

A Comprehensive Approach to Supervision in the Southern District of West Virginia

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RECIDIVISM RESEARCH over the past several years has focused substantially on personal factors in offender's lives that tend to reduce recidivism. Research from academic and private foundations and federal agencies, such as the Department of Justice (including the Bureau of Prisons), consistently indicates correlations between recidivism and attributes such as unemployment and poor educational achievement. While the concept of recidivism seems simple and straightforward, it is often difficult to construct a working definition when designing intervention strategies. Developing evaluative tools for measuring an intervention's impact on recidivism also is cumbersome. Regardless of how recidivism is defined or measured, both the perception and the reality is that a large percentage of crime is attributable to repeat offenders.

Law enforcement officials find it difficult to have an impact on recidivism due to operational philosophies and the mandates placed on police departments. The mission of most police agencies can be characterized as crime prevention through detection and apprehension. In practice, law enforcement primarily responds to crime rather than deterring it. Prosecutors and courts attempt to affect crime, especially recidivism, through tougher and certain prosecution, sentencing through recidivist or habitual offender statutes, and enhanced guidelines. Courts have an impact on recidivism more directly than police through specific deterrence.

The role of corrections (including community-based corrections) in responding to crime involves even more direct intervention with offenders. As offenders progress through each phase of the justice system, the opportunity to affect their lives becomes more apparent. Consequently, the opportunity to affect recidivism also is enhanced. Probation occupies a truly unique position within that continuum of offender contact.

Although probation departments are operated within court units, probation officers are required to enforce rules and conditions as well as laws, play the roles of prosecutor and advocate, and serve as agents of change and service brokers. To be effective in this unique role requires a solid understanding of various correctional styles, a blending of those styles, and a good dose of common sense.

In 1996, the probation staff in the Southern District of West Virginia began looking at personal attributes and circumstances of offenders that affect success or failure during supervision. Officers considered current and historical

research as well as their personal experiences with offenders. In May of that year, the supervision unit in Charleston began conducting monthly meetings focusing on supervision priorities and strategies. The staff engaged in discussions and exercises designed to promote proactive thinking about: 1) personal orientations toward correctional styles; 2) the enhanced quality of decision-making by consensus; 3) personal orientations toward group situations and interactions; 4) accomplishing work through groups and how that translates to teamwork; 5) directive counseling with offenders; 6) prioritizing and managing workloads; 7) creativity in accomplishing work; 8) managing change; 9) communication models; 10) professional maturity; and 11) competency and influence as a process.

During these meetings, officers identified five specific supervision issues that they believed either affect an offender's success during supervision or are expectations of the court in providing supervision. The unit adopted these expectations as goals and set about developing a comprehensive approach to supervision, including methods to define and measure success. The goals identified by staff were:

- Reducing caseload unemployment percentages.
- Reducing the percentage of caseloads receiving public assistance benefits.
- Increasing the collection of court-ordered financial obligations.
- Increasing the percentage of offenders having at least a General Equivalency Diploma (GED) education.
- Reducing violations filed with the court through intervention.

All of those goals are meaningful and measurable. The staff also assumed that two factors could affect progress toward these goals: 1) being aware of what those percentages were for each officer's caseload and 2) treating those issues as supervision priorities on which intervention specifically should focus. After defining the goals, the staff designed a method to assess current standing and measure progress in each area. The tools developed for measuring and reporting information about caseloads provide officers an excellent means for focusing supervision activities and managing workloads. The practices and reporting procedures developed from this approach were subsequently

adopted throughout the district, and this discussion focuses on outcomes district-wide.

Reducing Unemployment

In assessing caseload employment percentages, "employed" is defined as

- Anyone working the equivalent of 40 hours per week.
- Full-time college, vocational, or technical training students (the equivalent of 12 credits or semester hours).
- Any combination of work and approved study or training equaling at least 12 credit hours or 40 hours of employment (i.e., six credit hours and 20 hours of employment).
- Any combination of approved community service work, schooling, and employment totaling at least 40 hours per week.
- Retirees.
- Anyone with a certified social security or workers compensation disability.
- Full-time homemakers (i.e., individuals whose primary source of income is from a working spouse and the majority of their time is devoted to child care, house-keeping, or related activities).

Since the goal is to bring the offender to a level of full employment, specifically excluded from this definition is anyone receiving any form of government-funded public assistance or unemployment compensation. Certain entitlement programs, such as social security and workers compensation, are not considered public assistance, but documentation of awards and disabilities are required for the offenders' files and verified by the supervisor during case reviews.

