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Implementing a Diversion-to-Treatment Law in California: Orange County's Experience¹

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ON JULY 1, 2001, Proposition 36 completely changed how California deals with minor drug offenders—moving from a crime control model to an addiction treatment model. This is just one example of voter-initiated policy changes that criminal justice practitioners are called upon to implement. Proposition 36, like many other diversion-to-treatment laws in the nation, was written by drug reformers and opposed by many in the criminal justice system. The California District Attorney's Office, the California Association of Drug Court Professionals, the California Peace Officers' Association, judges, and Attorney General Bill Lockyer all came out against the law when it was on the ballot (Sauer, 2000; Wallace, 2000). These same groups that opposed the law were then required to implement it—not just adjust to it, but proactively create the infrastructure and shape the philosophy that would guide and govern how "Proposition 36" worked in California. This was a monumental task, not only because of the new procedures that had to be put into place, but also because the scope was so large (36,000 expected offenders state-wide). California is not alone; with the wave of diversion-to-treatment legislation passed in the last decade, increasingly more criminal justice practitioners have been (and will be) called upon to proactively shape and provide structure for these and similar laws.

To be sure, local criminal justice agencies play a critical role in implementing policy (Aaronson, Dienes, & Musheno, 1981), because they are the ones who translate the "law-on-the-books" into the "law-in-action." By using their wide discretion, criminal justice actors (a.k.a. "street level bureaucrats") act in ways that either facilitate or hamper the implementation of a new law (Engen and Steen, 2000; Lipsky, 1980). Aaronson et al. (1981, p. 88) found, "a common response of street-level personnel is to reformulate public policy goals by developing informal norms, practices, and routines of exercising discretion that sometimes adjust and at other times clearly violate the aims of codified law." Research has shown that implementation of new laws, particularly those that are perceived to compete with organizational or individual goals, is routinely subverted by distrustful and/or defiant practitioners (Bayley and Shearing, 2001; Trojanowicz and Buceraux, 1990).

Important to the current conversation, "negative perceptions of mandated policy change are likely to be more intense when implementation of the change requires sharing of work and responsibilities with another relatively autonomous public service bureaucracy" (Aaronson et al., 1981, p.88). This suggests that diversion-to-treatment laws may be more difficult to implement than other laws, because they expand collaborations between two distinct public agencies—criminal justice and public health. Clearly, how legislation is received by practitioners can have important effects on the success (or failure) of the policy change. So just how does a county go about implementing a new protocol for thousands of offenders each year? This article describes Orange County's experience implementing Proposition 36 and offers lessons for other jurisdictions that must implement similar legislation.²

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Proposition 36: A Crash Course

Like many diversion-to-treatment laws in the United States, Proposition 36 (PROP36), also known as the "Substance Abuse and Crime Prevention Act (SACPA) of 2000," mandates that adults in California convicted of nonviolent drug possession offenses, and not disqualified by concurrent offenses or previous criminal history, be offered probation with drug treatment in the community in lieu of traditional sentencing (30–90 days in jail and probation). It prohibits the use of incarceration (even for probation violations).

Case Study: Implementing Proposition 36 in Orange County, California

PROP36 was passed by California voters on November 7, 2000 with a mandatory implementation date of July 1, 2001. State, County and local agencies had slightly less than eight months to react to, plan and prepare for the law change. The statute mandated sentencing changes, required probation departments to work with treatment providers, and prescribed how probation violations would be handled. However, it did not dictate how counties had to organize the various pieces of the process. Structural issues were left almost completely up to individual counties. Thus, counties varied widely in their implementation strategies.

Planning in Orange County began almost immediately after the law was passed. An Orange County judge, who incidentally gave anti-Proposition 36 speeches up to Election Day, drafted Orange County Superior Court's position statement within weeks of the election and spearheaded Orange County's implementation effort. Although they had not supported the measure, Judge Day³ and others felt it was their duty to implement PROP36 as best they could, as that is what California voters wanted and what the offenders were entitled to.

