

# Historical Lessons and Emerging Trends in Parole and Probation

By Mario Paparozzi

*This article traces past and current trends in parole and probation. Lessons from history are framed in the context of implications for future trends in the 50 states. It discusses parole and probation's public value in terms of public safety and justice, along with the cost-benefit implications of past, current and future trends.*

## Introduction

Generally speaking, many federal, state and local legislators, as well as the general public, have historically been irresolute in their support for traditional parole and probation programs.<sup>1</sup> There has also been much confusion and debate over the years regarding the extent to which parole and probation are as critical to crime prevention, justice and public safety as are other components of the criminal justice system (e.g. police, courts, prosecution, jails and prisons).<sup>2</sup> Indeed, even the parole and probation profession itself has often experienced internal philosophical divisions regarding its mission and purpose.

Most recently, however, parole and probation have begun to take their well-deserved place at the criminal justice system table, flanking police, prosecutors, judges and the like. This important trend toward inclusion and collaboration in the criminal justice system is critical to the profession's success, but it is also a potential source for obfuscation or loss of its identity and purpose — not unlike the events that have marked its history.

This article's primary goal is to provide policy-makers at the federal, state and local levels of government with useable information about past, current and future trends in parole and probation. Parole and probation are matters of serious consequence dealing with life, death, harm and cost to the law-abiding public.<sup>3</sup> In the end, the value of parole and probation services will result from hardening the relationship between policies, programs and practices, and tangible results.<sup>4</sup>

## Historical Trends: An Overview

For the past four decades, parole and probation have undergone numerous, and seemingly discursive, iterations of professional practices. In general, day-to-day practices in the states have been underpinned by a potpourri of ideological approaches or paradigms. Since the early 1960s to the present, there have been four discernable ideological or paradigmatic epochs of parole and probation. Table A attempts to encapsulate and associate each epoch with its corresponding ideological/paradigmatic basis.

While each of the ideological eras taps into very different public sentiments about crime, criminals and victimization, they are united through their common inferences about desired outcomes for parole and probation services. Regardless of the particular epoch, parole and probation practitioners and the field's professional leaders have embraced the notion that their goals should encompass all or some combination of the following:

1. *Crime Prevention*. Address community factors that are associated with high rates of crime.
2. *Public Safety*
  - Short-term risk management of probationers and parolees.
  - Long-term reduction in rearrest rates for individuals under supervision.
3. *Justice*
  - For victims of crime.
  - For probationers and parolees.
4. *Restoration*
  - Reparations to individual victims of crime.
  - Reparations to communities affected by crime.

Notwithstanding broad agreement from professional insiders (internal stakeholders) and those outside of the profession (external stakeholders) regarding the importance of producing valued outcomes, there has been intense practitioner discordance regarding the actual establishment of policies, programs and practices whose mission, goals and objectives assure that two essential a priori assumptions about value be considered:<sup>5</sup>

1. *National versus Local Definitions of Value*. Has value been locally defined? In other words, have parole and probation service providers consulted with local external stakeholders to find out what they want in return for their tax dollars?
2. *The Relationship Between Strategies and Out-*

**Table A: Historical and Current Trends in Probation and Parole**

<i>Epoch</i>	<i>Associated ideology</i>
Late 1960s to mid-1970s	Halcyon days of offender rehabilitation.
Mid-1970s to early 1980s	Development of a punishment agenda.
Mid-1980s to late 1990s	Vacillation and tension among most internal stake holders and only few external stakeholders between offender rehabilitation and offender punishment as correctional goals.
Late 1990s to 2003	Proactive community involvement and interagency collaboration in order to: reduce individual offender recidivism; restore victims and communities; transition inmates from custody to community; and achieve justice for all.

*comes.* Have practitioners adequately explained to local constituents which evidence-based policies, programs and practices produce which valued outcomes?

