

WHAT SOCIETY WANTS FROM PROBATION

by

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Introduction

It is truly a pleasure to be back in the Republic of Poland, the home of some of my ancestors. This particular visit marks the fourth time I have been to Poland since the turn of the century, and I always look forward to my time here.

During the past several years I have developed close relationships with representatives of the Polish National Police and the Central Board of Correctional Services, and, more recently, with the Ministry of Justice and the Polish Probation Service. I cherish these relationships and hope they will continue to flourish for the foreseeable future.

I would be remiss if I did not commend the organizers of this conference for its theme – *Probation Today and Perspectives for the Future Based on Social Expectations*. This is such an important topic.

It is crucial that when attempting to move an organization forward, those in positions of authority should know: 1) their origin, from where they are starting; 2) where they want to go; 3) how they plan to get there; and, most importantly, 4) what do their customers – in this case, society – value.

I hope that my brief remarks on what society wants from probation will provide some insights that will assist you in better positioning the Polish Probation Service.

The Problem

It is my sense those agencies that comprise the criminal justice system have given amazingly little attention to the question of what the public wants. This is due in good measure to what my colleague, Ron Corbett, Executive Director of the Massachusetts Supreme Judicial Court, and who served as Chair of the Manhattan Institute's Reinventing Probation Council, refers to as our "monopoly" status. We don't have to attract customers – they come to us uninvited – so we are most often indifferent to their views.

Unfortunately, not only are we most often indifferent to society's views, we are, at times, openly antagonistic in receiving or soliciting community input. I am

reminded of a former colleague of mine – a chief probation officer in Texas – who said on more than one occasion: “I don’t care what the community wants. I know what is best for my jurisdiction.” He is not alone in that view.

Sadly, it is this type of attitude that has marginalized probation’s fragmented efforts to govern itself, to engender public support, and to have a significant impact on correctional policy.

If the probation profession is to be successful, it needs to abandon its reluctance to reach out to the community. One such method of engaging the community is, using Dr. Corbett’s example, employing the “next door neighbor test,” which poses the following questions: Do you, as a probation practitioner, have any idea what your next door neighbors know about probation? What would they most want probation to accomplish on their behalf? And, what specific probation practices would persuade them that your agency is aligned with their values?

If the probation profession lacks the knowledge to honestly answer these questions, not only is it an indication of a failure to solicit society’s expectations, it also suggests that probation has done a poor job of marketing what it does.

Survey Results

We in the United States have a fascination with public opinion polls. Not a day goes by that a number of organizations – both public and private – are not conducting surveys on some aspect of American life.

The results of these surveys, particularly those that relate to the criminal justice system, suggest that the American public lacks sufficient knowledge as to probation’s mission and, for those members of society who do possess an awareness, they lack confidence in probation’s ability to deliver on that mission. Likewise, they are concerned that probation’s mission is not aligned with their values.

These opinion polls, in addition to assessing the public’s satisfaction and levels of knowledge of the various components of the criminal justice system, provide a clear picture of what society does want.

The public wants safety from crime, and particularly violent crime.

In this respect, the public’s needs are very basic, though perhaps difficult to achieve. They want to be reassured that probation operates first and foremost to promote public safety. They want to be able to walk around the block in the evenings without fear. They want assurances their children can play at local parks and playgrounds safely, and that their schools are free of violence. If

offenders are living in their neighborhoods, they want them supervised closely. And, they want a reduction in victimization.

The public wants offenders held accountable.

As a corollary to the principle of public safety, the public wants to see that our practices clearly deter reoffending through containment and modification of behavior. There must be meaningful supervision and a rapid response to violations of the conditions of probation.

Unfortunately, many of the more than four million offenders on probation in the United States have learned to expect two or more “free ones” – two or more free dirty urine screens, two or more failures to report, two or more curfew violations, two or more missed appointments for treatment, two or more new law violations – before anything of any consequence occurs. As a result, in many jurisdictions probation has become “the great enabler” when it comes to holding offenders accountable. While not intended, some probation departments and courts actually reward bad behavior due to ill-advised policies and practices.

The public wants offenders to pay back to society.

The public has an expectation that offenders will compensate victims and communities for their transgressions, either in actual or symbolic restitution, as in the case of community service work. In many jurisdictions in the United States, in addition to being ordered by the courts to pay a specific amount of restitution, offenders are frequently required to pay court costs, fines, court appointed attorney’s fees, presentence investigation fees, the cost of urinalysis and various forms of electronic monitoring, supervision fees, and many other financial assessments.

It is important to the public to see probationers compensate the individuals and communities they have harmed. This satisfies a fundamental moral obligation – making amends to those you have hurt.

The public is adamant that these assessments be paid in full and in a timely manner.