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Pilot Study Planning

Informal meetings with a small core group of key stakeholders (primarily Drug Court managers) began in November/December, 2000. The core group included one to two representatives from Orange County's Health Care Agency (HCA), Probation Department, District Attorney's Office, Public Defender's Office, and Superior Court, the same agencies that were (and are) involved in drug court in Orange County. These six people, who were essentially drafted by default, orchestrated the implementation of PROP36 in Orange County.

At Judge Day's urging, a pilot study was conducted prior to the official implementation of PROP36 to reveal the issues that had to be worked out and to move eligible offenders through the system prior to July 1, 2001 to avoid an anticipated bottleneck. It was predicted that many defendants arrested in the first half of 2001 would postpone their hearings until PROP36 became effective on July 1, 2001. If this occurred, it would put pressure on both the jail and the court, because many of these defendants would be in jail awaiting their postponed hearings and court staff would be unable to support the expected deluge of offenders. It was felt that if practitioners "got moving quickly," Orange County could avoid this anticipated bottleneck. As it turned out, this was excellent foresight.

The pilot study began sometime in early 2001 and ended on June 30, 2001. As part of the pilot study, district attorneys and public defenders identified eligible offenders using criteria set out in

PROP36. They then offered these eligible offenders a sentence of probation with a condition of drug treatment; a sentence equivalent to PROP36. This was indispensable, because it allowed practitioners to ascertain "the real life problems" and devise solutions before implementation. It also revealed which other agencies needed to be included in planning.

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Implementation Planning and Execution

Additional stakeholders began taking a more active role in implementation planning sometime around February/March, 2001. The small group of core stakeholders who planned the pilot study grew into a semi-official "PROP36 implementation planning group" of approximately 20–30 members.⁴ Additional stakeholders from agencies already involved were incorporated, as were representatives from the Sheriff's Department,⁵ California Department of Corrections and Rehabilitation —Parole Division,⁶ and the County Executive's Office (CEO). Additional interested stakeholders involved themselves from time to time and attended meetings occasionally as well. Together this group made decisions that would impact hundreds of practitioners and thousands of offenders throughout the county.

Implementing PROP36 was an enormous undertaking and Orange County had several key issues to resolve. First,⁷ they needed to estimate the number of offenders expected to qualify for and enroll in PROP36—as this number would drive many other strategic decisions. Second, they needed to decide on a structure for the processing of PROP36 defendants from conviction through completion of treatment and supervision. Third, they needed to agree on qualifying offenses. Fourth, they needed to determine how information would flow among agencies as well as create a mechanism for sharing that information among agencies (including individual treatment providers) in a timely manner. Fifth, they needed to establish treatment requirements and determine which treatment modalities would be available to PROP36 clients. Sixth, they needed to decide how PROP36 funds would be distributed among the agencies involved. Beyond these "main tasks," they also needed to address a multitude of other issues that arose prior to and during implementation. On top of this, several key stakeholders also had to create new protocols and procedures within their own agencies for handling these offenders (and train affected personnel).

In order to accomplish the goal, the group established subcommittees for the major tasks. Each core stakeholder served on at least one subcommittee, and often two or three. Some of these subcommittees were: the shared data system, confidentiality issues, qualifying offenders/offenses, and treatment services. In addition to the frequent subcommittee meetings, core stakeholders also attended regularly scheduled implementation planning meetings as well. "This core group of individuals lived and breathed PROP36. It seemed like we were constantly in meetings. Literally I would see the same people three or four days a week in different locations. I [spent] approximately 70 percent of my time on PROP36 and everything else [took] a backseat...for two years" (Confidential Informant).

Estimating the impact. Core stakeholders gathered information from multiple sources in an attempt to estimate the impact that PROP36 would have on the criminal justice system in Orange County. How many offenders would need to be monitored in court on a monthly basis? How many additional probationers would need to be supervised? How many offenders would need treatment and what type of treatment would the offenders most likely need? The answers to these questions would be used to guide implementation and make crucial service delivery decisions. The official estimate of the number of offenders expected to receive treatment during the first year was 4,157 (3,500 probationers and 657 parolees) (Ford and Smith, 2001). This was based on the number of individuals on probation in early 2001 for PROP36-eligible offenses.

