) 176 (64.5%)		
Age Min = 18	Max = 50	Mean = 32.05	SD = 8.50
Completed High School/GED - Yes - No	186 (68.1%) 87 (31.9%)		
Jobs Held in Last 36 Months Min = 1	Max = 6	Mean = 2.27	SD = 1.39
Addresses in Last 36 Months Min = 1	Max = 5	Mean = 1.57	SD = 0.87
Still Residing with Victim - Yes - No	151 (55.3%) 122 (44.7%)		
Prior Substance Abuse - Yes - No	141 (51.6%) 132 (48.4%)		
Prior Batterer Counseling - Yes - No	136 (49.8%) 137 (50.2%)		
Prior Convictions Min = 1	Max = 29	Mean = 7.68	SD = 5.82
Prior Violent Offense Convictions Min = 0	Max = 20	Mean = 4.45	SD = 4.24

Table 2. Multivariate Logistic Regression on Re-Arrest (N = 273)

Variables	Coefficient	SE	Odds Ratio
Constant	-.259	.726	.772
White	.242	.356	1.274
Age	-.043*	.019	.958
HS/GED	-.568	.314	.566
Employment Instability	.311*	.140	1.364
Residence Instability	.434*	.200	1.543
Residing with Victim	.800**	.317	.450
Prior Substance Abuse	.668*	.320	1.951
Prior Batterer Counseling	-.401	.313	.670
Prior Criminal Convictions	.214*	.093	1.239
Prior Violence Convictions	.281*	.124	.755

Model Chi-Square = 83.807***

Cox and Snell Pseudo R-square = .264

Nagelkerke Pseudo R-square = .356

Significance Levels: * p < .05; ** p < .01; *** p < .001

Juvenile Focus

By Alvin W. Cohn, D.Crim.
President, Administration of Justice Services, Inc.

Technical Assistance

Free technical assistance is available to state and local agencies on issues related to evaluating, selecting and procuring electronic monitoring technology as well as implementing, operating, and evaluating an electronic monitoring program. Contact George Drake at gbdrake@comcast.net for further information.

Trafficking of Children

The U.S. Department of Education's Office of Safe and Drug-Free Schools has published *Human Trafficking of Children in the United States*. The fact sheet describes the nature and extent of such trafficking and how it affects our schools. Information and resources related to identifying victims of human trafficking are also provided. See <http://www.ed.gov/about/offices/list/osdfs/factsheet.html>.

Youth Court

A record 1,255 youth courts across the United States annually involve more than 115,000 youth volunteers in the sentencing and disposition of more than 120,000 youth offenders. With funding from the Office of Juvenile Justice and Delinquency Prevention, the National Highway Traffic Safety Administration, and the Office of Safe and Drug-Free Schools, the National Association of Youth Courts, Inc. has published the *National Youth Court Month 2007 Planning and Action Guide*. The Guide is designed to assist communities in observing the annual National Youth Court Month. See <http://www.youthcourt.net>.

Disproportionate Minority Contact

With funding from OJJDP, the Program of Research on the Causes and Correlates of Delinquency has issued the report *Disproportionate Minority Contact in the Justice System: A Study of Differential Minority Arrest/Referral to Court in Three Cities*. The report draws on information from delinquency studies in Pittsburgh, PA, Rochester, NY, and Seattle, WA, to examine disproportionate minority contact and factors that might affect it at the police contact/court referral level. See <http://www.ncjrs.gov/pdffiles1/ojjdp/grants/219743.pdf>.

Adolescents, Neighborhoods, and Violence

This report describes four scientific studies that analyzed data from the Project on Human Development in Chicago Neighborhoods, which for almost a decade has been contributing valuable knowledge about the interplay between crime, violence, children, and neighborhoods. The researchers' innovative, multilevel design produced a longitudinal study that is helping social scientists understand factors that contribute to adolescent violence. Some findings include:

- Youth were less violent if they lived in neighborhoods where residents held shared values, had parents who were married, and were immigrants.
- Children who were exposed to gun violence were more likely to commit violence.
- Race and ethnicity are not factors that contribute to violent behavior.

FACJJ Annual Report

The Federal Advisory Committee on Juvenile Justice (FACJJ) has issued its *2007 Annual Report*. Established under the Juvenile Justice and Delinquency Prevention (JJDP) Act, the role of FACJJ is to advise the President and Congress on matters related to juvenile justice and delinquency prevention, to advise the Administrator of the Office of Juvenile Justice and Delinquency Prevention on the work of OJJDP, and to evaluate the progress and accomplishments of juvenile justice activities and projects. The report outlines concerns and issues identified by FACJJ members and their State Advisory Groups. It contains 15 recommendations that illustrate why juvenile justice should remain a national priority and highlights the importance of reauthorizing the JJDP Act. See <http://www.facjj.org/annualreports/ccFACJJ%20Report%20508.pdf>.

Project Safe Neighborhoods

The Department of Justice highlighted the significant accomplishments of federal, state, and local officials in combating gang violence and reducing gun crime through Project Safe Neighborhoods (PSN) before more than 1,000 members of PSN task forces from across the nation recently. The Department of Justice announced the release of over \$50 million in grants to support PSN and anti-gang efforts and unveiled a new public service campaign aimed at educating youth about the impact of gun crime and gang violence. The PSN task forces are a cooperative effort between federal, state and local law enforcement agencies and prosecutors, along with research and media outreach partners, and community leaders. Since 2001, the Administration has committed approximately \$2 billion to hire more than 200 federal prosecutors to prosecute gun crime, make grants available to hire more than 550 new state and local gun crime prosecutors, train nearly 33,000 individuals in training events across the nation, and promote other strategies to reduce gun violence in our communities. The rate of violent crime remains at a historic low.

Fact Sheets Describe Delinquency

OJJDP has published the following two-page fact sheets that draw on data from the OJJDP report *Juvenile Court Statistics 2003–2004*.

