

REDUCING RISK through EMPLOYMENT and EDUCATION

by **MARK
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IN RECENT YEARS the federal criminal justice system has seen an increase in the number of defendants and offenders with limited job skills and education. Present in both urban and rural districts, these defendants and offenders have grown up in economically depressed environments where employment opportunities are few and scholastic achievement is typically low. They have trouble finding and keeping jobs, reading, doing simple math, and managing basic life tasks. Faced with bleak prospects, they develop behavior patterns that lead them into crime.

The substantial presence of these disadvantaged defendants and offenders in the federal criminal justice system has important implications for pretrial and probation investigation and supervision. Statistics indicate that defendants and offenders who have employment

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problems or who are poorly educated become more deeply involved with criminal justice than those with jobs or more education.

Pretrial Release. For example, according to the Department of Justice, in 1996, 67.3% of federal defendants employed at the time of arrest were released, compared to 47.5% of defendants unemployed at the time of arrest. Twenty-two percent of defendants with less than a high school education violated release conditions at least once, compared to 7.3% of college graduates. And almost 9% of defendants with less than a high school education had their release revoked, compared to less than 3% of those with college degrees.

“[D]efendants with lower levels of education were more likely to be detained,” the Justice Department reported. “Seventy-four percent of those

who did not graduate from high school were detained, versus 31% of college graduates.”

Probation Supervision. Statistics on the probation side are equally telling. Analysis of Federal Probation Supervision Information System data collected by the Administrative Office of the U.S. Courts revealed that of the more than 78,000 offenders who started a period of active federal supervision in 1997 and 1998, nearly 40% were unemployed at the beginning of supervision, and nearly 33% had only an elementary or partial high school education. Among those who had less than a high school or equivalent education, 64% had been convicted of drug, assault, weapons, or property offenses, and 73% had been incarcerated before being released on supervision. These figures are higher than those for offenders who had a high school diploma or its equivalent (56% and 63%) or some college education (40% and 57%). In developing the Risk Prediction Index (RPI), the Federal Judicial Center observed that among individuals on probation and supervised release, lower levels of education corresponded to a higher rate of recidivism. Similarly, the recidivism rate was found to be higher for unemployed supervisees than for those who were employed at the start of supervision.

Writing in a recent issue of *Federal Probation*, Kathryn Morgan, a professor at the University of Alabama at Birmingham, noted that “young males [on probation] who are unem-

ployed or underemployed with a low income and prior criminal record are likely to fail.”

Probation officers have a statutory duty to “use all suitable methods . . . to aid a probationer or a person on supervised release . . . and to bring about improvements in his conduct and condition” (18 U.S.C. Sec. 3603(3)). Likewise, pretrial services officers have a mandate to “assist persons released in securing any necessary employment . . . or social services.” (18 U.S.C. Sec. 3154(7)). There are good reasons for these directives, as the statistics cited above indicate. Supervision strategies incorporating employment or education assistance can reduce court appearances, violations, revocations, risk of nonappearance at trial, and risk of danger to the community. In addition, these strategies can serve the public interest by reducing the numbers of defendants and offenders who have repeated contact with the federal system, thus saving the system money.

And ultimately, developing strategies for supervising disadvantaged defendants and offenders is in the officer’s self-interest. In 1997 and 1998, officers found a need for employment or education assistance for 16% of all offenders starting supervision. No wonder that officers often are frustrated by the amount of time required to supervise defendants and offenders who lack job skills and formal education. By learning how to deal efficiently with this population, officers will save time and energy. ♦

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DEFENDANT/OFFENDER— COMMUNITY SYMBIOSIS

Consider the case of 24-year-old Thomas Derrick Ross. The subject of a recent series of articles in the *Washington Post*, Ross, who grew up in a Washington, D.C., housing project, belonged to a gang that was terrorizing the neighborhood. Ross's father died in 1985. His brother was convicted of manslaughter and committed suicide in a juvenile facility. His mother, a habitual drug user, was convicted of manslaughter and imprisoned. In Ross's neighborhood, male role models were few. At 12 he started using and dealing drugs. He spent time in a juvenile facility. Between the ages of 18 and 23, Ross was arrested and charged in five felony cases ranging from armed robbery to unauthorized use of a vehicle. Somehow, he managed to avoid prison.