Structure of Proposition 36. At the time that practitioners were meeting to create the structure for PROP36 cases and develop a pilot program (December 2000/January 2001), there was no formal dialogue between counties or the state—Orange County was on its own.⁸ Core stakeholders aimed to create a structure that was efficient and effective for practitioners and offenders alike. Based on prior experience with drug offenders and reading the legislation, stakeholders anticipated that this group of offenders would likely require numerous "report

backs" to the court for progress monitoring and adjudication of expected probation violations. Although key stakeholders had several viable options, Orange County chose to structure PROP36 like drug court as much as possible. This was natural, as all core members had experience with drug court as it existed in Orange County, and all members had positive feelings about it. Furthermore, drug court was a model they could easily "take off the shelf" and modify for this new legislation and new population.

They decided to have one courtroom with a dedicated staff for all felony PROP36 offenders. This meant there would be one judge responsible for monitoring all felony PROP36 offenders in Orange County. The model would encourage consistency among offenders and would provide the presiding judge with a holistic view of the program and the offenders in the program. The judge could make adjustments as necessary to ensure the highest level of success possible for offenders and could react to the varying numbers of offenders processing through the court at any given time by altering procedures and practices. Furthermore, having the same staff on a daily basis would provide stability and would encourage efficiency. A single court model would eliminate "judge shopping" by defendants, would be less confusing for other practitioners, and would be less costly for agencies both in terms of staffing and resources.

Eligibility guidelines. Because the law did not expressly state which drug violations were eligible, the group also had to set guidelines for which "non-violent drug possession" offenses and which offenders would qualify for PROP36 sentencing. The District Attorney's Office and the Public Defender's Office took the lead on this task. According to several stakeholders, this was a very contentious issue that on at least one occasion involved a "shouting match." There were many disagreements about how concurrent offenses and/or past criminal history would impact a defendant's eligibility for diversion. "One day we almost had a big impasse where we had eight or nine or eleven DAs on one side and the same number of public defenders, and oh my god, they wanted to combat. Finally everybody said, 'We can make this work.' The public defender said that. When that was said, it just all seemed to come together" (Confidential Informant). This was a turning point that was, at least partially, made possible by the public defender's prior experience with drug court collaborations.

Information sharing. One of the most time-consuming and labor-intensive tasks of the implementation process was information sharing between agencies. The process was fraught with obstacles, including both fiscal and time constraints, technical limitations, confidentiality issues, and distrust between core stakeholders. As one stakeholder said, it was akin to "negotiating the Israeli peace agreement, because it was that contentious." The planning and implementation process was aggravated by the fact that they had "very different philosophical groups" involved in the collaboration process and often they did not *want* to share information with one another for various reasons. For example, health care representatives did not want to share clients' urine analysis results or treatment progress because they were concerned that probation officers would arrest everyone for noncompliance. There was the issue about *what* information could be shared legally, but there was also a major concern about what probation (or the court) would do with the information if HCA shared it.

Despite these obstacles, core stakeholders had to figure out how to put a system into place that facilitated the flow of information between the various entities responsible for supervising and/or providing services to these offenders. By default this burden fell disproportionately on the probation department (as the legislation placed the information sharing responsibility on them) and to some degree, HCA (as they were entirely responsible for treatment activities). According to the law, it was the probation department's responsibility to ensure that the PROP36 probationer enrolled in treatment within a specified time period and to report that information back to the court, as well as to provide quarterly updates to the court on the individual's progress. Furthermore, the drug treatment provider was required to prepare progress reports on a quarterly basis and forward those on to probation, which would then forward them to the court.