In some instances, the officer and supervisor must exercise discretion in determining the employment status of self-employed offenders. For example, a self-employed offender who misses several days of work during the month due to weather or other uncontrollable factors likely will be counted as employed after considering work history, earnings, and any other relevant circumstances. On the other hand, working offenders receiving partial benefits due to underemployment are not counted as employed because one of the goals is to reduce the percentage of offenders receiving these payments. Instead, officers continue working with individuals to achieve full employment, striving to eradicate the need for any type of public assistance. Eradicating the need for public assistance may seem a lofty expectation; however, from an intervention standpoint, we have to begin at the individual's current level and raise the expectation. Furthermore, for purposes of gathering and reporting statistics, not counting recipients of partial benefits as employed provides officers a workable definition for assessing employment percentages. Using these definitions, every offender on our caseload can be categorized as either employed or unemployed.

In spite of officers' familiarity with their caseloads, their first attempt to compile these statistics took a significant amount of time. Initially, most officers spent approximately 4 hours during the course of a week verifying offenders' employment status, financial payments, and educational status. Currently, officers verify the same information in 2 hours or less. All employment statistics for any given month must be submitted to the supervisor by the fifth day of the following month. After collecting these data, each supervisor forwards it to the person designated to prepare the district's monthly report, which is broken down by office.

Given the conscientious nature of the officers, we believe that a quantitative analysis of their caseloads motivates them to improve their caseload profiles by focusing efforts on offenders having the greatest need for intervention. Officers do exactly that by consistently and conscientiously applying techniques that always have been available to the probation staff. For example, unemployed offenders are required to find work within 15 days of becoming unemployed by registering with local job service and temporary placement agencies and by submitting employment applications to a minimum number of employers. Officers require verification of these contacts and follow-up on the offender's efforts. If offenders are unable to find work on their own, officers become more involved by contacting employers with whom they have previously placed offenders; however, it is always emphasized that responsibility for finding employment rests with the offender.

Officers also make use of "work opportunity" and "welfare-to-work" tax credits available to employers who hire felons, vocational rehabilitation referrals, residents of "empowerment zones," and welfare and Supplemental Security Income (SSI) recipients. The record keeping for these programs is minimal for both employer and probation, making these incentives attractive for all parties. In some instances, officers also utilize a federal bonding program for felons to alleviate the concerns of employers. Employment coordinators from each office work with offenders referred from other officers by teaching them basic employment skills, such as completing job applications, interviewing, personal appearance, and good work habits. Officers have found themselves having to make few referrals to the coordinators due to their diligent efforts and motivation.

Occasionally, voluntary community service is used as an alternative for offenders who cannot find work for extended periods of time. If there are no physical or psychological barriers preventing an unemployed offender from working, the offender is given the opportunity to voluntarily participate in community service by executing a Waiver of Hearing for Modification of Conditions, which is then given to the court for review and approval. In cases where the offender simply refuses to work, the officers submit to the court a summary of interventions with the offender, along with a request for the offender's placement in a local community treatment/work release center where even more intensive efforts can be focused on employment. Table 1 depicts how the district's employment data are reported each month.

TABLE 1.
EMPLOYMENT/UNEMPLOYMENT DATA

(AUGUST 1998) — (ACTIVE PROBATION, SUPERVISED RELEASE, AND PAROLE CASELOAD)

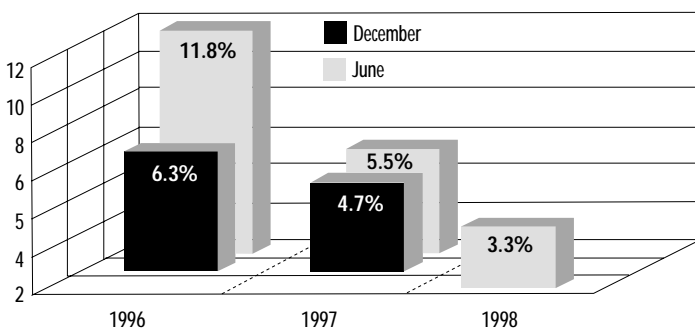
Office	Employed	Unemployed	Caseload Unemployment Percentage
Beckley/Bluefield	130	8	5.8%
Huntington	113	2	1.7%
Charleston/Parkersburg	184	3	1.6%
District Totals	427	13	3.0%

Note: The state unemployment percentage for August 1998 was 6.4 percent and the national percentage was 4.5 percent.