- *Delinquency Cases in Juvenile Courts, 2004* provides statistics on delinquency cases in U.S. juvenile courts between 1995 and 2004.
- *Petitioned Status Offense Cases in Juvenile Courts, 2004* reports on status offense cases processed in juvenile courts between 1995 and 2004.
- *Drug Offense Cases in Juvenile Courts, 1985–2004* offers data on drug offense cases handled in juvenile courts between 1985 and 2004. See “Delinquency Cases in Juvenile Courts, 2004,” available at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=243259>.
- *Petitioned Status Offense Cases in Juvenile Courts, 2004* is available at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=243260>.
- *Drug Offense Cases in Juvenile Courts, 1985–2004* is available at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=243261>.
- The OJJDP report *Juvenile Court Statistics 2003–2004* is available at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=240291>.

Anti-Crime Funding

Office of Justice Programs, Bureau of Justice Assistance announced that the Department of Justice has provided over \$50 million in anti-crime funding this year through PSN. Over \$20 million of the awards is aimed at reducing gun crime, and over \$30 million has been awarded to combat gang violence and increase gang prevention efforts. The grants, administered by the

Office of Justice Programs, Bureau of Justice Assistance, support a comprehensive approach to fight gang violence and gun crime in America.

The U.S. Attorneys for the 94 federal judicial districts across the country, working with local law enforcement and other officials, tailor their PSN strategy to fit the districts' unique violent crime problems. Violent gang members and criminals who use guns are prosecuted under federal, state, or local laws, depending on which jurisdiction can provide the most appropriate punishment. Each district engages in deterrence and prevention efforts through community outreach and media campaigns, and ensures that law enforcement and prosecutors have the training necessary to make the program work.

A reference for the PSN grant awards is located on <http://www.ojp.usdoj.gov/BJA>. Additional information about PSN and its local programs is available on the PSN Web site at <http://www.psn.gov>. The Department's FY 2008 budget request includes \$200 million for Violent Crime Reduction Partnership grants and over \$13 million for other violent-crime-related enhancements that will support the Project Safe Neighborhoods program and increase the prosecution of gangs and violent criminals.

Ad Council

The Department of Justice has prepared new PSN public service announcements, created in partnership with the Ad Council. The 30- and 60-second television spots, titled "Babies," are intended to educate youth about the perils of gun crime and its devastating family impact. The radio spots provide a glimpse into the reality of gun crime and its consequences through interviews with individuals convicted of gun crimes and their family members. The public service announcements will be distributed to English and Spanish language television and radio stations nationwide and begin airing in late September. See DOJ's fact sheet "Project Safe Neighborhoods: America's Network Against Gun Violence" at http://www.usdoj.gov/opa/pr/2007/September/07_ag_723.html.

For more information about DOJ's Comprehensive Anti-Gang Initiative, visit <http://ojjdp.ncjrs.gov/programs/antigang/>.

Safe Schools/Healthy Students

The National Center for Mental Health Promotion and Youth Violence Prevention has published *Developing Safe Schools Partnerships: Spotlight on Juvenile Justice*. The information provided in this two-page fact sheet draws on the experience of the Safe Schools/Healthy Students Initiative, a collaborative effort of the U.S. Departments of Justice, Education, and Health and Human Services. Among the resources cited for developing effective juvenile justice-school relations is the Office of Juvenile Justice and Delinquency Prevention's Model Programs Guide, an online portal to scientifically tested and proven programs that address a range of issues across the juvenile justice spectrum. See "Developing Safe School Partnerships: Spotlight on Juvenile Justice" and related juvenile justice resources are available at <http://www.promoteprevent.org/Resources/briefs/juvenile%20justice%20resources.html>.

Juvenile Drug Court Awards

OJJDP has announced awards under its Juvenile Drug Courts/Reclaiming Futures Program, a partnership with the U.S. Department of Health and Human Services' Center for Substance Abuse Treatment and the Robert Wood Johnson Foundation. OJJDP will provide \$1.275 million to Greene County, MO, Hocking County, OH, and the New York State Unified Court System to implement a juvenile drug court program applying the Reclaiming Futures model. The successful applicants addressed the guidelines described in the Bureau of Justice Assistance monograph *Juvenile Drug Courts: Strategies in Practice*. Each grantee will receive between \$420,000 and \$425,000 for a 4-year period, beginning October 1, 2007. CSAT will deliver \$200,000 in technical assistance in the first year of the project, and the Robert Wood Johnson Foundation will provide up to \$1 million in technical assistance throughout the 4 years. The program will be evaluated. The Reclaiming Futures model embodies three essential elements: designing a system

of care that coordinates services, involving the community in creating new opportunities, and improving treatment services for drug and alcohol use. See <http://ojjdp.ncjrs.gov/programs/ProgSummary.asp?pi=44>. For more information about the Reclaiming Futures model, visit <http://www.reclaimingfutures.org>.

OAS Report Presents *A Day in the Life of American Adolescents*

According to a recent report published by the Office of Applied Studies in the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration, in 2006, one third of U.S. youth aged 12 to 17 drank alcohol and one fifth used an illicit drug.

A recent issue of *The OAS Report* draws on the 2006 National Survey on Drug Use and Health and other data to describe *A Day in the Life of American Adolescents: Substance Abuse Facts*. See <http://oas.samhsa.gov/2k7/youthFacts/youth.cfm>.

ICAC Task Forces

The Department of Justice announced that 13 new state and local law enforcement agencies will receive more than \$3 million to form Internet Crimes Against Children (ICAC) task forces in their regions. The funding marks the presence of ICAC task forces in all 50 states, and will support a seamless network making communities and children safer nationwide. New ICAC grantees include law enforcement agencies in Alaska, California, Delaware, Florida, Idaho, Maine, Mississippi, Montana, North Dakota, Rhode Island, South Dakota, Vermont and West Virginia. The grants were awarded by the Justice Department's Office of Justice Programs under the ICAC Task Force program. With the new grants, there will be a total of 59 ICAC task forces nationwide. "As long as our children use the Internet, there will unfortunately be predators who seek to exploit them," said Acting Attorney General Peter Keisler. "While it is significant that our Internet Crimes Against Children task forces have made over 10,000 arrests since their inception nine years ago, it is even more important that we continue to give these task forces the funds they need, and increase the pressure on child predators from law enforcement."