Confidentiality. In order to assure compliance with state and federal confidentiality laws (ex. 42CFR and HIPAA), the core stakeholder group created a "release of information" form that all PROP36 clients signed in court immediately upon acceptance of PROP36 diversion. This proved to be very important, as many offenders fell out of the system before reporting to probation or treatment. Having the waiver signed immediately protected the county from potential lawsuits and allowed agencies to communicate with one another and share basic information regarding

program compliance right away. Eventually a high court ruled that such waivers were unnecessary and permission to share information was automatically granted by offenders upon acceptance of PROP36 diversion.

Both criminal history records and substance abuse treatment records, however, are governed by "right to know and need to know" laws. In terms of PROP36 this means that most treatment providers have a "right to know and a need to know" treatment information about their clients (how many meetings they have attended, dates and results of drug testing, etc.); however, they do not have a "right to know and a need to know" criminal justice information about their clients. The same issue exists for criminal justice staff. This means that most practitioners who work with PROP36 offenders generally will not have a "right to know" *and* a "need to know" *both* criminal justice and treatment information. This issue posed considerable problems for Orange County's core stakeholders as they attempted to build a database to share information.

Shared database. One thing that Orange County did that other counties did not do (at least not right away) was to use some of their initial allocation of PROP36 funds from the state to create a shared database that all practitioners could use to view current information on PROP36 clients. The process was very tedious because there was no prototype; they "designed it from scratch, from the ground up." Core stakeholders, specifically the ones who served on this sub-committee, had to "literally walk through the process of what the probation department does when [they] get new cases and to some degree what the healthcare agency does [when they get new cases]" (Confidential Informant). Core stakeholders had to figure out a way to capture information in real time from multiple agencies (including each and every approved treatment provider) located at multiple sites throughout the county. Furthermore, to comply with confidentiality laws, data modules had to be separated so that only individuals with the proper "clearance" could view approved modules.

In addition to the strict confidentiality laws that had to be navigated, other hurdles emerged. For example, not all treatment providers had computer systems (and therefore those without were unable to access the shared database that core stakeholders spent so much time and effort creating), and others had tremendous difficulty using it. "Once we got the computer system going, getting the providers to use the database was huge. They definitely struggled with that. It was something that wasn't anticipated" (Confidential Informant).

Client treatment. Deciding on the scope and duration of treatment that would be provided to PROP36 offenders was also a major task. The legislation limited the duration of treatment to no more than 12 months plus up to six months of aftercare. It did not dictate, however, the type or length of treatment that was required to be provided by counties. Given that each county received a set amount of funding for all PROP36 related expenses (treatment and criminal justice), core stakeholders had to make difficult decisions regarding the intensity, duration, and types of treatment that would be offered. Several factors were considered, including best practices in substance abuse treatment, capacity of current treatment providers, ability to expand treatment capacity within a short time period, expected number of offenders, expected treatment severity of enrolled offenders, cost of criminal justice and other necessary expenditures. In addition, core stakeholders engaged in philosophical discussions about where they believed PROP36 funds should be primarily spent (supervision or treatment).

Orange County was unique in that core stakeholders chose to provide clients with treatment for the maximum duration allowed by law, one year plus aftercare treatment—this was significantly longer than most counties in the state offered. This decision was grounded in best practices research that finds the longer a person is in treatment, the better the outcomes (Anglin & Maugh, 1992; Simpson, 1979). Toward this end, Orange County HCA attempted to create a menu of treatment options that would apply to the vast majority of clients they expected to encounter.

Unfortunately, Orange County found itself dealing disproportionately with offenders with severe addictions and other co-occurring disorders. This impacted the treatment the county required and the treatment that the county was able to and could afford to provide.² As a result treatment durations had to be shortened. "We realized that if we funded those people for all that time, we're going to run out of money" (Confidential Informant). The number of clients requiring residential treatment further constrained the system.

What we didn't anticipate was how many people needed residential (treatment). We expected it to be kind of like a bell curve, so the levels and the way the providers were selected was [sic] kind of designed around that idea—that the majority of the people would be in the middle. Really, the number of people that needed residential surpassed what we expected. (Confidential Informant)

Moreover, residential treatment capacity was not easily increased. Despite the desire to provide clients with the most appropriate treatment for their addiction need, Orange County was not able to do so consistently due to budget and system constraints.

