

Virginia Probation and Parole Association
829 Oliver Hill Way
Richmond, Virginia 23219
www.govppa.org

Authors
Todd Negola, Psy.D.
Chriscelyn Tussey, M.A.

A New Spin on an Old Song: The Roadmap for the Next 25 Years of Gang Intervention

INSIDE THIS ISSUE

- 1 Toss Up
- 5 Points of Interest
- 5 Conference News
- 5 President's Letter
- 6 The Soap Box
- 8 The Back Page

Stanley "Tookie" Williams, the admitted co-founder of the vicious street gang known as the Crips, was executed December 13, 2005 at San Quentin State Penitentiary. He was the 1003rd individual to be executed since the death penalty was reinstated in 1976. A major campaign was launched to spare his life by Hollywood celebrities, so-called "ex-gang members," and other death penalty opponents. Many others, including correctional professionals and justice officials close to the case, silently lauded the California Governor for not intervening with the sentence imposed in 1981 for four separate murders committed in 1979.

The notion of gang deterrence has more recently increased in our national consciousness. Los Angeles Chief of Police, William Bratton, spoke volumes when he stated, "There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a year in New York where the Mafia indiscriminately killed 300 people. You can't." (Feinstein, 2005). Recent stories about the exceptionally brutal Mara Salvatrucha (MS-13) gang, trials of infamous organized crime figures, and prison escapes have at least momentarily reminded us about the evil that lays in opportunistic dormancy, waiting to propel the individual into criminal infamy. Though the raw emotion felt as we read headlines about horrific gang-related activities seems to fade quickly with our rather short attention span. Our insatiable appetite for instant, international news "bites" reminds us about the darkness that is capable at the hands of the human animal.

"There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a year in New York where the Mafia indiscriminately killed 300 people. You can't."

For example, recall 1994, in Fresno, California, where residents were shocked to hear that two fledgling "wanna-bees" of the Tiny Little Rascal gang, brutalized a Clovis family by raping, sodomizing, and finally gutting a seven-year old girl during a home invasion in order to gain enough "status" to be considered for membership. Or what about the June, 1998 incident when two white males mutilated and dragged the body of an African-American behind their pick-up truck in Jasper, Texas? Lastly, what about the story of Andrea Yates who drowned her five children in the bathtub and then sought lesser responsibility for her actions via a mental health claim? Sometimes, it may be easier for the reader to characterize these individuals as animal-scum or clearly mentally ill, because of that fragile and ever-so-thin line between our collective human experience and the awareness of our own potential for evil!

One has to look no further than the gang-related homicide crime statistics to illustrate the communal damage and toll taken by their actions. Most gang crimes

Please see *Spin* on page 2

Spin (Continued)

involve inter-gang conflict and in more than half of gang-related homicides, innocent victims with no gang affiliation are killed or assaulted (Stephens, 1993). Moreover, gang violence and evils do not end at our national borders. Researchers have found that 50 percent of gang members believed that their gang had international connections (Knox, G., National Gang Crime Research Center). The recent taskforces investigating Mara Salvatrucha (MS-13) are yet another example of the litany of efforts to combat gang brutalization on a global and local level.

Gang interventionists include criminologists, psychologists, sociologists, biologists, community activists, educators, scores of support personnel and all factions of law enforcement who seek to understand and modify human behavior. This is a challenge that may forever be just beyond our reach. Since the dawn of humankind, the control, compliance and modification of human behavior has been sought. In no other arena than in criminal mindedness do so many work to direct so few. Interestingly, research has suggested that a mere seven percent of our population may be responsible for 70% of all criminal activity (Farrington, 1986; Wolfgang, Figlio, & Sellin, 1972). The logical and most cost efficient solution would be to secure this evasive seven percent of our population. But how?

Many specific programs have been developed and tested to counteract the gang problem. These include midnight basketball, midnight Shakespeare, civil gang injunctions, art programs, juvenile boot camps, community outreach centers, etc. In fact, currently there are an estimated 17,000 community organizations working toward the goal of decreasing less-than-favorable juvenile behaviors. Do these programs work? There is mixed evidence. For example, STARS, a multifaceted arts program for at-risk youth in Florida, costs approximately \$850 per year and has decreased juvenile crime in that area by 27 percent. On the contrary, juvenile boot camps, which can cost as much as \$28,000 per youth, have not generally been found to reduce recidivism. More recent programs include the Gang Resistance Education and Training (G.R.E.A.T.) and the Drug Abuse Resistance Education (D.A.R.E.) program, both of which have been met with mixed results. Lawmakers have tasked law enforcement and our judicial systems to intervene via the Gang Deterrence and Community Protection Act of 2005, or "The Gangbusters Bill." This bill is set forth to develop a national strategy to identify, apprehend, and prosecute gangs across the nation, encouraging partnerships across all levels of government to achieve these goals.