In the past two decades, Americans have countenanced a raising of the bar by virtually all federal, state and local politicians with regard to demands for accounting for the value of every tax dollar spent. This trend is likely to be amplified in the near term, as federal, state and local governments strive to balance the need to provide citizens services and constrain tax increases during the current cyclical economic downturn. The demand for demonstrations of government program effectiveness has forced parole and probation agencies to consider two profound changes as the profession moves into the new millennium: 1) Ground “best practices” in evidence-based results whenever possible; and 2) Produce user-friendly data for legislators that emphasize effectiveness (outcome) over activity (process).<sup>6</sup>

Understanding past and current professional trends of parole and probation in terms of ideology and practice will facilitate a better understanding of how to, and why we should, set policy agendas and implement programs and practices that are relevant with regard to outcomes that are important to the public. Moreover, critical yet open-minded analysis of historical trends will avoid the prospect of repeating past mistakes and assure the proactive development of future trends that are valued by the public and professionals alike.

An examination of historical trends in the practice of parole and probation will provide a context for understanding and evaluating the best and the worst of each epoch. And, it is essential that the abstract terms “best” and “worst” be operationalized through a firm grasp of what the public, including but not limited to professional insiders, wants from the programs funded through tax dollars.

In brief, professional trends have brought practitioners to the doorstep of a business model. But, instead of assuring maximum total shareholder value, as in business, they are called upon to assure “maximum total taxpayer value” (MTTV).

Given the extensive national and international research that has been done on the types of correctional programs that reduce offender recidivism,<sup>7</sup> this frustration with programs at the local level is likely driven by local practitioners’ failure to provide clear evaluative data about the programs themselves. The absence of clear and convincing program evaluation data establishes the foundation for ideologically driven policies, programs and practices, as opposed to more preferred evidence-based ones.

**Lessons from the Late 1960s to Mid-1970s: Rehabilitation**

As a criminal justice policy agenda, rehabilitation has been an ideologically charged issue for at least the last three decades. Elected officials and the general public have often been troubled by the fact that they overwhelmingly cannot discern an affirmative causal or correlational relationship between locally administered correctional treatment programs and one or more of the four acknowledged goals of parole and probation: crime prevention, public safety, justice and restoration. Criminal justice agencies that address these goals assure the production of maximum total taxpayer value.

It is not uncommon, for example, for legislators and the general public to eschew professional programs and practices associated with offender rehabilitation on precisely these grounds. This is likely so because rehabilitative strategies are associated with being soft on crime or “coddling” undeserving criminals.

Absent a visible contribution to MTTV, offender rehabilitation is an appropriate goal only when humanitarian and altruistic views toward criminals are the prevailing public ideologies; this was generally the case in the late 1960s and early 1970s. However, as public attitudes trended toward more severe punishment of criminals in the mid- to late 1970s, the very term rehabilitation became something of a pariah. Had incontrovertible evidence existed regarding the relationship between offender rehabilitation and public safety, the term might have been viewed as being closer to a “bitter pill” to solve a public prob-

**CRIMINAL JUSTICE**

lem that often results in death, harm and economic loss, as opposed to an effort to force victims and the public to “hug a criminal.”

Unfortunately, the imprudent convolution of offender rehabilitation as a *strategy* to an end, with its conceptualization as an end in and of itself, resulted in calls for throwing out the “rehabilitation baby with the bath water.” It is notable that there are some individuals who embrace offender rehabilitation practices, but who have equally visceral and negative reactions to punishment-based approaches for controlling criminals in the short and long-term. The stark reality is that both schools of thought, so to speak, are incorrectly defining strategies as final outcomes.

Because current trends in parole and probation are leading the field to focus on results, the public safety benefits of offender rehabilitation strategies are getting a second look. In this regard, there is simply too much program evaluation research to ignore. The evidence is clear. If attention is paid to the type and quality of firm, fair and accountable rehabilitation services to offenders there will be a lowering of their rearrest rates!<sup>8</sup>

In addition to public safety, other trends in the past 10 years have begun to demonstrate how offender rehabilitation can enhance MTTV with regard to crime prevention, justice and restoration. Although space limitations do not allow an in-depth discussion, Table B provides a brief overview.