Supervisors in each branch office use the same format in tabulating data from individual officers. The district's unemployment percentages are compared with monthly state and national percentages provided by the West Virginia Bureau of Employment Programs. The goal is to maintain the district's caseload unemployment percentage at a level less than or equal to the state's percentage. Figure 1 depicts a 2-year trend for the district's unemployment percentage at 6-month intervals, beginning in June 1996.

FIGURE 1. SOUTHERN DISTRICT OF WEST VIRGINIA CASELOAD UNEMPLOYMENT PERCENTAGES (2-YEAR TREND) (PROBATION, SUPERVISED RELEASE, AND PAROLE)

6-Month Periods Ending:
June 1996 December 1996 June 1997 December 1997 June 1998



As you can see, unemployment consistently decreased from 11.8 percent in June 1996 to 3.3 percent in June 1998. The unemployment percentage since has decreased to 2.1 percent in September 1998. Although these percentages fluctuate for each office and for the district from month to month, the district's unemployment averaged 4.4 percent for the 12-month period of September 1997 through August 1998. After having collected these statistics for about 3 months, officers found that the figures became more accurate due to clarified definitions, streamlined procedures, and close review by supervisors.

Reducing Receipt of Public Assistance

An inverse relationship should exist between a higher percentage of employed offenders and the percentage of

offenders receiving public assistance. The staff defined public assistance as any form of government-funded assistance or subsidy where income is the primary determinant for eligibility, such as Aid to Families With Dependent Children or Department of Housing and Urban Development (HUD) subsidies. Entitlement programs such as SSI or workers compensation are not considered in this definition as long as the offender can provide certification of award or disability. Government-administered incentive programs such as Veterans Administration or HUD mortgages are not considered public assistance since individuals taking advantage of these programs must be employed and meet qualifying ratios. Just as the working offender receiving benefits due to under-employment is considered unemployed, so too is the offender receiving housing subsidies while participating in vocational training or other schooling. Government-funded student loans are not considered public assistance since students have signed agreements for repayment of the loan and must maintain full-time registration status.

When we began tracking this data district-wide in June 1996, 5.9 percent of our caseload was receiving some form of government-funded public benefits. By July 1998, that percentage was down to 4.0 percent. Table 2 depicts the format used for reporting this information.

TABLE 2.
PUBLIC ASSISTANCE

(JULY 1998)

Office	Total Caseload	Number Receiving Public Assistance	Percentage
Beckley/Bluefield	132	12	9%
Huntington	119	5	4%
Charleston/Parkersburg	185	0	0%
District Totals	436	17	4%

Increasing the Collection of Financial Obligations

As officers of the court, probation officers' responsibilities include promoting confidence in the court among the general public and the offenders that officers supervise. As officers, our professional reputations are directly affected in part by how the public perceives the operation of the court system and, more importantly, how the judiciary we serve perceives our interventions. The staff in our district believes that probation's role goes beyond simply monitoring payment of court-ordered obligations to the clerk of the court, U.S. attorney's office, or victims. It also includes assisting with the collection of those obligations through any legitimate means available, consistent with law, court policy, and probation office policy. As officers of the very courts empowered to levy financial sanctions, we would be remiss if we did not do everything within our authority to collect those obligations.

There are millions of dollars in delinquent and outstanding obligations nationwide. Ineffectiveness in tracking and collecting these debts has contributed to criticism and disillusionment with the justice system in general, but, specifi-

cally, with courts' abilities to enforce their own orders. Appellate court decisions in most circuits have made collecting these obligations somewhat cumbersome and inefficient in that specific payment schedules must be established at sentencing or approved by the courts for modification.

The obvious importance of collecting restitution is making the victim whole, and Congress recognizes this by statutorily giving the payment of restitution priority over fines [18 U.S.C. § 3612(c)], with the exception of community restitution based on public harm [18 U.S.C. § 3663(c)(5)]. Aside from generating revenue, fine collection also is important because it is an integral component of an offender's sanction. Whether we advocate the justice model in which we simply aim to impose upon offenders what they deserve, no more or no less, or the rehabilitation model in which we want to provide treatment, payment of fines satisfies both objectives. When the court assesses a fine, it is in effect making an assessment against defendants' time and labors through their earnings. By requiring payment of these obligations, the court is providing treatment by re-enforcing consistent, responsible behaviors, something many offenders have never had to acquire.