In fiscal year 2007, OJJDP awarded approximately \$17 million to fund ICAC task forces, including the new task forces announced today. The task forces have played a critical role in stopping Internet criminal activity targeting children. In fiscal year 2006 alone, ICAC investigations led to more than 2,040 arrests and more than 9,600 forensic examinations. Between October 1, 2006, and August 31, 2007, ICAC task forces have received more than 18,000 complaints of technology-facilitated child sexual exploitation; which includes the possession, distribution, and creation of child pornography, as well as attempts by individuals to lure and travel to meet children for sexual encounters. Investigations initiated from complaints have led to more than 2,062 arrests, forensics examinations of more than 9,100 computers, more than 4,700 case referrals to non-ICAC law enforcement agencies, and provision of training for more than 25,000 law enforcement officers and prosecutors.

The ICAC Task Force Program is the foundation of the Department's Project Safe Childhood initiative. Project Safe Childhood's goal is to investigate and prosecute crimes against children facilitated through the Internet or other electronic media and communication devices. Project Safe Childhood is implemented through a partnership of U.S. Attorneys; ICAC Task Forces; federal partners, including the FBI, U.S. Postal Inspection Service, Immigration and Customs Enforcement and the U.S. Marshals Service; advocacy organizations such as the National Center for Missing and Exploited Children; and other state and local law enforcement officials in each U.S. Attorney's district. Other aspects of the program include increased federal involvement in child pornography and enticement cases; training of federal, state, and local law enforcement on investigating and prosecuting computer-facilitated crimes against children; and community awareness and educational programs. See http://www.usdoj.gov/opa/pr/2007/October/07_ojp_061.html. See <http://ojjdp.ncjrs.gov/programs/ProgSummary.asp?pi=3>.

Juvenile Court Cases

OJJDP has published *Juvenile Court Statistics 2003-2004*. Prepared by the National Center for

Juvenile Justice, this 160-page report draws on data from more than 2,000 courts with jurisdiction over 75 percent of the juvenile population in 2004 to describe more than 1.6 million delinquency cases. The report reviews trends since 1985 and provides county and state data for 2003 and 2004. See <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=240291>.

Drug Use

The OAS Report: A Day in the Life of American Adolescents: Substance Use Facts, is based on SAMHSA's National Survey on Drug Use and Health (NSDUH). The NSDUH is conducted by the Office of Applied Studies (OAS) in the Substance Abuse and Mental Health Services Administration (SAMHSA). SAMHSA's survey (NSDUH) is the primary source of information on the prevalence, patterns, and consequences of drug and alcohol use and abuse in the general U.S. civilian non-institutionalized population, age 12 and older. SAMHSA's National Survey on Drug Use & Health also provides estimates for drug use by State.

- Facts about substance use among youth aged 12 to 17 are based on data from SAMHSA's 2006 National Survey on Drug Use & Health (NSDUH) and SAMHSA's 2005 Treatment Episode Data Set (TEDS), and for clients under the age of 18 from SAMHSA's 2005 National Survey of Substance Abuse Treatment Services (N-SSATS). Data are presented on first substance use, past year substance use, receipt of substance use treatment, and source of substance use treatment referrals "on an average day."
- On an average day in 2006, youth used the following substances for the first time: 7,970 drank alcohol for the first time, 4,348 used an illicit drug for the first time, 4,082 smoked cigarettes for the first time, 3,577 used marijuana for the first time, and 2,517 used pain relievers nonmedically for the first time.
- Youth who used alcohol in the past month drank an average of 4.7 drinks per day on the days they drank and those who smoked cigarettes in the past month smoked an average of 4.6 cigarettes per day on the days they smoked.
- On an average day in 2005, the number of youth admissions to substance abuse treatment were referred by the following sources: 189 by the criminal justice system; 66 by self-referral or referral from other individuals; 43 by schools; 37 by community organizations; 22 by alcohol or drug treatment providers; and 18 by other health providers.
- On an average day in 2005, active substance abuse treatment clients under the age of 18 received the following types of substance abuse treatment: 76,240 were clients in outpatient treatment; 10,313 were clients in non-hospital residential treatment; and 1,058 were clients in hospital inpatient treatment.

SAMHSA has developed a new Web page to assist the public in identifying evidence-based programs and practices that can prevent and/ or treat mental and substance use disorders. *A Guide to Evidence-Based Practices on the Web* features 37 web sites that contain information about specific evidence-based interventions or provide comprehensive reviews of research findings.

AMBER Alert

All 50 states now have statewide AMBER Alert plans, creating a network of systems nationwide to aid in the recovery of abducted children.

- A secondary distribution effort undertaken in partnership with wireless companies, online service providers, and other private and public entities enables AMBER Alerts to be sent directly to the public.
- Tribal nations are working to develop their own plans tailored to their specific needs so that children in Indian country may benefit from AMBER Alert.
- More than ninety percent of the 370 AMBER Alert recoveries have occurred since AMBER Alert became a nationally coordinated effort in 2002.
- Anecdotal evidence demonstrates that perpetrators are well aware of the power of AMBER Alert, and in many cases have released an abducted child upon hearing the alert.

Educational Data

The Common Core of Data (CCD) is an annual universe collection of public elementary and secondary education data that is administered by the National Center for Education Statistics (NCES) and its data collection agent, the U.S. Census Bureau. Data for the CCD surveys are provided by state education agencies (SEAs). This report presents findings on the numbers and rates of public school students who dropped out of school in school years 2002–03, 2003–04, and 2004–05, using data from the *CCD State-Level Public-Use Data File on Public School Dropouts* for these years. The report also used the *Local Education Agency-Level Public-Use Data File on Public School Dropouts: School Year 2004–05*, and the *NCES Common Core of Data Local Education Agency Universe Survey Dropout and Completion Restricted-Use Data File: School Year 2004–05*.

1. The CCD provides an event dropout number and rate. An event dropout number represents the number of students dropping out in a single year, while the event dropout rate represents the percentage that drop out in a single year.

See Appendix A: Methodology and Technical Notes in this report for a detailed discussion of the definition of a dropout. While tables include data for all of the CCD respondents, the discussion in the text is limited to the 46 states that reported data for 80 percent or more of their students. The CCD collects data from the universe of local education agencies. Because the CCD is not based on a sample of agencies, no statistical tests of the data are required. More information about the survey content and methodology can be found in Appendix A. Appendix B is a glossary of key CCD terms used in this report. More information about CCD surveys and products is available at <http://nces.ed.gov/ccd>.