Unfortunately to date, the limited research on gang interventions, such as the aforementioned tactics, has failed to yield consistent and significant findings that are truly generalizable throughout this country or the world. Think about it, if a program of true success existed, wouldn't everyone be doing it? SO, who really has the answer?

It is necessary to highlight that gang intervention has historically been difficult due to controversies over definitions, such as, "What exactly is a gang?" and "What constitutes a gang-related crime?" Furthermore, intervention has varied dependent upon your occupational domain. Stereotypic beliefs and catch phrases underlie most interventionists' conversations and unfortunately can lead to personal and professional biases. Before too long, interventionists are questioning the efficacy rates and practicality of theories different from their own, resulting in a limited spectrum of intervention that often ignores vital components of care offered by competing models.

For example, law enforcement has been stereotyped as the "lock 'em up and throw away the key" interventionists. In other words, law enforcement officials are often considered the perpetual pessimists who believe there are no other options for offenders. Sociologists, on the other hand, have been labeled as researchers who explain individual and collective behavior as the sequelae of societal faults and misgivings; the "it's not my fault, I'm just a product of my environment" philosophy. Psychologists have primarily worked to research and isolate the variables predictive of criminality and have emphasized the role of one's childhood on past and current behavior. The "love 'em enough and they may change" mentality that is often played out through a psychotherapeutic process was never developed for work with criminals. Biological models have attempted to explain criminal behavior as a result of a brain dysfunction, neurotransmitter dysregulation, or other physical

Spin (Continued)

anomaly. Despite the multitude of diverse intervention perspectives and approaches, nearly two million men and women are spending this night in some criminal justice institution, away from family and friends and thinking only about freedom. Why?

Perhaps a time of personal reflection is warranted. Are our personal and professional biases about our colleagues affecting our interventions? If you work in law enforcement, have you had experience with researchers and 'shrinks' whose only apparent motive was to blame others or somehow seemingly excuse unacceptable behavior, for a defendant that you know is clearly guilty and is playing the system? Or, if you work in a community intervention or an outreach program and a peace officer enters your establishment, are you a bit nervous about his/her intentions?

These authors emphasize the importance of recognizing that while intervention may prevent some individuals from ever recidivating, there are also some who will NEVER benefit from any of these individual interventions. Some just choose to commit crime no matter the consequence!

Recent experience has taught us a major lesson; those who don't learn from the past are doomed to repeat it. It seems to these authors that a major lesson ought to be, those who choose to complete all work with only a proverbial hammer, will fail more times than succeed. It is postulated that criminals spend a great deal of time exploiting the various systems that exist to curb, modify, or stop unacceptable behavior. So, we have to work harder to remain smarter than the criminal element. While correctional boot camps can be replicated or new versions of the midnight basketball program can be developed, we must ask- are we still trying to use only a hammer?

Previous methods of gang intervention have involved multiple entities working independently to conquer a global issue. These authors propose a new ecosystemic model which would involve intelligence sharing and collaboration among all involved. In other words, it is recommended that law enforcement, psychologists, sociologists, biologists, and anyone else involved, combine their knowledge and intelligence as each adds a vital piece to the puzzle. But, that also entails the recognition of your own profession's limitations and the appreciation of your colleagues' strengths. In sum, sometimes community programming or substance abuse treatment might be effective in reducing criminal activity, for the right person. It also means the recognition that there are some not worthy of this type of intervention, who will likely require a significant incarceration, if only to reduce his/her perpetuation of criminality. Sometimes, the recognition of our own professional limitations is the first honest step towards effective intervention. And that is really our goal, isn't it?

It appears that this model is already being recognized at a fundamental level. Papachristos (2005) stated, "At their core, gangs are not just a criminal justice problem; they are a social problem." Fleisher and Decker (2001) argued that collaboration between correctional agencies and university researchers is a key to fighting gangs. Garzarelli (2005) has told us that the American jail and correctional systems are recruiting grounds for terrorists and security threat groups. It is clear there is a recognized need for intel sharing and collaboration. Now we just need to bring this model to fruition. In order to appreciate the importance of doing so, consider the following:

In 2003, 17-years old and pregnant, Brenda Paz was found dead with multiple stab wounds and a nearly severed head. The reason? She had served as an informant against former MS-13 associates. Ismael Cisneros, confessed murderer of Paz and former MS-13 gang member, reflects on the murder and explains, "MS-13 has rules, you understand? And when you break the rules, we all have to decide if you deserve to die." (60 Minutes, air date December 12, 2005).