Ross has fathered children by six different women. Until recently, he carried only cash and maintained no bank account or credit cards. He carried no driver's license or wallet because the former served as a tip sheet for police and he felt the latter was just "packaging" for robbers. When he did finally obtain his driver's license, he passed the test by mimicking what law-abiding drivers did rather than by studying. He carried a handgun regularly. He owned cars but never bothered to register or insure them or to have them inspected.

Ross began to turn things around after becoming involved with gang truce talks sponsored by the Alliance of Concerned Men, a community group for ex-offenders, and the National Center for Neighborhood Enterprise. The Alliance and National Center eventually partnered with the District of Columbia Housing Authority, which pledged equipment and paid property management internships for 30 gang members, including Ross. The Alliance and the Housing Authority understood the challenges Ross faced, but they also recognized in his ability to survive and head his gang a capacity for leadership and management. They addressed those challenges and nurtured those abilities by serving as coaches, role models, and mentors.

Since joining the internship program, Ross has obtained his GED, contributed to the financial support of his children, maintained bank and credit accounts, performed his job well, and helped reduce crime in his neighborhood. His integration into mainstream society has not been seamless, however. Ross soon discovered that, for him, "[d]oing things by the law is more stressful than breaking the law." Ross admits that he occasionally abuses alcohol. He was also arrested for beating one of his children. He pleaded guilty and was sentenced to four weekends in jail

Characteristics of Disadvantaged Defendants and Offenders

- problems obtaining and retaining employment
- reading/writing/comprehension difficulties, poor math skills—often, the individual never completed high school
- substance abuse problems
- deficient practical living skills (those having to do with money management, housing, transportation, parenting, health, etc.)
- inability to manage personal growth in terms of goals, responsibility, morality, anger management, etc.
- poor social skills (getting along with others, resolving conflict)
- history of involvement with criminal justice: misdemeanor or felony arrest record (possibly for drug offense); sometimes, incarceration for short periods (up to three years)

Assessing Literacy

According to Regina Thomas, a Georgetown University literacy expert who has helped develop correctional programs, assessing a defendant's or offender's literacy level can be tricky. Perhaps the person can *read*, that is, understands the mechanics of how words are formed with letters and is able to sound out words, but is *illiterate*, that is, unable to comprehend ideas conveyed by written words and to communicate in writing. Compounding the difficulty is the fact that illiterate adults often develop camouflage techniques or were promoted through school despite their deficiencies. Further, people who never learned to

read may be frustrated with themselves or deny that they have a problem, leading them to resist help.

Screening for literacy should be systematic. If you suspect that the defendant or offender can't read, ask the individual to spell a common word or to read and sign a form. Does he or she become defensive or refuse to cooperate? Does the individual have difficulty signing his or her name, or sign it too quickly? Does the individual claim to have lost or forgotten his or her glasses?

Ask the individual to respond in writing to some basic questions. The information sought should be uncommon—

something other than familiar names and places—since many illiterate individuals are able to memorize common words. Does the person struggle?

If the situation permits, an officer can formally assess literacy by referring the defendant or offender to a local testing center or by administering the Peabody Picture Vocabulary Test III (PPVT-III). (Test results indicate reading grade-level but do not address causes of low achievement.) Training for administration of the PPVT-III is available at most universities and community colleges through their speech, communications, or psychology departments.

(continued from page 3)

and 18 months of probation, with an order to participate in parenting and anger management classes. Ross has been permitted to continue working at the Housing Authority.

Ross's story offers an important lesson for probation and pretrial services officers. If they are to help disadvantaged defendants and offenders like Ross, officers must be able not only to identify the characteristics that prevent change but also the signs of individuals' potential. Moreover, officers must be able to identify community resources that can fa-

cilitate positive change. Neither task is easy.