Commercial Exploitation of Children

The Office of Justice Programs' National Institute of Justice (NIJ) has released *Commercial Sexual Exploitation of Children: What Do We Know and What Do We Do About It?* The summary reviews research into the organization of the commercial sexual exploitation of children, its effects on victims, and measures to prevent its occurrence. *Commercial Sexual Exploitation of Children: What Do We Know and What Do We Do About It?* is available online at <http://ojp.usdoj.gov/nij/pubs-sum/215733.htm>. Print copies may be ordered online at <http://www.ncjrs.gov/App/shoppingcart/ShopCart.aspx?item=NCJ%20215733>.

Abducted Children

Written by siblings of abducted children, OJJDP's *What About Me? Coping With the Abduction of a Brother or Sister* provides information to help children of all ages when their brother or sister has been kidnapped. In child-friendly language, the guide offers such children insights into what they might expect to feel following the abduction, related events that may ensue, and steps that they may take to cope with their feelings. "What About Me? Coping With the Abduction of a Brother or Sister" (NCJ 217714) may be ordered at <http://www.ncjrs.gov/App/Publications/AlphaList.aspx>. For quick access, search by document number. The print copy is accompanied by a DVD that features informative interviews with several of the guide's authors. The guide is also available online at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=239397>.

Crime in Schools and Colleges

The FBI has released a study: *Crime in Schools and Colleges: A Study of Offenders and Arrestees Reported via National Incident-Based Reporting System Data*. Data on crime in schools and colleges and the characteristics of those who commit these offenses can help inform the development of theories and applications to combat such crimes. This study examines characteristics of participants in criminal incidents at schools and colleges from 2000 through 2004 as reported to the FBI by law enforcement agencies. *Crime in Schools and Colleges* is available online at <http://www.fbi.gov/ucr/schoolviolence/2007/index.html>.

Crime Rates Stable

The Bureau of Justice Statistics (BJS) reports that violent and property crime rates at the nation's schools during 2005 (57 with such crimes per 1,000 students age 12 or older) were statistically unchanged from the 2004 rate of 55 victimizations per 1,000 students, according to a new report by the Justice Department's Bureau of Justice Statistics (BJS) and the Department of Education's National Center for Education Statistics. The crimes measured are rape, sexual assault, robbery, aggravated assault, simple assault and theft.

During 2005, older students (ages 15 to 18) were less likely than younger students (ages 12 to 14) to be victims of crime at school, but older students were more likely than younger students to be victims of crime away from school. From July 1, 2005, through June 30, 2006, there were 14 school-associated homicides involving school-aged children. Other BJS data show that youths are over 50 times more likely to be murdered away from school than at school. The rates for other serious violent victimizations were lower at school than away from school for every survey year from 1992 through 2005. Serious violent victimizations include rape, sexual assault, robbery and aggravated assault.

In 2005 nearly all (99 percent) students ages 12 to 18 observed at least one of selected security measures at their school. The percentage of students who observed the use of security cameras at their school increased from 39 percent in 2001 to 58 percent in 2005. During 2005 an estimated 90 percent of students reported observing school staff or other adult supervision in the hallway, and 68 percent of students reported the presence of security guards and/or assigned police officers at their school.

Fewer students are avoiding places in school because of fear for their safety. Between 1995 and 2005 the percentage of students who reported avoiding one or more places in school declined from 9 percent to four percent. Among students in grades 9 through 12 an estimated 43 percent reported drinking alcohol anywhere and four percent reported drinking at school during the 30 days prior to the 2005 survey. There were no detectable differences in percentages across grade levels in the likelihood of drinking on school property, but students in higher grades were more likely than students in lower grades to report drinking alcohol anywhere. In 2005, 25 percent of students reported that someone had offered, sold, or given them illegal drugs on school property in the 12 months prior to the survey.

Between 1993 and 2005, the percentage of students in grades 9 through 12 who reported carrying a weapon to school in the preceding 30 days declined from 12 percent to 6 percent. In 2005, 24 percent of students reported that there were gangs at their schools compared to 21 percent of students in 2003. Twenty-eight percent of students ages 12 to 18 reported being bullied at school during the last 6 months. Of those students who reported being bullied, 24 percent reported that they had sustained an injury as a result of the incident.

The report, *Indicators of School Crime and Safety: 2007* (NCJ-219553), was written by BJS statistician Wendy Lin-Kelly; Rachel Dinkes, of the Education Statistics Services Institute in the American Institutes for Research; Emily Forrest Cataldi, of MPR Associates, Inc.; and Thomas D. Snyder, Project Officer of the National Center of Education Statistics. The report can be found at <http://www.ojp.usdoj.gov/bjs/abstract/iscs07.htm>. See also <http://www.ojp.usdoj.gov/bjs>.

Drug Abuse Research

The National Institute on Drug Abuse (NIDA) has launched a Web site to serve researchers, practitioners, and policy-makers. The NIDA Networking Project site facilitates information sharing and research collaboration among those concerned with drug abuse through access to locations, people, expertise, and resources from NIDA's research networks. See <http://nnp.drugabuse.gov/>.

Juvenile Court Case Counts (EZACO) gives users quick access to State and county juvenile court case counts for delinquency, status offense, and dependency cases. Data are from 1997 to 2004. Click on the Access Case Counts tab to get state and county data. The Data & Methods section summarizes the data collection effort conducted by the National Juvenile Court Data Archive that

makes this application possible.

Other Easy Access Applications Are Available

Easy Access is a family of web-based data analysis tools developed for OJJDP by the National Center for Juvenile Justice (NCJJ) to provide access to recent, detailed information on juvenile crime and the juvenile justice system. Together, the Easy Access applications provide information on national, state, and county population counts, as well as information on homicide victims and offenders, juvenile court case processing, and juvenile offenders in residential placement facilities. Visit the Data Analysis Tools section of OJJDP's Statistical Briefing Book for a complete list of these applications.

Maintained by: National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges.