"WE ALL HAVE TO DECIDE IF YOU DESERVE TO DIE." This is the mentality of the gangs that are targeting Americans today. Are we going to let the gang members decide if we deserve to die? It is up to us to assess our

Spin (Continued)

history of gang fighting tactics and make the appropriate changes for the future.

Otherwise, 25 years from now we may find ourselves debating the future of the Paz' murderers just as we did with Stanley "Tookie" Williams. Regardless of how we debate it, the fact remains, in both cases lives were violently taken. As interventionists, let us recognize our biases, limitations, and contributions so that we can work together to prevent even one more life from being senselessly taken. Regardless of individual theoretical backgrounds or experiences, the main objective is still the same for everyone: to fight gangs. And, just as most projects require more than one tool, so does our nation's gang problems. We have the tools, the question now becomes, will we use them?

About the Authors

Todd D. Negola, Psy.D. is a clinical psychologist who works for the Federal Bureau of Prisons and can be reached at (814) 472-4140 Ext. 157, or by [Email](#).

Chriscelyn M. Tussey, M.A., is a doctoral candidate at Indiana University of Pennsylvania and can be reached at (814) 472-4140 Ext. 157, or by [Email](#).

References

Fleisher, M., & Decker, S. (2001). An overview of the challenge of prison gangs. *Corrections Management Quarterly*, 5(1), 1-9.

Garzarelli, L. (2005). The American jail system: America's frontline of defense in homeland security. *American Jails*, 43-47.

Knox, George (2005). National Gang Crime Research Center.

Papachristos, A. (2005). Gang world. *Foreign Policy*.

Stephens, R.D. (1993). School-based interventions: Safety and security. In A.P. Goldstein & C.R. Huff (Eds.), *The gang intervention handbook* (pp. 219-256). Champaign, IL: Research Press.

Wolfgang, M., Figlio, R., & Sellin, T. (1972). *Delinquency in a birth cohort*. Chicago: University of Chicago Press.

Point of View

Mark Holmberg

Columnist

Richmond Times Dispatch

Reprinted with Permission

Mark Holmberg: Boo-man's gone; cycle goes on

November 16, 2005

Clarence Maurice "Boo-man" Coleman was one of 36 children, say those who knew him well.

And Boo-man, as everyone called him in the Fairfield Court housing development, was following in his father's prolific footsteps.

"Papa was a rolling stone. Wherever he laid his hat, a baby was born," said one of the women sharing memories in the 2300 block of Rosetta Street yesterday afternoon.

That's where Boo-man, just 19, was shot in the head Sunday evening. He died later that night at VCU Medical Center.

"He was trying to catch up with his father," said another of the women gathered by a utility pole covered with flowers and photographs of Boo-man and the things he cared about: a girlfriend, his baby boy, dollar bills.

Despite still being a teen-ager, Boo-man had fathered two children and had five on the way by five different girls, one of them just 15.

That girl, Talisha Wright, said she grew up with Boo-man. "Everybody out here grew up together," she said.

Their daughter is due in February. Talisha said she liked Boo-man's personality and didn't mind sharing him with other girls.

"I can't do nothing about it," she said yesterday while visiting with 17-year-old Jaelecia Wimbish, who has two children by Boo-man and another, a boy, due in February.

"That was my world," Jaelecia said, nodding at Boo-man's image on the memorial pole. "Everybody out here knew that." She's proud of their children together and the way Boo-man took care of her, kept other men away from her.

She felt no jealousy toward Talisha or the other girls who will be having Boo-man's babies.

"This is my friend," Jaelecia said, hugging Talisha. "It's not her fault. It's not all his fault. She's still going to be my friend."

Some of the other women listening to our conversation said there's no room for jealousy in the reality of single motherhood. That's just the way it is, they said, seemingly baffled that I thought there might be animosity between the pregnant girls.

Life is different there. So is death.

One of Boo-man's half brothers, 21-year-old Terrance D. Everett, was shot to death in an apartment just down the street in Fairfield Court on April 25.

Boo-man's mother, 37-year-old Patricia Coleman, was beaten to death in May of last year and left like trash beside a Hull Street Dumpster. The man convicted of killing her said she had gone berserk when he wouldn't buy her more crack cocaine.