Sharing state money. Like many diversion-to-treatment laws, the legislation appropriated a set amount of money for a fixed period of time. In this case, PROP36 allocated \$60 million to be split between California's 58 counties to cover implementation and operating expenses for the first six months and \$120 million annually for operating expenses for the next three years.¹⁰ In order to determine how Orange County's share of PROP36 funds would be dispersed, each agency had to argue their case to the CEO. Each agency had to estimate the extent to which they would be impacted by PROP36 and approximate the additional cost associated with supervising, monitoring, or serving those offenders. HCA received the bulk of Orange County's allocation (approximately 80 percent), the probation department received approximately 17 percent of the funding during the first year and the other criminal justice agencies (District Attorney, Public Defender, Superior Court) shared the small amount that was left.

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Issues and Solutions

Core stakeholders encountered many obstacles as they tried to implement a law that was disliked, if not despised, by many criminal justice practitioners. Some of the hindrances were expected, many were unanticipated. Some dragged on for years after initial implementation and required considerable tenacity to overcome. In some cases, adequate solutions were never truly identified. In the end, core group members relied on their personal commitment and group strengths to surmount the obstacles and implement their shared vision for PROP36.

Securing a courtroom

Getting a workable courtroom was a more complicated and political process than one not accustomed to court politics would expect. "[We] weren't exactly welcomed with open arms" (Confidential Informant). "We had to take this courtroom, but the work here had to be put elsewhere....That would upset people who had to move. Everyone's very territorial" (Different Confidential Informant). Once they got the courtroom, they then needed to figure out how to transport and accommodate the prisoners in custody. This is another example of the incredible logistics involved in implementing this law.

Sentencing inconsistency

In order to promote consistency throughout the county, core stakeholders trained panel court judges and other key courtroom actors on how to identify and process PROP36-qualified cases. Training sessions were held at courthouses throughout the county and every panel court judge was expected to attend. Unfortunately these training sessions, run by key stakeholders (including a judge), were only slightly successful. In some cases the training sessions were sparsely attended and/or filled with uninterested or distracted participants. "Judges don't like to be told what to do...they like to interpret on their own" (Confidential Informant). So, although core stakeholders attempted to "get judges on the same page" prior to implementation, it did not happen as they had hoped.

The result was a large number of mis-sentenced cases (mostly disqualified defendants sentenced to PROP36 by optimistic judges). These mis-sentenced cases had implications for every agency involved in PROP36, especially in the beginning. Key stakeholders tracked inappropriately sentenced cases and "were making copies of minute orders left and right and taking them to the various court administrators, saying ...'this probably shouldn't have happened,'" in an effort to educate/re-educate key courtroom actors on qualifying case characteristics (Confidential Informant). Education/re-education was a burden on core stakeholders; but the added strain

these inappropriate cases placed on the system was even more problematic due to the sheer volume of cases and the level of criminal sophistication that some of the offenders displayed.

Unexpected Offenders

Many counties, including Orange County, had a difficult time estimating the number of offenders who would qualify for and enroll in PROP36. Orange County underestimated both the number of PROP36 clients and their addiction severity, including the rate of co-occurring disorders. This single issue, combined with insufficient funding, created more dilemmas for practitioners than any other issue and forced core stakeholders to spend countless hours repeatedly reworking the county plan. As previously mentioned, O.C. had to decrease the time offenders spent in treatment and had to steer offenders into the most economical indicated treatment option so that the county would not run out of money.¹¹ The probation department had to re-orchestrate their entire response to PROP36 and the court had to alter ideal practices in order to accommodate all the probation violation hearings and monitoring review sessions that were necessary with this population. Some of these criminally sophisticated offenders also caused trouble for HCA when they were invariably placed in groups with first-time offenders.

Compounding the problem, insufficient funding drastically limited the case management and treatment services the county was actually able to provide. Like many voter-initiated laws, PROP36 was severely under-funded, and the CEO refused to use non-PROP36 funds for PROP36 clients.