**Lessons from the Mid-1970s to Early 1980s: Punishment Agenda**

In 1974, criminologist Robert Martinson published an article in *The Public Interest* in which he is understood to have said that offender rehabilitation programs that he studied produced no appreciable reductions in recidivism rates. In a second article published in 1975 in the *Hofstra Law Review*, Martinson clarified his initial article and stated that certain programs and program components do seem to reduce recidivism, while others do not. The essential point was that there

was no public safety benefit to be derived from appropriately administered offender rehabilitation services.

Martinson is relevant to any discussion about trends for parole and probation because the debate that his 1974 article started has had a profound impact on policies, programs and practices regarding parole and probation. In fact, in the last 25 years, practitioners and many legislators have aggressively attempted to find out if Martinson’s “nothing works” proclamation was correct, or if indeed some things do reduce individual offender recidivism.

While questions about the efficacy of offender rehabilitation remained unanswered, Martinson’s “nothing works” proclamation provided tremendous succorance to those whose ideological leanings were more toward punishing criminals for their misdeeds rather than helping them.<sup>9</sup>

As was the case in the earlier discussion on the offender rehabilitation agenda, to adequately understand the era of the punishment agenda, it is essential to first consider whether punishment is a strategy or a goal. When conceptualized as a goal, there are two possibilities for a punishment-based agenda: 1) Punishment of criminals will have a *specific deterrent* effect on the person being punished, or 2) Punishment of criminals will serve as a *general deterrent* to “would-be criminals.”

If a specific and/or a deterrent effect can be demonstrated, then the valued goal of public safety will be well served.

Punishment strategies, however, have consistently failed to demonstrate a deterrent effect, and hence have no empirical relationship to the coveted goal of public safety. Up until the mid-1990s, the adoption of a punishment-based philosophy in parole and probation erroneously turned solely on its relevance to public safety. In short, if there was no demonstrable public safety benefit, as the argument went, then there is no place for punishment. But, if there are indeed other valued outcomes that punishment-based programs, policies and practices address then, like the offender rehabilitation agenda, the “punishment baby should not be thrown out with the bath water” either.

Since the mid-1990s, however, there is an increasing understanding that while punishment-based policies, programs and practices may not adequately enhance public safety, there is still a role for such strategies as an indicator of MTTV. In the final analysis, and no different than the acceptance or rejection of a rehabilitation agenda, a punishment

**Table B: Rehabilitation and Valued Outcomes**

<i>Goal</i>	<i>Value</i>
Crime prevention	Reformed criminals can facilitate the rebuilding of families, neighborhoods and communities from the inside out.
Public safety	Changing an offender’s behavior from antisocial to pro-social protects society.
Justice	Empathy for victims of crime is a key component of treatment provided to offenders.
Restoration	Reparation to victims and communities facilitates healing, and it is an essential component of offender rehabilitation.

agenda must be evaluated on its relationship to value added through the eyes of the taxpaying public.

Strict proponents of a rehabilitation agenda are quick to point out recent public opinion trends supporting alternatives to incarceration. However, a more balanced read of the public opinion trends in this regard indicates that while a majority of the American public does support the use of alternatives for certain types of criminals, they still want strict and accountable alternatives that carry punishment-based consequences for offender noncompliance.<sup>10</sup> In other words, the public wants offenders to “pay for their crimes” — in two words: *retributive justice* (revenge).

Whether one’s personal preferences lean toward or away from retributive justice is not the point of this discussion. Some argue that it would be more humanitarian to move beyond revenge-based justice, while others cannot conceptualize justice without it. Fortunate or not, depending on one’s personal take on justice, American society in the year 2003 seems to be closer to ancient notions of revenge-based justice (“an eye for an eye”) than a more unemotional and tranquil view of it.