School Crime and Safety: 2007

This report presents data on crime and safety at school from the perspectives of students, teachers, principals, and the general population. A joint effort by the Bureau of Justice Statistics and the National Center for Education Statistics, this annual report examines crime occurring in school as well as on the way to and from school. It also provides the most current detailed statistical information on the nature of crime in schools, school environments, and responses to violence and crime at school.

Information was gathered from an array of sources including:

- National Crime Victimization Survey (NCVS) (1992–2005)
- School Crime Supplement to the National Crime Victimization Survey (1995, 1991, 2001, 2003, and 2005)
- Youth Risk Behavior Survey (1993, 1995, 1997, 1999, 2001, 2003, and 2005)
- School Survey on Crime and Safety (1999–2000, 2003-04, and 2005-06)
- School and Staffing Survey (1993–94, 1999–2000, and 2003–04)

Highlights include the following:

- From July 1, 2005, through June 30, 2006, there were 35 school-associated violent deaths in elementary and secondary schools in the United States.
- In 2005–06, 78 percent of schools experienced one or more violent incidents of crime, 17 percent experienced one or more serious violent incidents, 46 percent experienced one or more thefts, and 68 percent experienced another type of crime.
- In 2005, approximately 6 percent of students ages 12–18 reported that they avoided school activities or one or more places in school because they thought someone might attack or harm them.
- *School Crime and Safety: 2007* is available on BJS website at: <http://www.ojp.usdoj.gov/bjs/abstract/iscs07.htm>.

Capital Punishment, 2006

This report presents characteristics of persons under sentence of death on December 31, 2006, and of persons executed in 2006 from the NPS-8 data collection. Tables present state-by-state information on the movement of prisoners into and out of death sentence status during 2006, status of capital statutes, and methods of execution. Numerical tables also summarize data on offenders' gender, race, Hispanic origin, age at time of arrest for capital offense, legal status at time of capital offense, and time between imposition of death sentence and execution.

The tables are based on those presented in *Capital Punishment, 2005* with the following change: table 3, which reported information on minimum age authorized for capital punishment, has been discontinued and replaced with a table summarizing federal laws providing for the death penalty (formerly Appendix Table 1). See <http://www.ojp.usdoj.gov/bjs/pub/html/cp/2006/cp06st.htm>.

NCJRS

Free registration with the National Criminal Justice Reference Service (NCJRS) keeps you informed about new publications, grant and funding opportunities, and other news and announcements. To register, visit: <http://www.ncjrs.gov/subreg.html>.

Abductions

The OJJDP publication *You're Not Alone: The Journey From Abduction to Empowerment*, featured in a recent television appearance by Elizabeth Smart, one of its co-authors, may be ordered via this portal page, as well as related publications such as "What About Me? Coping With the Abduction of a Brother or Sister." See OJJDP's Child Abduction Resources page at <http://ojjdp.ncjrs.gov/childabduction.html>.

NISMART Bulletins

OJJDP has published two additional bulletins in its National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART) series.

- *Sexually Assaulted Children: National Estimates and Characteristics* (NCJ 214383), the seventh bulletin in the series, provides information on the estimated number and characteristics of children who were sexually assaulted in the United States in 1999.
- *Caretaker Satisfaction With Law Enforcement Response to Missing Children* (NCJ 217909), the eighth and final bulletin in the series, examines the perceptions of primary caretakers who contacted police when their children were abducted, ran away, were thrown away, or missing.
- *Sexually Assaulted Children: National Estimates and Characteristics* is available online at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=235922>.
- *Caretaker Satisfaction With Law Enforcement Response to Missing Children* is available online at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=239596>.

Print copies of these bulletins, and others in the NISMART series, may be ordered at <http://www.ncjrs.gov/app/publications/alphaList.aspx>. For quick access, search by document number.

Drug-Endangered Children

The Office of Justice Programs' Office for Victims of Crime and Bureau of Justice Assistance are pleased to announce the National Alliance for Drug Endangered Children (NADEC) has re-launched their website to include a new Resource Center. We invite you to visit NationalDEC.org (<http://www.nationaldec.org/>) and explore all of the new possibilities available to you. The goal of NADEC is to raise awareness about the problem of drug-endangered children and to support state, local and tribal organizations that are helping to break the cycle of abuse and neglect. See <http://www.nationaldec.org/contactus.html>.

Forum on Child and Family Statistics

Each year since 1997, the Federal Interagency Forum on Child and Family Statistics has published a report on the well-being of children and families. The Forum alternates publishing a detailed report, *America's Children: Key National Indicators of Well-Being*, with a summary version that highlights selected indicators. This year, the Forum is publishing *America's Children in Brief*; it will publish the more detailed report in 2009. The Forum updates all indicators and background data on its website (<http://childstats.gov>) every year.

The Forum fosters coordination and integration among 22 Federal agencies that produce or use statistical data on children and families. The *America's Children* series provides an accessible compendium of indicators drawn from the most reliable official statistics across topics; it is designed to complement other more specialized, technical, or comprehensive reports produced by various Forum agencies.

The indicators and background measures presented in *America's Children in Brief* all have been used in previous reports by the Forum. Indicators are chosen because they are easy to understand; are based on substantial research connecting them to child well-being; vary across important areas of children's lives; are measured regularly so that they can be updated and show trends over time; and represent large segments of the population, rather than one particular group. The indicators are organized into seven sections, each focusing on a domain relevant to children's lives: Family and Social Environment, Economic Circumstances, Health Care, Physical Environment and Safety, Behavior, Education, and Health.

Reclaiming Futures

Communities piloting the Reclaiming Futures anti-drug approach have made good improvements in coordinating juvenile justice and addiction-treatment programs, according to research from the Urban Institute and the University of Chicago. The Robert Wood Johnson Foundation funded, \$21-million Reclaiming Futures project seeks to combat addiction among teens in the criminal-justice system through systems reforms, treatment improvements, and community engagement. Screening teens for drug problems and hooking them up with mentors in the community are major components of the project.