Many disadvantaged defendants and offenders lack even the most basic skills. They may not be able to so much as read a fast food restaurant menu, or calculate the cost of their order. They may not be able to write well enough to fill out a job application. If they get a job, they can't seem to keep it. Most practical living skills—managing money, finding a decent place to live, getting around town, raising children, staying healthy—likewise elude them. And needless to say, the

concept of "personal growth" is foreign to them: They have trouble setting goals, exercising responsibility or moral reasoning, controlling anger, and handling basic social skills, such as getting along with people and resolving conflict. Compounding these problems in many cases is a history of substance abuse. Plus, the individuals will frequently be found to have arrest records (misdemeanor or felony) and in some cases will already have been sentenced to probation or incarceration, if for relatively short periods (three years or less). ♦

INVESTIGATION AND SUPERVISION

Effective investigation and supervision of disadvantaged defendants and offenders can benefit the officer, the defendant or offender, and the community. Figure 1 illustrates a model that explicitly links investigation and supervision with case management and program evaluation. Each of the tools described in this bulletin fits this model.

Because of their lack of life skills and schooling, disadvantaged defendants and offenders have few recourses when it comes to staying out of trouble. They are often reluctant to ask for assistance or don't know whom to ask. And if they are

currently unemployed or not enrolled in a training program, the possibility of their violating conditions escalates; put simply, they have more time to get into trouble. Those who are either employed or in school, on the other hand, have more to lose if they violate their conditions of release. And because they are usually in one place for a significant part of the day, they are easier to supervise. Officers should thus view assistance as a method of directly reducing both risk of nonappearance and risk to the community. Specific recommendations to the court for employment- and education-related

conditions should be framed persuasively with these connections and consequences in mind.

Pretrial. Much of the information necessary to assess risk, needs, and capabilities—employment history, education, reading level, housing situation, community ties, extent of life skills—will come from the interview with the defendant. Whether a defendant is mentally ill or has other disabilities may also become apparent during the interview. Use an interviewing approach that will provide clues to the defendant's reading and cognitive skills. Information may also be ob-