We had some really intense, very intense, discussions at that meeting when it came time to cut services.... a lot of good old fashioned backdoor arm-twisting, and politicizing, and things like that would take place.... if you're familiar with the dynamic where you're all around the table and everybody's got their polite faces on, but when the meetings are broken up, then everybody's calling and or they're emailing and saying "I want your support on this," or "I want your support on that" that sort of thing happened. (Confidential Informant).

Although there were discussions about adding additional PROP36 courtrooms to accommodate additional offenders, agencies were spread too thin and could not increase capacity. "Everybody was dedicating resources specifically to deal with this PROP36 population, but the funding wasn't there for the level of resources it was taking. Pretty soon it was so overwhelming that people just started backing off and saying 'we can't give you any more people'" (Confidential Informant). Bottom line: the county simply could not afford their vision with the number and the addiction severity of the offenders in the program.

County Transfers

Unlike other issues that were settled at the county level—between core stakeholders—the issue of out-of-county transfers required the state to intervene and set policy. The term "out-of-county transfer" refers to a person who is arrested in one county but who lives in another county. This common situation is usually not problematic—typically the sentencing county supervises the offender unless the resident county agrees to do so (which often happens with geographically distant counties).¹² For example, someone who lives in Los Angeles but was arrested, convicted, and sentenced in Orange County would typically be supervised by Orange County, unless Los Angeles County agreed to supervise the case. What made this situation problematic with PROP36 clients was the treatment component. Treatment and supervision were expensive and PROP36 funds were scarce. No county was willing to voluntarily accept (and pay for) treatment and supervision of offenders who were arrested outside their jurisdiction. It was a bureaucratic nightmare that disproportionately affected Orange County (due to the large tourist industry). Eventually the state mandated that the "county of residence" would accept all PROP36 offenders sentenced in other jurisdictions and would pay for their treatment. This relieved some of the fiscal and resource pressure on Orange County.

Practitioner attitudes

Core stakeholders fought an uphill battle as many, if not most, criminal justice practitioners in Orange County (and throughout California) viewed PROP36 as "a get out of jail free card" for undeserving offenders. These staunchly held beliefs proved difficult to overcome and made training and implementing the new procedures challenging. Even for core stakeholders, this

view was difficult to avoid and caused concern that the attitude of cooperation fostered over the previous five years in the small confines of drug court (500 offenders per year) would not extend to the larger environment of PROP36 (3,500 offenders per year). This concern reflected the differences in populations served—drug courts served hand-selected and motivated drug offenders, while PROP36 served (almost) anyone who wanted it.

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Conclusion: Lessons Learned

Much can be learned by examining how this group worked together, despite its differences, to overcome hurdles and implement one of the largest criminal justice policy changes in California's history. Like most ad hoc committees composed of individuals from different agencies with divergent philosophical views and opposing agendas, this group had its share of personal issues (such as difficult personalities, a lack of trust between members, and the competing goals of core agencies). But, in a true display of public service, they focused on their group strengths and personal commitment to helping others to achieve their goals.

Having a well-established drug court was a major asset because, unlike counties that did not have a drug court, collaborators in Orange County were already working together successfully. Key stakeholders were accustomed to collaborating and working through their agencies' differences for the sake of the client.

Orange County is far more experienced in collaborative models than a lot of locations. ... I know other counties that you would hear 'there was no way their public defender was going to sit down at the same table with the district attorney and probation.' While we certainly had our issues, the idea of sitting down at the table wasn't foreign to us at all. (Confidential Informant)

In this case, drug court also provided an "off the shelf" model for stakeholders to replicate. Experience with drug court also fostered a teamwork approach and a "we can make this work attitude" which were crucial for successful planning and implementation. Having participated in successful drug court collaborations allowed core members to persist and work past their (sometimes major) differences of opinion during the planning and implementation stages of PROP36. Having this strong base and shared vision turned out to be indispensable as the team encountered obstacles from all sides.