Please See *Holmberg* on Page 6

Holmberg (Continued)

That was the hard end of Boo-man's world. He was known to deal drugs in Fairfield Court to help support his family. He was twice convicted of trespassing there, court records show, and he was on the Richmond Redevelopment and Housing Authority list of those unwelcome to visit.

He was charged this year with trespassing and possessing cocaine and heroin with intent to distribute them, but those charges were dropped, records show.

Boo-man had changed his life, said his sister, Latasha Coleman. "He was trying to live the right life," she said yesterday. "He wanted to be there for his kids.

"He was a kind, loving, caring person," Coleman added. "He loved kids. . . . The good die young."

Friends gathered around the memorial pole spoke of Boo-man's good-heartedness, his love of laughter and his love of money.

"The malls loved him," said one woman.

"He loved to shop," said another.

Matt Koon, a friend of mine and former unit director of the Boys & Girls Club of Fairfield Court, spent a lot of time with Boo-man as he grew from boy to man.

"He was a real special kid, very special," Matt said. "He had more gifts than any kid I think I've ever worked with. But he also had more going against him. More reasons not to succeed."

Boo-man, just 5-foot-7 and 140 pounds, had a giant personality and a vast intellect, recalled Matt.

"He was the most insightful kid I've ever known. So smart. Such a natural leader."

He took Boo-man fishing. He coached him in sports. He constantly encouraged the young man, telling him he could be anything he wanted.

That's when Boo-man would get a doubtful look on his face, as if he knew he belonged in the hood.

"He was at peace where his life was headed," Matt said yesterday. "He didn't think he deserved any better."

Note: The foregoing essay elicited a torrent of calls and mail. On November 27, 2005, Holmberg responded.

Point of View

Mark Holmberg: Ignoring cyclical dysfunction among poor isn't the solution

November 27, 2005

Reprinted with Permission

Picking over a big, tough bone . . .

There was a flood of angry response to the Nov. 16 column about Boo-man, the intelligent and gregarious 19-year-old drug dealer shot to death in the Fairfield Court housing project two weeks ago.

Please See *Poverty* on Page 7

Poverty (Continued)

One of 36 children himself, Clarence "Boo-man" Coleman had two children and five more on the way by five different girls, one of them just 15.

Readers in the hood were enraged that I wrote negative truths about Boo-man, including details about his drug dealing, the fact that a half-brother was shot to death right down the street in April and that his mother, a crack addict, was murdered last year and left beside a South Side dumpster. (Update: Richmond Police Chief Rodney Monroe said investigators believe Boo-man was killed because he had robbed other dealers.)

"What the [expletive] does that have to do with anything?" yelled one Fairfield Court caller. "You disrespected his family."

Coleman's sister, who had talked with me for the column, called after it was published, hurt by my lack of sensitivity.

But most of the callers and e-mailers were angered because I had written anything positive about Boo-man, or because I had wasted space on a man who "bred like an animal," as one woman wrote.

"What an absolutely disgusting column," that reader stated.

"You helped elevate Boo-man to mythical status," wrote another woman. "Why did you write it?" (The column is still posted on TimesDispatch.com.)

"Am I to be sad or angry?" wrote another, who finished with "just sign me a disgusted reader."

"It should have been titled Boo-Hoo," began another e-mail. Another reader used the same phrase, adding, "I'm sure I'm not the only one who thinks that Boo's killer deserves a medal for saving the taxpayers a ton of money."

"No one feels sorry for these types of people anymore," wrote a woman who described herself as a transplanted Northern liberal. "It has reached a point -- long ago -- that articles like this do nothing but cast Blacks in a negative light . . . what do you hope to accomplish?"

A law student at the University of Maryland accused me of slandering Boo-man and those who live in Fairfield Court. "This type of journalism is what gives members of your industry such a bad name."

Well, friends, surely the chronic, cyclical and exponentially destructive dysfunction perfectly illustrated by Boo-man's story will go away if we just ignore it.

Wake up, people. This dysfunction radiates into every corner of our culture. It just doesn't haunt "these types of people."

Even if you don't care about the human casualties, it gets you right in your pocketbook. You'll pay for Boo-man's children, their medical expenses, their education.

You'll pay in fear. You'll pay in continued prejudice.

You've got to understand how different life is among those who don't hope for much. You've got to finally become angry enough or troubled enough to demand solutions.

And there are places to start.

Forgive me for repeating myself, friends, but we have to tear down Richmond's subsidized housing projects. They are concentration camps -- concentrated poverty, concentrated illiteracy, concentrated substance abuse and sexual abuse, concentrated illegitimacy, concentrated teen and preteen pregnancy.