"Early findings indicate that the 10 pilot communities have significantly improved their coordination of juvenile-justice and substance-abuse treatment services," said researcher Jeffrey A. Butts, Ph.D., of the University of Chicago. He said that 12 of 13 indices being measured through the project have improved since 2003, including drug assessments, treatment outcomes, and service accessibility. Reclaiming Futures project participants include Anchorage, Alaska; Santa Cruz, Calif.; Chicago, Ill.; three counties in eastern Kentucky; Marquette, Mich.; the state of New Hampshire; Rosebud, S.D.; Dayton, Ohio; Portland, Ore.; and Seattle, Wash. The project runs through 2007.

A Growing Problem

Approximately 100,000 youth leave secure residential facilities and return home to their communities each year, according to estimates from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP). For many of these young offenders, freedom is short-lived. According to OJJDP, 63 percent of them will commit an offense again before they've even passed the 1-year mark. Substance abuse plays a big role in that recidivism. "There's a real strong correlation between drugs and crime, one that has been established in study after study for about 40 years now," said Kenneth W. Robertson, Team Leader of the Criminal Justice Grant Programs in CSAT's Division of Services Improvement. "About 60 to 70 percent of youth who are involved in criminal activity are also involved in substance abuse."

Yet only 1 in 10 young offenders have access to substance abuse treatment, he noted. Even if young people can get treatment while incarcerated, it doesn't do much good if that treatment stops the moment they walk out their door. "Research shows that no matter how effective substance treatment is in the correctional system, the effects are very quickly lost if it's not followed up with treatment in the community," said Public Health Adviser George Samayoa, M.D., C.A.S., Dr.D.F.C., of CSAT's Division of Services Improvement.

Underage Drinkers

Survey reveals that 650,000 underage drinkers in the past month were given alcohol by their parents or guardians. More than 40 percent of the nation's estimated 10.8 million underage current drinkers (persons aged 12 to 20 who drank in the past 30 days) were provided free alcohol by adults 21 or older, according to a nationwide report by the Substance Abuse and Mental Health Services Administration. The study also indicates that one in 16 underage drinkers (6.4 percent or 650,000) was given alcoholic beverages by their parents in the past month. "In far too many instances parents directly enable their children's underage drinking—in essence encouraging them to risk their health and well-being," said Acting Surgeon General Steven K. Galson, M.D., M.P.H, a rear admiral in the U.S. Public Health Service. "Proper parental guidance

alone may not be the complete solution to this devastating public health problem—but it is a critical part.”

The report is based on a nationwide study which for the first time asked detailed questions about the behavior and social situations involved in underage drinking—a problem responsible for the deaths of more than 5,000 people under the age of 21 every year in the United States. The survey asked persons aged 12 to 20 about the nature and scope of their drinking behavior as well as the social conditions under which they drank.

Among the report’s more notable findings:

- More than half (53.9) of all people aged 12 to 20 engaged in underage drinking in their lifetime, ranging from 11.0 percent of 12 year olds to 85.5 percent of 20 year olds.
- An average of 3.5 million people aged 12 to 20 each year (9.4 percent) meet the diagnostic criteria for having an alcohol use disorder (dependence or abuse).
- About one in five people in this age group (7.2 million people) have engaged in binge drinking—consuming five or more drinks on at least one occasion in the past month.
- The vast majority of current underage drinkers (80.9 percent) reported being with two or more people the last time they drank. Those who were with two or more people consumed an average of 4.9 drinks on that occasion, compared with 3.1 drinks for those who were with one other person and 2.9 drinks for those who were alone.
- Among youths aged 12 to 14, the rate of current drinking was higher for females (7.7 percent) than males (6.3 percent), about equal for females and males among those aged 15 to 17 (27.6 and 27.3 percent, respectively), and lower for females than males among those aged 18 to 20 (47.9 vs. 54.4 percent).
- Over half (53.4 percent) of underage current alcohol users were at someone else’s home when they had their last drink, and 30.3 percent were in their own home; 9.4 percent were at a restaurant, bar or club. Rates of binge drinking are significantly higher among young people living with a parent who engaged in binge drinking within the past year. See www.stopalcoholabuse.gov. The full report is available on the Web at <http://oas.samhsa.gov/underage2k8/toc.htm>. Copies may be obtained free of charge by calling SAMHSA’s Health Information Network at 1-877-SAMHSA-7 (1-877-726-4727). Request inventory number SMA 08-4333. For related publications and information, visit <http://www.samhsa.gov/>.

Minimum Drinking Age

One of the most comprehensive studies on the minimum drinking age shows that laws aimed at preventing consumption of alcohol by those under 21 have significantly reduced drinking-related fatal car crashes. Specifically, the study published in the July 2008 issue of the journal *Accident Analysis and Prevention* found that laws making it illegal to possess or purchase alcohol by anyone under the age of 21 had led to an 11 percent drop in alcohol-related traffic deaths among youth; secondly, they found that states with strong laws against fake IDs reported 7 percent fewer alcohol-related fatalities among drivers under the age of 21. The study was funded by the Substance Abuse Policy Research Program (SAPRP) of the Robert Wood Johnson Foundation.

The study, led by James C. Fell, M.S., of the Pacific Institute for Research and Evaluation (PIRE), accounted for a variety of factors, such as improved safety features in cars, better roadways and tougher adult drunk driving laws, that are supposed to have contributed to a reduction in fatalities involving underage drivers who have consumed alcohol. Fell’s research controlled for more variables than any other previous study on the topic, accounting for regional and economic differences, improvements in roadways and vehicles, and changes that lowered the illegal blood alcohol content (BAC) for driving to .08. Yet, according to Fell, the 11 percent drop in youth fatalities is a “conservative” figure.

The researchers looked at data from the Fatality Analysis Reporting System, or FARS (a database of all police-reported motor vehicle crashes resulting in at least one fatality) between 1982 and 1990 and then assessed the strength of each state’s legislation (using a scoring system) aimed at

preventing underage drinking. Based on the FARS data for each state, the authors were able to determine the impact of the state's individual laws on underage drinking and driving fatalities.