It was clear that the personalities and viewpoints of the core stakeholders really drove implementation. Had it not been for some of the specific members of the implementation team, PROP36 in Orange County would look very different—specifically, less rehabilitation-oriented. Percival (2004) examined how political ideology at the county level affected PROP36 implementation. However, probably more important are the philosophical ideologies of the core stakeholders, those making the decisions. For example, had the public defender's representative not sent the message that we "will make this work," the dialogue could have ended in a stalemate and the disagreements would have had to be settled in courtrooms across the county (probably with different outcomes). Furthermore, if the probation department representatives at the table had ascribed to the typical line officer's anti-PROB36 mentality, instead of having a strong belief in treatment, the collaboration efforts that defined Orange County would have been significantly different. As it was, the practitioners at the Orange County PROP36 implementation table had high hopes that PROP36 would work and they had the desire, courage, and determination to work hard for a model focused on offender treatment rather than one focused primarily on supervision and sanctions. Unfortunately, insufficient funding exacerbated by an unexpected clientele forced Orange County practitioners to abandon their vision and structure a more frugal response to PROP36.

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Juvenile Probation Officers: How the Perception of Roles Affects Training Experiences for Evidence-Based Practice Implementation

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Effective Supervision Strategies: Do Frequent Changes of Supervision Officers Affect Probationer Outcomes?

1. Administrators also cite convenience and reduced travel expense for the offender.
2. Technical violations of probation account for a significant proportion of prison beds in Texas. This brings into question the role of officer discretion versus adherence to hard-line rules regarding handling of technical violations of supervision.

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Implementing a Diversion-to-Treatment Law in California: Orange County's Experience

1. This research was partially funded by National Institute of Justice Dissertation Research Grant, 2007-IJ-CX-0031. The full report can be found at:
http://hssfacyty.fullerton.edu/pscj/cgardiner/Gardiner_Diss_Prop36.pdf

2. This study is based on in-depth interviews with four of the six initial core group members (the HCA member had retired and couldn't be contacted and the District Attorney's Office declined to participate) and more than 60 other criminal justice professionals in Orange County, California.
3. Not his real name.
4. There was also a separate, "official PROP36 oversight committee" that acted as an advisory board only and was not a decision-making body. This was a requirement set by the California Department of Alcohol and Drug Programs.
5. It is also possible that the Orange County Peace Officers' Association had a representative as well. Stakeholders interviewed recalled non-OCSD law enforcement officers at some of the meetings but could not recall which organization (police department or union) they represented. Stakeholder memories were hazy and records of who attended meetings were not available.
6. The parole representative was a military reservist who was called to active duty shortly after the 9.11.01 terrorist attacks. Unfortunately, this was essentially the end of parole's involvement in the process.
7. I have chosen to put the tasks in numerical order for organization purposes only. In reality, these tasks were addressed simultaneously.
8. Eventually the state organized semi-annual technical training conferences to bring practitioners together to share ideas and experiences.
9. This was a huge problem for many counties throughout the state.
10. Proposition 36 is currently an unfunded mandate. Money completely ran out in 2009-2010.
11. Orange County was not alone in this situation, and under-treatment has been cited as a reason for higher than expected recidivism rates amongst PROP36-era probationers statewide (Urada et al., 2007).
12. In such cases, the sentencing county assumes financial responsibility for supervision costs.

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Community Corrections Professionals' Views of Sex Offenders, Sex Offender Registration and Community Notification and Residency Restrictions

1. We are unable to calculate a response rate because no statistics were kept regarding the number of invitations distributed. This is because the Association itself distributed the newsletter and did the email blasts and there is no indication about how much overlap there is between these two groups. However, based on the demographic statistics presented in Table 1, there is no reason to believe this is not a representative sample of American community corrections professionals.

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Judge-Involved Supervision Programs in the Federal Courts: Summary of Findings From the Survey of Chief United States Probation Officers

1. The Center, in cooperation with the Administrative Office of the U.S. Courts' Office of Probation and Pretrial Services, is conducting a two-pronged study of the operational