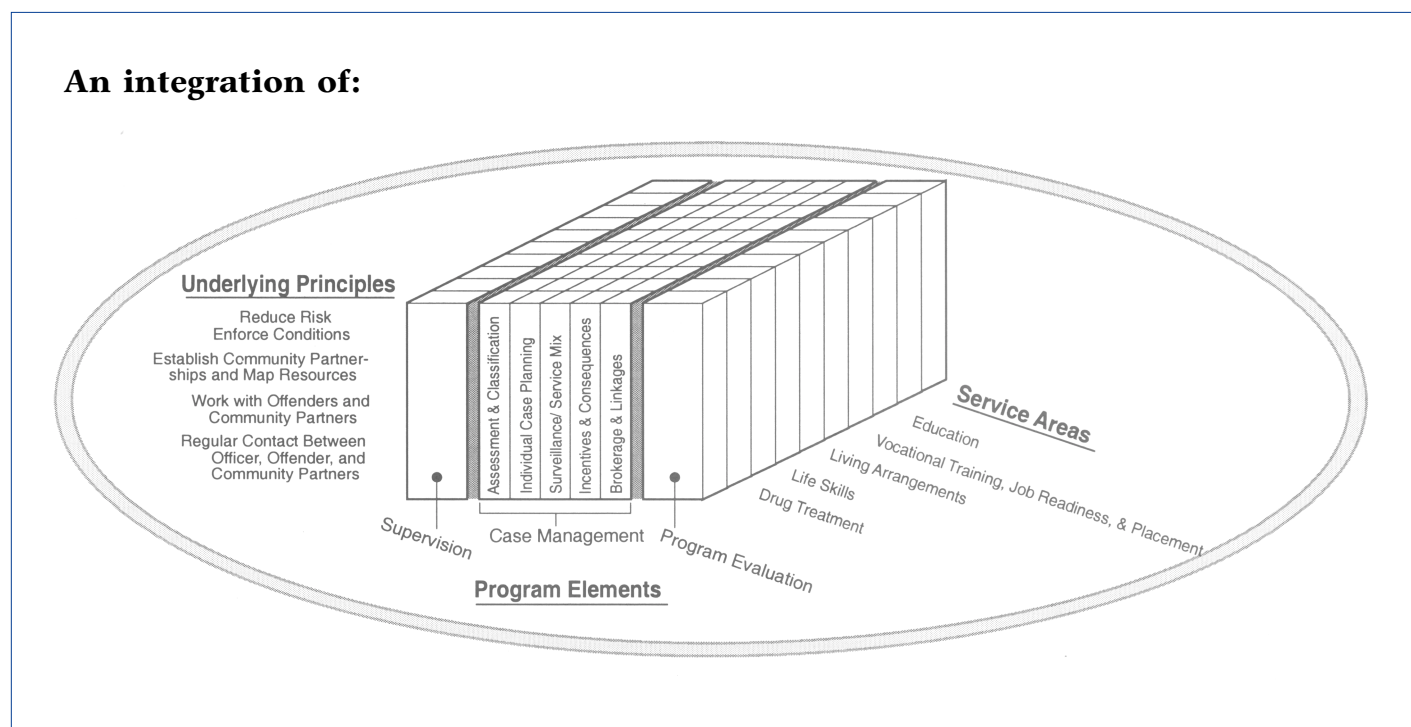


Figure 1: Supervision Model for Disadvantaged Defendants and Offenders. Adapted from: Altschuler, David M.; Armstrong, Troy L.; and MacKenzie, Doris Layton. *Reintegration, Supervised Release, and Intensive Aftercare* NCJ 175715. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, July 1999.

tained from, or verified by, collateral contacts. Possession of a social security number, driver's license, automobile, or real property can be verified by relevant agencies and through online public records searches. *Note that absence of basic information such as social security or driver's license number can indicate life skills-associated difficulties.*

Based on your findings, recommend to the court conditions regarding employment, literacy education, GED preparation, or life skills training. Keep in mind that because the conditions of release must be the least restrictive possible, the court must be persuaded that it will reduce the risk of nonappearance and harm to the community.

Presentence. Review all documentation and contact the pretrial services officer to clarify and supplement information contained in the pretrial services report. Interview the offender and his or her immediate family. Consider the offender's employment and education status and recommend conditions that are enforceable in light of risk, needs, and available community resources. If programs in which the offender was engaged during pretrial release are available, consider recommending enrollment in and successful completion of them as supervision conditions.

Conditions could also include mandatory community service with employment assistance when the offender's work

record is spotty or erratic.

Probation. Pay close attention to the pretrial and presentence reports. If the offender resided in a halfway house, the officer should review the Bureau of Prisons (BOP) progress and terminal reports. Also, participation in a BOP-operated employment or education program for inmates (see p. 8), may influence the supervision plan.

Structure the initial interview to elicit information about literacy and cognitive skills that is not contained in the case file. Try to engage the offender in a discussion designed to elicit information about his or her abilities. Information on the offender's difficulties, abilities, and social history can also be obtained from collateral contacts. ♦

Cognitive Skills Assessment Tool

Probation officers in the Southern District of Texas use a Cognitive Skills Assessment Tool to determine whether an offender has life skills deficits that may interfere with supervision (see p. 11). If three of the conditions below are met, officers consider referring the offender to the district's Reasoning and Rehabilitation Program. The district believes that any officer can use this tool to assess an offender's cognitive skills and to develop an appropriate supervision plan.

- The offense conduct was impulsive (i.e., planning of

the crime lacked sophistication), or the offender is not able to think about the consequences of his or her behavior or to set goals.

- There is a history of instability in the individual's upbringing or in adult living situations or an inability to develop positive relationships.
- The offender's employment history is marked by sporadic periods of employment, frequent job changes, or other signs of instability.
- The offender has been arrested three times or more

(excluding white collar crimes).

- There is a history of substance abuse.
- There is a history of truancy, supervision violation, failure to appear, or warrants issued against the individual.
- The offender did not earn a high school diploma (versus GED).
- The offender exhibits poor social skills—does not listen to the probation officer, is egocentric, inarticulate, self-righteous, etc.