It is the responsibility of jurisprudential scholars, faith-based organizations, civic associations, and parole and probation practitioners to bring informed leadership to the retributive justice debate. It is not the responsibility of these entities to force their ideological preferences onto citizens.<sup>11</sup> If the general public, even if after a full and thoughtful airing of all aspects of the revenge-based justice debate, supports one side or the other, then the principles of democratic government must prevail with regard to policies, programs and practices funded by tax dollars.

Many parole and probation professionals have keyed into this discernible trend in public opinion and have begun to reconsider its *modus operandi* for practice. The most recent examples of *justice-driven* offender accountability programs are incorporated within the multifaceted parole and probation strategies called for by The Reinventing Probation Council begun in 1999-2000.<sup>12</sup>

Most importantly, as it pertains to current and emerging trends, this articulation of the role of punishment appropriately proscribes punishment strategies to those areas of value to which it is appropriate, and it removes punishment from the world of public safety. In the end, it is the expressive (emotional) value, not the functional (practical results) value of punishment that is relevant to understanding emerging trends in parole and

probation! When parole and probation services rushed toward the adoption of punishment-based approaches in their transitional period (mid-1980s to late 1990s — discussed in detail in the next section of this article), the field attempted to accomplish goals and objectives that are incongruous with their foundational punishment-based principles.

Table C summarizes the relationship between punishment strategies in parole and probation and valued outcomes.

**Lessons Learned from the Mid-1980s to Late 1990s: A Period of Transition**

Parole and probation’s response to the punishment agenda was somewhat precipitous. Starting in the 1980s, the field strove to redesign and repackage its policies, programs and practices in ways that were deemed to be consistent with the prevailing punishment agenda.<sup>13</sup> Briefly stated, it was believed that increased use of punitive practices would do what rehabilitation approaches could not do: increase public safety. Some notable manifestations of this phenomenon during the transitional period include intensive supervision programs, shock incarceration for probation and parole violators, electronic monitoring, implementation of graduated sanctions (aka punishments),<sup>14</sup> and boot camps.

The central policy hallmarks of these programs included things like the following: rigorous surveillance through increased offender contacts; strict offender accountability (sometimes defined as zero tolerance); focus on negative consequences for non-compliance with regulations, to the exclusion of positive rewards for exhibiting appropriate behavior; and perfunctory efforts to provide treatment services to parolees and probationers.

These innovative *public safety* parole and probation initiatives seemed to enjoy support from external and internal stakeholders. Program popularity, however, was more a function of ideology than empirical fact.<sup>15</sup> And, while the program designs likely appealed retributive justice sentiments of much of the general public, their program evaluation findings indisputably established that such programs have at

<i>Goal</i>	<i>Value</i>
Crime prevention	No discernable value.
Public safety	No discernable benefit.
Justice	Retribution for criminal behavior balances the scales of justice.
Restoration	Individual victims’ and victimized communities’ concerns for retributive justice are addressed.

**CRIMINAL JUSTICE**

best no effect on individual offender recidivism, and at worst a negative effect.

In other words, the increased costs (approximately five to 10 times the cost of traditional parole and probation services) of these specialized punishment-based approaches produce no public safety benefit — they may place the public at slightly greater risk.

As the parole and probation profession processed and learned from the evaluations of the new generation of punishment-based initiatives, policy emphasis began to shift toward the quest for evidence-based approaches to public safety.<sup>16</sup> Moreover, and at the same time, the profession sought to find a home for the legitimate justice concerns of victims and the general public.

Unfortunately, ideological myopia prevented a total integration of offender rehabilitation and societal justice agendas (the latter becoming well-known as *restorative justice*). Thus, during this time of transition, parole and probation practitioners generally struggled with what they perceived to be conflicting policy agendas. In the final analysis, the inability to come to terms with the need to converge the two policy agendas — offender rehabilitation with justice — weakened the profession’s prospects to demonstrate its value to external stakeholders.