Considerable evidence exists that such laws can influence underage alcohol-related traffic fatalities. From 1988 to 1995, alcohol-related traffic fatalities for youth aged 15–20 declined from 4,187 to 2,212, a 47 percent decrease, with wide variability in these declines between states. But until now, Fell said, it had been difficult for researchers to pinpoint the precise effect of the change in the drinking age because of other confounding group of organizations and individuals to identify solutions and achieve comprehensive, meaningful and timely change. For more than 30 years, the Foundation has brought experience, commitment, and a rigorous, balanced approach to the problems.

NLECTC

NLECTC Rocky Mountain announces the release of Field Search v.3.0 also known as FS-Win. Field Search was created to allow non-technical officers to quickly and easily scan an offender's computer and capture evidence of inappropriate material. This update offers a number of improvements over previous versions including the ability to retrieve all MRUs (most recently used; retrieve all Link files from the system; search logical files for text or phrases in both ANSI and Unicode; scan single folders and open and search for images and text in Office 2007 files). An updated manual is also included. To request a copy of the software and manual, visit: <https://www.justnet.org/fieldsearch/request.asp>. Community corrections agencies are increasingly monitoring their offender's computers and it is becoming more likely that probation and parole officers will be the first to identify evidence of cyber-crime activity. This recently released publication from the U.S. Department of Justice provides assistance to officers on how to handle digital evidence. <http://www.ncjrs.gov/pdffiles1/nij/219941.pdf> to view *Electronic Crime Scene Investigation: A Guide for First Responders, Second Edition*.

Parental Awareness

- SAMHSA's National Survey on Drug Use and Health includes a sample of parents and their children who live in the same household. These parent-child pairs are composed of a child aged 12 to 17 and his or her biological, step, adoptive, or foster parent.
- Based on SAMHSA's National Survey on Drug Use and Health, mothers were more likely than fathers to be aware of their child's substance use in the past year regardless of the household having only the mother or both parents.
- Fathers in two-parent households were more likely than fathers in father-only households to be aware of their child's substance use in the past year.
- The older the child, the more likely that parents were aware of their child's alcohol and cigarette use in the past year.
- Past year substance use by youth was higher in one-parent households than in those with both parents.
- Within one-parent households, substance use by youth was generally higher among youth in father-child pairs than in mother-child pairs.

The NSDUH Report: *Parent Awareness of Youth Use of Cigarettes, Alcohol, and Marijuana*, is based on SAMHSA's National Survey on Drug Use and Health conducted by the Office of Applied Studies (OAS) in the Substance Abuse and Mental Health Services Administration (SAMHSA). SAMHSA's National Survey on Drug Use and Health (NSDUH) is the primary source of information on the prevalence, patterns, and consequences of drug and alcohol use and abuse and for selected mental health measures in the general U.S. civilian noninstitutionalized population, age 12 and older. SAMHSA's National Survey on Drug Use & Health also provides estimates for drug use and for selected mental health measures by State.

Youth Gang Survey

OJJDP announces the availability of *Highlights of the 2006 National Youth Gang Survey*. This 2-page fact sheet was prepared by OJJDP's National Youth Gang Center. The fact sheet summarizes

findings from the National Youth Gang Survey for 2006 and reports data on the number of gangs, gang members, and gang-related crimes. Based on survey results, it is estimated that approximately 26,500 gangs and 785,000 gang members were active in the United States in 2006. *Highlights of the 2006 National Youth Gang Survey* (FS 200805) is available online at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=245263>.

Print copies can be ordered online at <http://www.ncjrs.gov/app/publications/alphaList.aspx>.

Sexual Violence

The U.S. Department of Justice's Bureau of Justice Statistics (BJS) has published the report *Sexual Violence Reported by Juvenile Correctional Authorities 2005–06*. The report presents data from the 2005 and 2006 Survey on Sexual Violence, an administrative records collection of incidents of youth-on-youth and staff-on-youth sexual violence reported to juvenile correctional authorities. This annual report is mandated by the Prison Rape Elimination Act of 2003. See <http://www.ojp.usdoj.gov/bjs/abstract/svrjca0506.htm>.

Transfer of Juveniles

OJJDP has published *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* In an effort to strengthen sanctions for serious juvenile crimes, most states enacted laws expanding the types of offenders and offenses eligible for transfer from juvenile courts to adult criminal courts. This bulletin provides an overview of research on the deterrent effects of such transfers, focusing on OJJDP-funded studies on the effect of transfer laws on recidivism. The information it provides should help inform public discussion and policy decisions. See <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=242419>.

Children's Advocacy Centers

Evaluating Children's Advocacy Centers' Response to Child Sexual Abuse (NCJ 218530, 12 pp.) describes the findings of a study by researchers at the University of New Hampshire's Crimes Against Children Research Center that evaluated the effectiveness of the centers' response to child sexual abuse. (OJJDP)

Sexually Assaulted Children

Sexually Assaulted Children: National Estimates and Characteristics (NCJ 214383, 12 pp.) provides information on the estimated number and characteristics of children who were sexually assaulted in the United States in 1999. The bulletin is the seventh in OJJDP's National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMA) series. (OJJDP)

Recent Publications

- *2008 Kids Count Data Book* —reports national trends in child well-being. See <http://www.kidscount.org/datacenter/databook.jsp>.
- *Child Well-Being in the States* —ranks the best performing states with the best outcomes for children. See <http://www.everychildmatters.org/National/Resources/Geography-Matters.html>.
- *Children's Legislative Report Card* — reports grades attributed to California legislators for their votes on child-related legislation. See www.calchildlaw.org.
- *Child Deaths* —the report compares child death and near-death disclosure laws and policies of all 50 states and DC. See http://www.calchildlaw.org/Misc/State_Secrecy_Final_Report_Apr24.pdf.
- *Children's Budget 2008* —Only one penny of every new non-defense dollar has been spent on children's programs by the federal government over the past five years – 10 percent of

the entire non-defense budget. See <http://www.firstfocus.net/pages/3391/>.

- *Residential Facilities* —Summarizes answers from three GAO surveys of state child welfare, health, and juvenile justice and rehabilitation agency directors. See <http://gao.gov/special.pubs/gao-08-631sp/index.html>.
- *Juvenile Delinquency Court Assessment* —a comprehensive research study of how superior courts in California handle delinquency matters. See <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/JuvenileDelinquency.htm>.