For all of the reasons just outlined, increasing the collection percentages of court-ordered obligations also was identified as a supervision priority, for the following reasons:

- to enforce the court's orders;
- to assist in making victims whole;
- to promote the integrity of and respect for the court;
- to ensure just punishment for offenders; and
- to provide treatment for offenders.

Just as we had to develop parameters and a format for collecting and reporting employment and public assistance data, we had to do the same for financial obligations. Here, again, we believed that simply devising a format for officers to use in assessing collections would enhance these percentages. The format developed for reporting these collections is depicted in table 3.

As you can see, restitution and fines are calculated and reported separately. The amounts in the "Due" column are taken directly from the Judgment and Commitment (J & C) Orders and totaled for each division's caseload. In cases where the J & C requires an amount due within a specified

period of time, the amount is prorated over that period to obtain the monthly amount due.

In rare instances where the court imposes a fine or restitution amount without designating an installment schedule, we consider the plain language of 18 U.S.C. 3572(d):

[A]n individual sentenced to pay a fine or restitution shall make such payment immediately, unless, in the interest of justice, the Court provides for payment on a date certain in installments. If the Court provides for payments in installments, the installments shall be in equal monthly payments over the period provided by the Court, unless the Court establishes another schedule.

In other words, absent a specific payment schedule where just an amount has been imposed, probation staff will consider the obligation due immediately. Courts always have had the option of specifically ordering payment in full immediately based on the offender's ability to pay immediately. However, as the result of appellate court decisions in most circuits, district courts presumably may order payment in full immediately in cases in which:

- the offender does not have the means with which to pay the obligation immediately and the court believes the offender's financial circumstances may change over time, or;
- the court does not have adequate information at sentencing to impose a specific installment schedule.

By requiring the obligation due in full immediately for offenders in these two categories, the court retains ultimate authority without delegating its constitutionally mandated judicial function to a non-judicial entity (probation or Bureau of Prisons). If the offender does not have the ability to pay the obligation in full immediately, the court has the discretion not to proceed adversely against the offender. In these cases, probation staff members develop an installment schedule, subject to judicial approval, based upon the offender's current or changing financial circumstances.

The totals of all installment amounts from the J & C's, as well as amounts calculated by officers, are tabulated independently for each caseload, then added together by the supervisor to get the total amount due for each office. Each officer also determines the amount collected from his or her caseload each month. The total amounts due, collected, and collection percentages then are calculated and reported for each office and the district. This gives us an excellent benchmark from which to survey our progress in achieving our goal from month to month.

TABLE 3. COURT-ORDERED FINANCIAL OBLIGATIONS

(JUNE 1998)

Office	Restitution			Fines		
	Due	Collected	% Collected	Due	Collected	% Collected
Beckley/Bluefield	\$ 4,778	\$ 4,658	97%	\$ 1,377	\$ 1,157	84%
Huntington	\$ 1,608	\$ 2,310	144%	\$ 888	\$ 824	93%
Charleston/Parkersburg	\$ 4,007	\$ 5,539	138%	\$11,148	\$11,023	99%
District Totals	\$10,393	\$12,507	120%	\$13,413	\$13,004	97%

Note: The amounts *due* are the *monthly* payments due for active supervision cases pursuant to the Judgment and Commitment Orders.

Beginning in June 1996, the percentage of fines and restitution collected in Charleston was tracked for a year before implementing this procedure throughout the district in May 1997. A trend similar to that associated with the increased awareness of employment percentages developed with financial collections. Emphasis on collecting these obligations as opposed to simply monitoring payments, along with making officers aware of individual caseload collection percentages, resulted in a dramatic increase in the percentage of fines and restitution collected. Of course, quarterly reporting these figures in a standard format to the judicial staff also provides some incentive for officers to focus efforts on this important aspect of an offender's sanction. Although Table 3 indicates that 97 percent of the monthly fine payments due for June 1998 were received, the district's collection averages for restitution and fines from May 1997 through August 1998 were 123 percent and 120 percent respectively. Collecting a higher percentage than is actually due results when some offenders make higher payments than originally ordered or calculated due to changes in financial circumstances. When this occurs consistently in individual cases, the payment schedule is reviewed as part of the case review process and adjusted if appropriate. This alleviates the appearance of high collection percentages resulting from installments that are set too low. We believe that our proactive measures in dealing with caseload unemployment also have enhanced the collection of these obligations.