REFERRAL AND COORDINATION OF SERVICES

Effective supervision of disadvantaged defendants and offenders requires development of partnerships with employers and service providers, identification and packaging of resources, and establishment of relationships among defendants or offenders, employers, and service providers.

Developing Community Partners. According to a 1999 report issued by the Manhattan Institute's Reinventing Probation Council, developing partners in the community can enable probation agencies to supervise offenders effectively, impose greater leverage and accountability over them, and return them safely to the community. Potential community partners include neighborhood groups, schools, businesses, and local government and non-profit human service and criminal justice agencies. Because community partners can vary widely in quality, they must be evaluated carefully. A good community partner will be clear about the opportunities or services it provides; possess a well-trained, experienced staff; offer comprehensive services or provide formal referrals; have experience providing services to persons who have been involved in the criminal justice system; and possess a reputation for success and high-quality

work within the community and among its clients. Not all community partners will meet each criterion equally well.

Mapping Resources. The gathering and compiling of information about community resources—resource mapping—usually takes the form of a community resources manual. Occasionally, an officer will find that community resource mapping already has been accomplished by another agency, such as the local pretrial services office or a local nonprofit organization. In the District of Columbia, for example, DC CURE, a local affiliate of a national prison reform organization with chapters in 43 states, published *Starting Out, Starting Over, Staying Out: A Guide for District of Columbia Ex-Offenders (Housing, Food, Employment and Other Resources)*.

Techniques for mapping community resources include

- internet research of district-based nonprofit service providers and government human services agencies and of national organizations such as Habitat for Humanity, United Way, Salvation Army, Volunteers of America, and National Indian Justice Center
- phone contact and site visits with local health and

employment services agencies, places of worship, community-based organizations, public libraries, charitable organizations, and local probation and pretrial services agencies

- phone contact and site visits with employers with whom defendants and offenders have been placed
- consulting the National Consumer Phonebook

A useful community resources manual should include a map of the locality and contain information on basic government services, such as obtaining a birth certificate, social security number, food stamps, etc.; where to obtain overnight, transitional, permanent, and family housing, as well as emergency food and free or low-cost clothing; public transportation; substance abuse treatment and free or low-cost health and legal services; job hunting, training, literacy, and GED programs; services for women; community service placements; and employers who hire persons involved in the criminal justice system.

Brokering Services. To ensure the availability of services to defendants and offenders, officers must establish relationships with the individuals and with those who provide jobs

and deliver services. To build such relationships, officers must show their commitment to assisting defendants or offenders by being available, willing to listen, and proactive in providing ideas and advice. At the same time, officers must show an understanding of the complexity of the employers' and service providers' needs and a willingness to resolve crises as they arise. Officers must provide the defendants or offenders with complete information

about employment and services, give employers and service providers complete information about defendants or offenders, and monitor the success of the arrangement.

Thus, as a *service broker*, the officer fulfills three different roles: advocate, agent, and mediator. Advocacy involves aggressive networking and promotion of community supports and opportunities in employment, education, and training for those defendants or offend-

ers motivated to take advantage of them. Working as an agent involves carefully screening candidates for a particular job or program and vice versa. Mediation requires the officer to link the defendant or offender and employer and service providers and to communicate regularly with all parties, actively helping to resolve disputes. Ultimately, brokering creates supervision options for defendant and offender employment and education. ♦

RELEVANT BOP PROGRAMS

The Bureau of Prisons (BOP) sponsors a number of programs that officers should be aware of. *Note that offenders incarcerated for 20 months or less are ineligible for participation in many BOP programs.*

The Inmate Placement Program Branch sponsors mock job fairs in federal, state, and county correctional facilities. It also works with Federal Prison Industries suppliers to obtain job information that is posted in selected federal prisons. After internal review, inmates with targeted skills are invited to apply directly to the companies. In addition, the branch, in cooperation with the National Institute of Corrections Academy, participates in training programs for offender job placement specialists, including U.S. probation officers.

For more information on branch activities, including mock job fair schedules and training for federal job placement specialists, consult the branch's web site at www.unicor.gov/placement, or call (202) 305-3860.