Table D presents a summary of the relevance of the goals of the transition period and the corresponding value added (or not).

In fact, the policies, programs and practices implemented during the transition period provided the structure for the later development of initiatives that:

- respect publicly valued outcomes — including, but not limited to, retributive and social justice concerns;
- are subject to ongoing program evaluation research that focuses on benefit and cost;
- measure value added through useable information about intermediate performance and final results;<sup>17</sup>
- recognize that crime and criminality are serious public health (i.e. social) problems that cannot effectively be ameliorated without earnest col-

laboration across the full spectrum of law enforcement, offender treatment, and social service agencies that heretofore sequestered themselves from essential partners.

**Lessons from the Late 1990s to 2002: An Agenda for 2003 and Beyond**

As the millennium came to a close, America was faced with correctional populations of staggering proportions. Indeed, the magnitude of the growth in parole and probation caseloads across all 50 states would not have been predicted even 10 to 15 years ago (see Figure A).

The implications for public safety and tax dollar expenditures from such a large number of criminals under community supervision cannot be overstated. If there is a silver lining, so to speak, in the burgeoning caseloads of parole and probation caseloads, it is to be found in the increased attention that internal and external stakeholders alike are compelled to assign to the problem. Also, the need to understand and respond to a problem of such huge proportions has catapulted the panoply of criminal justice services at state and local levels to bring to life (operationalize) the notion of collaboration in very literal ways.

Parole and probation, in the recent past, have seen the beginnings of partnerships with police agencies, faith-based organizations, civic associations, social service providers and the like. These partnerships, unlike the earlier iterations in the transitional period, are true partnerships in the sense that the collective voice of parole and probation professionals is not subservient to other criminal justice partners. Parole and probation, the heretofore *Oliver Twist* at the dinner table (i.e. too often unacknowledged and easily dismissible) have arrived.

In the emerging collaborative schema, parole and probation are often looked to for leadership in addressing crime as a community-based social problem. In light of the foundational community-based origins of parole and probation, it is extremely appropriate that the profession lead and inform discussions about best practices in this regard. Parole and probation have given new meaning to the notions of building human and social capital in high-crime areas. In short, the profession has recognized that the “seeding” side of “weed and seed” programs begs for the values, knowledge and practices so fundamental to parole and probation.

Cutting-edge principles and practices in the field represent the need to pay

**Table D: Transitional Period and Valued Outcomes**

<i>Goal</i>	<i>Value</i>
Crime prevention	No discernable value.
Public safety	Yes, when the pendulum of practice drifts toward appropriate rehabilitative treatment services; no when otherwise.
Justice	Yes, when retribution for criminal behavior balances the scales of justice for <i>all – including offenders</i> ; no when otherwise.
Restoration	Yes, when reparation and restitution to individual victims and communities are instructively delivered in a context of empathy; no when otherwise.

attention to “community wellness.” This articulation sets forth that informal social controls such as those found in healthy communities, and not a sole reliance on saturation policing in high-crime areas, will mitigate against the forces of deviance, delinquency and crime in the long-term. To understand the critical importance of healthy informal social controls, one only need consider virtually any community that enjoys low crime rates; these are natural models of the “well communities” we seek to learn from.

What do these “well communities” have that communities racked by crime don’t? Some possible answers include:

- average or above average school systems;
- economically viable infrastructures;
- active faith-based and civic organizations;
- adequate resources for effectively responding to problems such as juvenile delinquency, drugs and alcohol, domestic violence, etc.