Caseload Educational Profiles

Proactive intervention to maintain our caseload's high school education equivalency percentage at a level equal to or higher than the average rate for the state also became a supervision priority. Fortunately, the Bureau of Prisons places heavy emphasis on the acquisition of a GED while offenders are incarcerated. We believed that only modest improvements could be expected from this initiative due to the demographics of our caseloads, specifically, the age of offenders who have not already earned a GED while incarcerated, and transportation concerns in rural areas. However, shared values regarding the roles of education, from enhancing employment opportunities to reducing crime, led the staff to consider this a worthwhile attempt. Increasing offender educational levels has many potential benefits for the state and nation, including reduced reliance on public assistance programs. Statistics derived from a U.S. Department of Education study indicate that in 1996, 25- to 34-year-olds who had not completed high school were about three times as likely as high school graduates to receive income from Aid to Families with Dependent Children.¹ Not surprisingly, the same Department of Education study determined that, on average, the level of education has a direct impact on earnings, benefits, and more satisfying work and that an important determinant of these outcomes is *steady work*. Steady work generally brings valuable job experience, skills, and, ultimately, more rewarding work.² A personal growth cycle is then set in

motion because satisfying and steady work is affected by educational level, and as an individual's work situation improves, so too does the desire and need for continued educational development.

In operationalizing this component of our supervision initiative, officers were asked to consider three things in their approach to referring offenders for GED programs:

- ***Motivation***, which is psychological in nature. Motivation stems either from self or from influence that others have. It is important that officers realize that offenders are motivated to act either in their own self-interest or due to the influence of significant others, including the probation officer.
- ***Incentives***, which pertain to something probation staff legitimately can offer to get others to act. Concerning incentives, officers never consider actions such as recommendations for termination or reduction of supervision terms in return for participation in a GED program. In fact, the focus is on communicating to offenders the incentives for voluntary participation in an educational program, i.e., enhanced employability, self-esteem, and the esteem of significant others. Occasionally, and where appropriate, legitimate incentives such as reclassification of supervision levels or reporting schedules are considered.
- ***Leverage***, which is the power or authority to act effectively. Officers have leverage through the conditions of release. When an offender is unemployed or incurs a relatively minor violation, a measured amount of leverage, commensurate with the situation, can be exerted to get offenders to act. Although the court is notified of any violations, minor ones can be used as leverage in getting offenders enrolled in GED study.

Since commencing this effort in October 1997, the number of offenders participating in a GED program in August 1998 rose from 4 to 10, and the number participating in a vocational or technical training program increased from 2 to 15. Our district's caseload percentage of offenders without at least a GED went from 23 percent to 17 percent during that same time. The format developed for reporting the educational profile of our caseload is depicted in table 4.

Reducing Violations Through Intervention

In assessing the impact of interventions on violation reports and revocations over the past 2 years, we looked at revocation data entered into PACTS (Probation Automated Case Tracking System) dating back to 1995 (the year our district began utilizing PACTS to record this information) and compared that to data collected through May 1998. Overall, a very small percentage of the district's caseload was being revoked monthly even before 1996, when we began tracking caseload characteristics and goal-related data. Revocations were averaging 3.5 percent of the total caseload per month for the year preceding these supervision initiatives. Since that time, the district has maintained revocation percentages

TABLE 4.
EDUCATIONAL PROFILES

(AUGUST 1998)—(ACTIVE PROBATION, SUPERVISED RELEASE, AND PAROLE CASES)

Office	Total Caseload	Number Without GED or High School Diploma	Percentage Without GED or High School Diploma	Number Currently Enrolled in GED Program	Number Completed GED Program this Quarter/Year July–Sept. 1998	Number Currently Enrolled in Other Vocational or Technical Training
Beckley/ Bluefield	138	32	23%	4	0/1	4
Huntington	115	29	25%	3	0/0	8
Charleston/ Parkersburg	187	14	7%	3	1/2	3
District Totals	440	75	17%	10	1/3	15

ranging from 3.0 percent to 1.8 percent (more recently) per month. This does not seem to reflect much difference; however, considering that revocation percentages were low to begin with, three or four fewer revocations per month or even per quarter may be significant. These data were not subjected to statistical significance testing; we simply were seeking outcomes. Noncompliance reports (technical violations not meriting formal action) to the courts did increase during this time, and that is attributed primarily to two factors. First, the largest office in the district elected to specialize in supervision and pre-sentence functions just before operationalizing this comprehensive plan. Specialization already had occurred in branch offices where fewer officers were located. This allowed all officers in the district who had any supervision functions to deal more effectively with supervision issues. Second, the district's supervision caseload has consistently decreased over the past 4 years, also allowing officers to focus time and attention on caseloads. Violation petitions, however, did decrease approximately 13 percent from 291 in calendar year 1996 to 254 in 1997. A further decrease of 4 percent occurred in calendar year 1998.