Each federal facility also has its own education department with instructional staff, as well as contracts with education and training providers and community volunteer programs. With few exceptions, an inmate who does not have a high school diploma or GED must participate in a literacy program for a minimum of 240 instructional hours or until he or she earns a GED. BOP currently emphasizes educational programs in literacy, General Educational Development (GED), English as a Second Language (ESL), and occupational training.

BOP institutions also offer parenting education, access to community-based social services, and parent-child visiting room activities. In addition, the BOP operates a release preparation program to assist inmates in making the transition to society. Pre-release program coordinators at each facility invite representatives from probation, halfway house contractors, and other government agencies to provide guidance to inmates who are close to release.

For a complete list of occupational training programs available at BOP facilities, information on BOP inmate education programs, or information on the prerelease program, contact the Bureau of Prisons, Education Branch, at (202) 305-3800, or log on to their web site at www.bop.gov. ♦

DEVELOPING IN-HOUSE JOB ASSISTANCE AND LIFE SKILLS PROGRAMS

Not surprisingly, more and more districts are creating in-house programs to assist defendants and offenders with employment and life skills issues.

The Northern District of California probation office created the Probation Employment Program (PEP) to assist offenders with pre-employment services, job placement, and career enhancement opportunities. The program uses in-house employment specialists assisted by interns from local colleges and features internet-driven research on employment and community resources, as well as pre-employment workshops.

The district's pretrial services office also has created an employment assistance program. It features an officer-staffed employment committee that identifies employers and works with them to address problems that arise during referral. Thorough screening is a key facet of the program, which also features an employment resources manual listing public and private agencies that can help defendants find jobs or training.

The Southern District of West Virginia's probation office created its Offender Employment Assistance Program (OEAP) in response to a study

that revealed high unemployment levels among the district's defendants and offenders. Officers refer offenders to the district's OEAP coordinator, who executes Contracts of Understanding with offenders and provides them with an Offender Handbook. The coordinator counsels offenders on job-search skills and requires each offender to complete a mock job application, providing feedback and advice. The coordinator also informs offenders of federal incentives available to employers who hire offenders, such as the Federal Bonding Program, the Targeted Jobs Tax Credit, and the Work Opportunity Tax Credit, and accompanies offenders on visits to local employment services offices, instructing offenders in how to use the services' facilities. It is important to note that the coordinator merely consults with supervising probation officers and does not assume full supervision of the offenders.

The Reasoning and Rehabilitation program in the Southern District of Texas's probation office helps offenders who have poor social skills and a history of substance abuse, unstable upbringing or employment, arrests, or truancy. Officers use a Cognitive Skills Assessment Tool (see p. 6) to screen offenders and re-

Characteristics of Successful In-house Programs

- buy-in of chiefs, deputy chiefs, supervisors, officers, and staff
- buy-in of defendants/offenders
- systematic approach attentive to the needs and circumstances of district and defendant/offender
- adequate screening of defendants/offenders
- coordination with and follow-up by supervising officers

fer those eligible to the program. The program's stated goal is "pro-social competence and adjustment, thereby reducing recidivism of offenders." Specially trained officers lead groups of offenders through the 20-week program, which includes lessons in thinking creatively, improving social skills, enhancing values, negotiating, confronting risky situations, preventing substance abuse relapse, and reasoning critically. ♦

OVERCOMING RESISTANCE

Disadvantaged defendants and offenders resist intercession by probation and pretrial services officers for a number of reasons. They may see themselves as not having problems. They may resent, distrust, or dislike the officers. They may automatically rebel against anything to do with the criminal justice system. They may feel

Resistance may also be due either to an inability to behave according to societal conventions because of the individual's history or to an inability to see a reason for observing those conventions.

Officers must use strategies that help break through resistance and establish trust. To begin with, they should identify the defendant's or offender's "transferable assets." Engage defendants or offenders in a discussion of what they think their abilities are. Note that some knowledge, skills, and abilities exhibited in criminal behavior (e.g., leadership ability, business acumen, organizational skills, etc.) are transferable to the mainstream. Temporarily suspend belief when you listen to the defendant's or

sible. At the least, provide feedback that acknowledges you understand the person's viewpoint. When appropriate, admit that he or she is right or is probably right about a specific issue.