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Your Bookshelf on Review

Reviewed by Dan Richard Beto
Huntsville, Texas

The Franks Case Revisited

For the Thrill of It: Leopold, Loeb, and the Crime that Shocked Chicago. By Simon Baatz. Collins Publishers, New York, 2008, 541 pp., \$27.95.

It is a story that has been told a number of times before, but perhaps not quite as well as in *For the Thrill of It: Leopold, Loeb, and the Crime that Shocked Chicago*. Author Simon Baatz holds a joint appointment as associate professor of history at the John Jay College of Criminal Justice and at the Graduate Center at the City University of New York.

Most persons interested in criminal justice, the courts, and high-profile cases of the 20th century are familiar with the 1924 senseless kidnapping and murder of 14-year-old Bobby Franks by two remorseless homosexual lovers—Nathan (Babe) Leopold, Jr., and Richard (Dickie) Loeb—all three members of affluent Chicago families. The two killers—both college students and exceptionally bright—set out to commit the perfect crime. Unfortunately for them, the victim's body was found almost immediately, and because of mistakes made in part due to their own youthful arrogance, they became suspects and later confessed.

Following a highly charged trial that pitted two exceptional lawyers (Clarence Darrow, lead attorney for the defense, and Robert Crowe, chief prosecutor), the defendants were spared the gallows and each was sentenced to serve life in prison for murder plus an additional 99 years on the kidnapping charge. On September 12, 1924, just two days after sentencing, Leopold and Loeb underwent processing at the Joliet Prison. Less than 12 years later Loeb was stabbed to death by another inmate. Leopold adjusted to prison life and, by most accounts, was a model prisoner. In March 1958, after spending more than 33 years in custody, Leopold was paroled to a job in Puerto Rico, where he subsequently married a widow. He was released from parole in 1963 and on August 29, 1971, he died of a heart attack.

For the Thrill of It is divided into three parts. The first is devoted to the crime, where the author provides a more than satisfactory introduction to the two killers, the victim, and their prominent families; likewise, he offers a detailed description of the crime, along with how it was detected and successfully solved by police and prosecutors.

In the second part of the book the reader is introduced to the legendary trial lawyer Clarence Darrow, who was educated at the University of Michigan Law School, and State's Attorney for Cook County Robert Crowe, a Yale Law School graduate and former Circuit Court judge. In the two chapters that comprise Part Two, Baatz provides brief but sufficiently comprehensive biographies of these two courtroom combatants; likewise, he offers insights into their contrasting philosophies on the causes of crime and the treatment of offenders.

Part Three is devoted to the court proceedings, trial tactics, expert testimony, closing arguments, and sentencing. This section is the most interesting part of the book, due to the author's meticulous attention to the closing arguments. Also included in this section is a chapter that describes life for Leopold and Loeb after sentencing.

Baatz concludes with chapters dealing with "Leopold and Loeb in Fiction," the "Author's Note," and a discussion of the sources he used in researching his subject. Also provided are endnotes from the chapters and an index.

In *For the Thrill of It*, the author has done a commendable job of producing a well-researched book on one of the more celebrated trials in the early part of the 20th century. In addition, he possesses a writing style that makes this book an easy read. Persons interested in crime, criminal behavior, and the courts will find reading this book enjoyable and enlightening.

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¹ Despite the similarity in failure rates, the two measures of outcome were not representative of the same individuals. The correlation between the two outcomes was $r=.30$

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The Best Laid Plans: An Assessment of the Varied Consequences of New Technologies for Crime and Social Controls

¹ March 28, 2008 presentation at the 2008 Hixon-Riggs Forum on Science, Technology and Society, Harvey Mudd College, Claremont, California.

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The Empirical Status of the Level of Service Inventory

¹ Address correspondence to Brenda Vose, University of North Florida, Department of Criminology and Criminal Justice, 1 UNF Drive, Jacksonville, FL 32224. Email: brenda.vose@unf.edu

² For ease of communication, the term LSI is intended to be inclusive of all versions of the instrument including the LSI-R, LS/CMI, LSI-R: SR, LSI-OR, YLS/CMI, etc.

³ The LS/CMI is often described as a “fourth generation” risk assessment as it includes additional domains to document specific responsivity factors (e.g., transportation, mental health issues, etc.) as well as a case management portion to assist with the development of individualized case plans.

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Cognitive Behavioral Intervention with Serious and Violent Juvenile Offenders: Some Historical Perspective

¹ The author appreciates the comments of Dr. Bernie Glos, Wayne Liddell, Kia Loggins, Terry Martinek, and Albert Murray on earlier versions of this paper.

² The Tennessee Department of Corrections’ official publication, Historical Timeline: 1700-2003, lists the creation of the Intensive Treatment Unit (ITU) at Spencer Youth Center as one of the significant events of 1974 (p. 8). (Available at <http://www.tennessee.gov/correction/pdf/timeline2003.pdf>.)

³ The Control Unit was one large room on the first floor of the main residential dormitory. Entrance to the unit was through steel-reinforced double doors at one end of the room. There was no second means of egress. At one end, there were two rows of cots each separated by a small nightstand where youth could store some personal effects. At the other end, there were several wooden church pews in front of a table with a TV. On the other side was a modesty wall around a bay of sinks, toilets, and showers. There was no privacy; there were no staff offices; and there was only one small storage room for supplies.

⁴ Time-outs can occur in various locations. Many individuals and agencies used a time-out room. In an institution, use of isolation is problematic and requires increased staff supervision in order to guarantee resident safety. Furthermore, putting a juvenile offender in a time-out room seemed to increase the temptation on staff to lock the door to the time-out room when the resident was not cooperating with the guidelines of time-out and subsequently creating more work for the staff member regarding supervision. The alternative was to use a time-out that could be administered in the same location as the staff member. This would ensure better supervision, would avoid moving a youth to a different location, and would eliminate the sense of time-out as a room confinement. The options for a same location or “same area” time-out were to have the youth move to an empty part of the room and stand facing the wall or sit in a chair facing the wall.

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Juvenile Sex Offenders and Sex Offender Legislation: Unintended Consequences

¹ This study was funded through the U.S. Bureau of Justice Assistance—Comprehensive Approaches to Sex Offender Management program.

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