I cannot say whether our interventions with offenders or our way of handling violations have reduced revocation percentages. Since our focus was both outcome and action oriented, a scientific methodology to control for assessing officer attitudes versus interventions was not designed; however, I would like to think a little of both apply. For instance, with the exception of drug use, the district's revocation petitions over the last 18 months contain fewer technical or status violations, and of the petitions that are filed, the courts seem more apt to revoke rather than modify or continue supervision. Although I would never be so presumptuous as to speak for any member of the judiciary, I also would like to think that the court understands that our focus is on promoting offender success with supervision, and, once the decision to file a revocation petition has been made, every appropriate incremental sanction and treatment option has been exercised. Again, it should be stressed that the emphasis is on reducing violations through interventions, not by ignoring violation behavior.

Substance Abuse Education and Treatment

Noticeably absent from this discussion has been the district's approach to substance abuse treatment. We have not ignored this element; in fact, our caseload, like that of most districts, is heavily comprised of drug offenders. The primary approach to treatment is similar to that of other districts nationwide. Heavy reliance is placed on vendor contracts providing outpatient and inpatient services. The staff also developed an in-house substance abuse education component consisting of six 1-hour modules, which officers take turns conducting for groups of up to 10 offenders. This serves as follow-up for offenders who have completed a contract program, but it also is utilized for offenders recently released from custody, where high risk factors for abuse may be present but not yet manifested.

Conclusion

Rather than recite a philosophical position regarding the many roles of probation, we all can agree that outcomes pertaining to these initiatives are the basics of supervision and are what we believe the courts expect us to address. As previously described, these initiatives were not simply thrown upon officers. Staff members were initially prepared during unit discussions and exercises designed to explore what our basic collective roles are and why. Even though individual officers may have different orientations toward correctional styles (i.e., enforcement, surveillance, and order maintenance versus treatment or reintegration), our role is unique in the criminal justice system in that it requires a blending of styles. Over-reliance on any one style renders us ineffective.

After initiating these strategies and seeing results, officers commented that their caseloads basically take care of themselves once they achieve a high percentage of caseload employment. Early obstacles consisted mainly of staff apprehensiveness about engaging in activities in which quantifiable results could be directly reflected from their efforts. Some staff members asked, "Why are we doing this?" This is why it is important to prepare officers in advance by discussing exactly what their roles are and what the courts and public expect of them. As officers talked with members of the original staff involved and the reports summarizing caseload characteristics were circulated among

the branch offices and to the court, results began to spread through the district. Although never intended as a motivating factor, friendly competition among supervision officers throughout the district, fostered by personal pride in their work product, contributed to the success of this effort. It is important to emphasize, however, that collaboration rather than competition produces results in a collective effort such as this. Officers quickly came to realize that there was not a great deal of extra work involved in the collection of these data and that knowing where to focus attention actually may reduce unnecessary work with caseloads each month. At this point, staff members have embraced these common practices and have adopted the elements of employment, education, and data collection and reporting as district goals. Each month, officers prepare this information and submit it on time as part of their regular duties.

The staff's professionalism and openness to new methods have been integral in making this comprehensive supervision effort a success. I should emphasize that the main

ingredient in operationalizing this comprehensive supervision approach has been the encouragement and support of management, especially the chief and deputy chief probation officers. We now have the benefit of seeing over 2 years of results with these initiatives, and we believe they have proven effective in assisting offenders and in managing our workloads and resources. All of these initiatives and outcomes have been implemented and achieved without any increase in costs. In fact, we believe they have saved money by prioritizing our work and allocating resources more effectively and efficiently. We also would like to believe that another benefit of these initiatives has been enhanced credibility with the court we serve.

NOTES

¹U.S. Department of Education, National Center for Education Statistics, Common Core of Data Surveys, September 1996.

²Ibid.