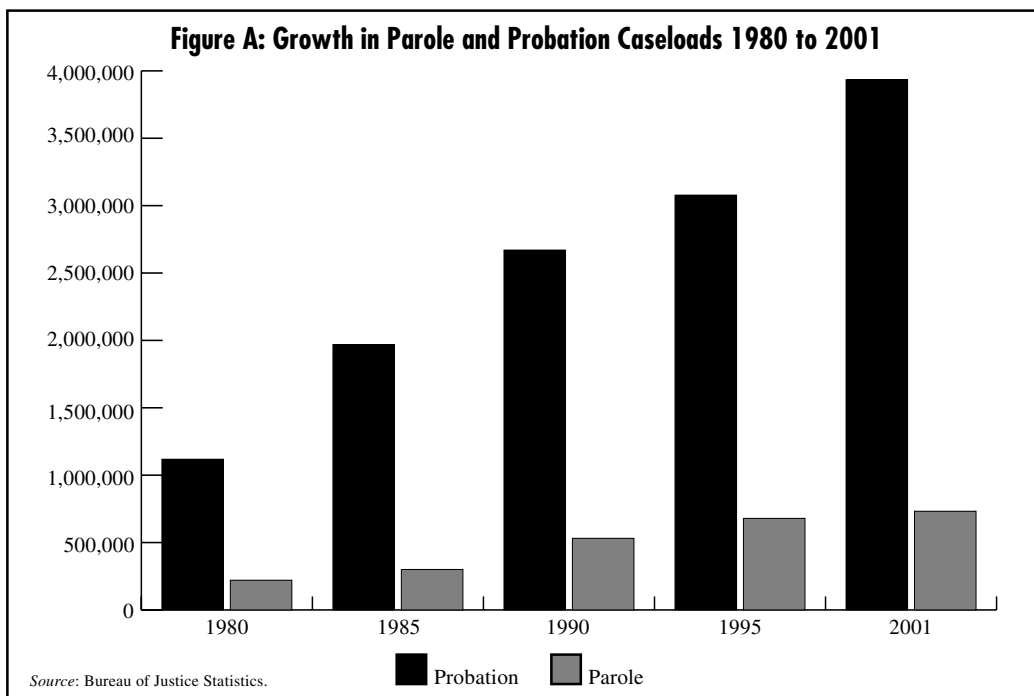
As parole and probation move into 2003 and beyond, the call will be for a more expansive conceptualization of their duties and responsibilities. This expanded professional role, begun in the last four years, requires a redefinition of parole and probation officer workload. The new definition will remain committed to the short-term risk management and long-term behavioral reform of individual offenders.

Added to this will likely be:

- enhanced services for victims of crimes — especially a renewed attention to victims residing in the most at-risk (high-crime) areas;
- providing services to individuals at risk of negative criminal justice system involvement — even if they are not under correctional control;
- commitment to rigorous outcome-driven evaluations of all programs, policies and practices to assure the establishment and maintenance of publicly valued services.

State and local legislators can expect increasing calls for resources from reinvented parole and probation services. However, a reinvestment in these two valuable criminal justice system components will undoubtedly provide a rational framework for reducing costs in allocations for jails and prisons.

If successful, the new community wellness collaborative paradigm will, at the very least, better coordinate resource expenditures that have heretofore been spent by individual agencies without due consideration for redundancy and need across all related and publicly funded agencies. The most optimistic scenario will result if and when individual offenders and high-crime neighborhoods break their cycles of crime and therefore reduce the need for criminal justice and social service system responses.



## CRIMINAL JUSTICE

Granted, it may be difficult to believe that the most optimistic scenarios for parole and probation will ever come to fruition. Nevertheless, the vision of optimism is a necessary ingredient to move forward from a 30 year cyclical history. It is, after all, the *vision* that will organize professional thinking to focus in a direction that will make the future possible; without it, parole and probation will be destined to recycling through much of its past.

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### Notes

<sup>1</sup> J. Doble, S. Immerwahr and A. Richardson, *Punishing Criminals: The People of Delaware Consider the Options* (New York: The Edna McConnell Clark Foundation, 1991); and E. Rhine, "Why 'What Works' Matters Under the 'Broken Windows' Model of Supervision," *Federal Probation* (Special Issue, 2001): 39-42.