After you have heard the person out, it may be beneficial to make a contract with him or her. Defensive behavior frequently is the result of the power imbalance between the officer and the defendant or offender. The officer should attempt to counteract negative perceptions by providing the individual an opportunity for input into supervision, notice of consequences, and officer accountability. This approach is especially useful with defendants and offenders who do not see an incentive to comply with societal conventions. It can also help identify collateral contacts with whom the officer can network to build trust and gain assistance in providing support for correctional treatment.

Also, emphasize incentives that appeal to the defendant's or offender's self-interest, such as enhanced employability, self-esteem, and the esteem of significant others. And consult with successful defendants or offenders, current or former, on ways of penetrating a resistant individual's defenses. Lastly, supervise in a way appropriate to the defendant's or offenders culture or ethnicity. ♦

Mandatory Community Service as an Incentive

The Southern District of West Virginia's Offender Employment Assistance Program uses an interesting technique to overcome resistance to seeking employment: mandatory community service. In consultation with the SUSPO, the probation officer petitions the court to impose community service.

This intermediate sanction acts as an incentive by presenting the offender with a choice: engage in community service, conduct a bona fide job search,

or violate release conditions and face the consequences.

Like employment or education programs, community service should be viewed as a way of using informal social controls to facilitate supervision. The best placements are those that not only provide job skills and contacts but permit offenders to establish meaningful relationships which can help them when they re-enter the community and deter them from re-offending.

that the only power they have is to resist. Or they may be afraid of what they might find out about themselves during supervision.

This last factor, alone or in combination with others, is frequently present in disadvantaged defendants and offenders.

offender's story. Try to understand the individual's reality, look for signs of frustration with past counterproductive behavior, and address that frustration by offering concrete proposals for assistance.

Further, validate his or her perspective to the extent pos-

FIVE THINGS OFFICERS CAN DO TO MITIGATE LIFE SKILLS-RELATED CONFLICT

Often, the effectiveness of supervision is stymied because the defendant or offender and the officer are so at odds in their mastery of basic life skills—skills that middle class officers may understandably take for granted, such as raising a child, managing money, controlling anger, etc. Such deficiencies can lead to adversarial relationships, not just with the officer but with family members, friends, employers, community service sponsors, and service providers.

Containing and stabilizing conflict is critical in maximizing a defendant's or offender's chances for compliance with supervision conditions. Officers should do their best to identify and prevent life skills-related sources of potential conflict by doing the following five things:

1. Conduct thorough risk and needs assessments.
2. Approach each supervision contact with the defendant or offender in a deliberate fashion, permitting time for difficulties to surface.
3. Hand over the conversation during supervision contacts to defendants or offenders to let them raise concerns.

4. Sit quietly for a while during contacts, allowing the defendant or offender to speak and difficulties to surface.
5. Explore basic areas of concern that middle-class individuals tend to take for granted.

Officers can contain and stabilize conflicts by identifying the parties involved directly in the conflict and the specific causes of the conflict, then

mediating the dispute by

- identifying collateral parties that can help resolve the conflict (e.g., employers and service providers)
- meeting with all parties to discuss options and develop a strategy for resolving the conflict
- coordinating strategy implementation and maintaining contact with all parties to monitor progress. ♦

DEVELOPING IN-DISTRICT EXPERTISE

This bulletin serves as a self-study guide that presents the topic of reducing risk through employment and education and helps officers and managers further explore related case management strategies. Officers and managers should continue developing expertise concerning this defendant and offender population by reading relevant books, inviting local experts to speak at in-dis-

trict training programs, attending the Center's February satellite broadcast on reducing risk through employment and education, and participating in the on-line discussion that will follow in April and May. Contact Mark Sherman at (202) 502-4115 for additional information about the *Special Needs Offenders Series on Reducing Risk Through Employment and Education*.

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