While the assessment of fees may satisfy society’s desire for restitution, we have witnessed in many jurisdiction that this practice has brought about some negative, unintended consequences. In addition to restitution, which is a legitimate assessment, many states are requiring offenders on probation to pay court costs and other fees as a method of balancing their budgets. As a result, American probation officers spend more time serving as collection agents than they do fulfilling their public safety role and trying to assist offenders successfully complete a period of supervision.

In addition, many offenders on probation lead a marginal existence and, as such, can ill-afford to pay all that is required of them.

While I am in favor of requiring probationers to pay restitution and fees to support the criminal justice system, this practice must not reach the point that it is counterproductive to offender rehabilitation.

The public wants some form of punishment.

The public does not expect all offenders to be sentenced to a term of confinement, nor do they want that to occur, but they do want offenders to be penalized. They like the concept of curfews, weekend jail sentences, electronic monitoring, drug testing, mandatory participation in programs, and home confinement.

Probation professionals have often ignored the concept of just desserts – the notion that bad behavior should have like consequences for the offender. The probation profession needs to be as comfortable with and supportive of the concept of punishment as an enlightened public is.

The public wants offenders to participate in meaningful treatment.

The public wants offenders to participate in treatment programs that address their criminogenic needs.

After it is reassured that there is surveillance and control in place, the public wants probation to take steps to turn offenders into law-abiding citizens by getting them “drug free and job ready.”

The probation system has a legal obligation to supervise offenders; in addition, the system has a moral obligation to provide opportunities to offenders to enhance their ability to succeed.

Succinctly stated, the public wants something good to come from a period of probation, and a combination of a rational supervision scheme and meaningful treatment will help in the furtherance of that goal.

The public wants a voice in the criminal justice process.

Not only does the public want a voice, it wants a voice that is heard and respected in the justice system.

Crucial to the success of probation is the involvement and support of other agencies, organizations, and interest groups. With this in mind, probation should practice inclusiveness – both formally and informally – when developing policies,

initiating programs, crafting supervision strategies, and delivering services. Simply stated, the community needs to have a role in community corrections.

The public wants the truth.

An open and candid dialogue between probation and the tax paying public will foster trusting relationships – relationships that will result in long-term benefits in the furtherance of probation's mission.

Additional Wants

In addition to these seven objectives, it has been our observation that society, while not necessarily articulating it, desires of probation two other qualities.

The public wants probation to demonstrate good stewardship.

Society should be able to reasonably expect probation officials, who are public servants, to use their resources – both human and financial – rationally and to their fullest. It is imperative that probation officials devote their limited resources to where they can do the most good.

Likewise, in an effort to derive the greatest benefit from these limited resources, probation should develop cooperative relationships with law enforcement and social service agencies for the purpose of enhancing public safety efforts, holding offenders accountable, and reducing victimization.

I will acknowledge that successful partnerships, like successful marriages, do not occur without some difficulties. Successful collaboration requires a commitment to consensus building, occasional compromise, a shared vision, and a lot of hard work. It is far easier to put forth no effort to develop interagency relationships, to continue to hold to time-honored but unvalidated practices, and, paraphrasing Albert Einstein, to continue to do the same old thing yet expect different results. That is not good stewardship.

Considering the limited resources probation, law enforcement, and social service agencies have to work with, the argument can be made that these partnerships are not only good, they are imperative for those agencies engaged in combating crime and the associated problems that plague society.

The public wants ethical and visionary leadership from its probation officials.

Now I suspect that if I had a room full of representatives from my community, and I asked them what they wanted from their probation system, not one of them would say they expected ethical and visionary leadership. Yet all

that would be needed is a single event which demonstrated that a probation official committed a transgression, or neglected to anticipate and subsequently plan for an emerging problem, or failed to assume a leadership role in a particularly critical initiative, and the public would be crying for that official's head.

Found in the Book of Proverbs is a passage I find myself calling upon with increased frequency, and that passage is: "Where there is no vision, the people perish." Well, that passage can just as easily be applied to the probation profession. Without visionary leadership, and without a clear, constant, and compelling set of values, probation will never assume its rightful place in the criminal justice system.

Conclusion

In concluding my remarks, I want to make an observation. It is my sense that probation in Poland is still very young – it is still developing. That places you in an enviable position. You have the opportunity be very deliberate in creating your system. Too, you have the luxury to learn from our many mistakes and our few successes.

The late management expert and scholar Peter Drucker developed a simple self assessment tool that organizations might apply to guide them and make them more responsive to their customers' expectations. That instrument solicits responses to five questions:

- What is our mission?
- Who is our customer?
- What does our customer value?
- What are our results?
- What is our plan?

In addition, Dr. Corbett has added a sixth question, which can assist organizations in establishing specific goals, and that question is:

- What do we want people to say about our organization in one, or two, or five years?

These questions, if answered honestly and intelligently, can provide probation a roadmap to meeting and exceeding society's expectations.

Thank you for allowing me to share my views with you today. You have my best wishes in your efforts to craft a model probation system.