<sup>2</sup> Reinventing Probation Council, *Transforming Probation Through Leadership: The "Broken Windows" Model* (New York, NY: The Manhattan Institute, 2000).

<sup>3</sup> E. Rhine and M. Paparozzi, "Reinventing Probation and Parole: A Matter of Consequence," *Corrections Management Quarterly* 3, no. 2 (1999): 47-52.

<sup>4</sup> M. Paparozzi, *Corrections: Whether Public or Private, It's the Results That Matter* (Washington, D.C.: National Institute of Corrections, 1998).

<sup>5</sup> Reinventing Probation Council; W. Dickey and M. Smith, *Rethinking Probation* (Washington, D.C.: United States Department of Justice, Office of Justice Programs, 1998).

<sup>6</sup> Outcome information would enhance the ability of legislators to set a rational agenda for crime control and justice. Process information is useful for internal agency management in order to assure efficiency in carrying out effective programs and practices.

<sup>7</sup> P. Gendreau, "Offender Rehabilitation: What We Know and What Needs to Be Done," *Criminal Justice and Behavior* 23 (1996): 144-161.

<sup>8</sup> P. Gendreau and R.R. Ross, "Correctional Treatment: Some Recommendations for Effective Intervention," *Juvenile and Family Court Journal* 34 (1984): 31-39; and P. Gendreau and R.R. Ross, "Revivification of Rehabilitation: Evidence from the 1980s," *Justice Quarterly* 4 (1987): 349-408.

<sup>9</sup> B.S. Erwin, "Turning Up the Heat on Probationers in Georgia," *Federal Probation* 50 (1986): 17-24.

<sup>10</sup> R.E. Harlow, J.M. Darley and P.H. Robinson, "The Severity of Intermediate Penal Sanctions: A Psychophysical Scaling Approach for Obtaining Community Perceptions," *Journal of Quantitative Criminology* 11, no. 1 (1995): 71-95; Reinventing Probation Council; and E. Rhine, "Why 'What Works' Matters Under the 'Broken Windows' Model of Supervision."

<sup>11</sup> M. Paparozzi and C. Lowenkamp, "To Be or Not to Be — a Profession — That is the Question for Corrections," *Corrections Management Quarterly* 4 (Spring 2000): 9-16.

<sup>12</sup> This author among them; see Reinventing Probation Council.

<sup>13</sup> Harlow *et al*; J. Petersilia and S. Turner, "Intensive

Probation and Parole," in M. Tonry, ed., *Crime and Justice: A Review of Research* vol. 17 (Chicago, IL: University of Chicago Press, 1993): 281-336; M. Paparozzi, "A Comparison of the Effectiveness of an Intensive Parole Supervision Program with Traditional Parole Supervision" (New Brunswick, NJ: Unpublished doctoral dissertation, Rutgers University, 1994); J. Rosencrance, "The Probation Officers' Search for Credibility," *Crime and Delinquency* 31 (1985): 539-554.

<sup>14</sup> The invention of the phrase "intermediate sanction" provides a good example of the conceptual confusion fueled by a precipitous quest for public relevance. During the transitional period, intermediate sanctions became a term that has often been disingenuously conveyed depending on the audience. For example, it is not professionally uncommon to use the phrase interchangeably as: a) a symbolic representation of ratcheting up of offender supervision; b) graduation of punishment of the offender; and — perhaps furthest from its linguistic genealogical root — offender treatment services.

<sup>15</sup> Paparozzi, *A Comparison of the Effectiveness of an Intensive Parole Supervision Program with Traditional Parole Supervision*.

<sup>16</sup> National Institute of Corrections and International Community Corrections Association, *Public Protection Through Offender Risk Reduction: Putting Research Into Practice* (Washington, D.C.: The National Institute of Corrections, 1997).

<sup>17</sup> H. Boone and B. Fulton, *Results-Driven Management* (Lexington, KY: The American Probation and Parole Association, 1995).

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