Too often, the single women and girls who live there become a captive audience for drug dealers and other smooth

Poverty (Continued)

operators in the hood. Every other city with a working dome light is getting rid of these failed social experiments.

But in Richmond, we're busy bickering over a performing-arts center while whole neighborhoods and clusters of citizens are on fire. It's an emergency situation.

There are much better ways to house our poorest citizens, as other cities are finding out -- as we found when we demolished the Blackwell project.

It'll be a long, hard, expensive transition. "I'm committed," Richmond Mayor L. Douglas Wilder told me two months ago. "This is a very high priority for me."

Please hold him to it, along with every other metro-area leader. This problem, and the solutions, stretch beyond the city limits.

We can do this, one housing project at a time. It'll be so much worse if we don't get started now.

There are young men already vying for Boo-man's place.

About the Author

Mark's column, "Point of View," appears in the [Richmond Times Dispatch](#) each Sunday and Wednesday. He can be contacted by phone (804) 649-6822 or [Email](#).

Around The State

Northern Virginia Officers Respond to Katrina

BY KELLI GRIFFIN CAVE

Chris Cahill, Probation and Parole Officer in District 36 volunteered with the Red Cross in their efforts to provide food, shelter, and medical needs to hurricane victims. On October 1, 2005, Chris was deployed to Houston, Texas, where he was registered for assignment to an area of significant devastation, Batson, Texas. At that time, there was no power, limited health care, poor air quality, transportation limitations, extreme heat, water disruption and extreme emotional stress on the inhabitants of this town.

During his service in Batson, Chris helped provide residents with their essential needs, and even learned how to construct an oven from two foil pans, a rock and a sheet of foil. On his fifth day in Batson, Chris enjoyed his first hot shower.

Chris and his company began to lose track of days, as there were no available mediums to relay information to them. Chris almost forgot his own birthday in the mix.

After a physically and emotionally draining three weeks of service, Chris returned to Northern Virginia, barely making his early flight. He described his tour of service as difficult, but believes he was impacted by the hardship experienced by these communities and the motivation and combined efforts of those willing to volunteer their time and energy to help others in need.

Katrina (Continued)

Senior Probation and Parole Officers **Dave Curro** and **Jim Freeman** from District 25 have always been friends, but recently found their friendship strengthened through tragedy. On October 3, 2005, Dave and Jim left their stations and traveled to East Biloxi, Mississippi, where they volunteered with the Lutheran Disaster Relief. They soon learned that even seven weeks after Hurricane Katrina, the town was in total devastation. Dave and Jim wasted no time rolling up their sleeves and put their best efforts forward to assist the community in their time of need. For ten days Dave and Jim ripped apart houses, removed debris, searched for black mold, power-washed houses and unloaded trucks of food and essentials. Dave found the experience to be humbling, in the sense that victims of this disaster appeared to care less about their own needs and more of the needs and comfort of those volunteering.

Holiday Giving

Reprinted from the December DOC E-Newsletter

Through the generosity of those who donated gifts to the Marine Corps Toys for Tots Campaign, **District 29 (Fairfax) staff**, in cooperation with the Toys for Tots project's Officers, delivered toys for approximately 300 offenders' children from Quantico to the Main District Office, which served as the distribution point for Probation/Surveillance Officers to deliver gifts to offenders' families or for offenders to pick up their children's gifts for this holiday season. The gift selection was "toy shop" caliber; an awesome collection and variety of presents. This project was coordinated by Ron Dawson, Angela Tillman and Bonnie Plaughner with lots of assistance from Ron's son, RJ Dawson. Other staff members assisting with the Toys for Tots project were Sharon Holland and Angie Turk.

District 29 (Fairfax) also notes that 15 offender families received Food Baskets in a Holiday project made possible through donations from the congregation of St. Mary's, a local church. Officers ensured that 15 families in need of assistance received baskets. The annual project was coordinated by Ron Dawson, Angela Tillman and Diane Williams.

District 2 Norfolk/Norfolk Day Reporting staff held their December staff meeting in conjunction with the annual toy exchange between staff members. Names were drawn and a toy purchased related to the person or an interest. Once toys were opened and staff enjoyed the selections, the toys were donated to The Dwelling Place, a shelter in Norfolk for women and children affected by domestic violence.

Approximately 40 gifts including dolls, electronic games, and sports equipment were collected. A raffle was held for a Pepperidge Farms gift basket donated by PO Trish Miller and her husband, Bob. The money raised also went to the shelter.

23rd Annual Sandman Triathlon

Reprinted from the October DOC E-Newsletter

On September 25, 2005, **DCPO Walter Cross** from District 3 (Portsmouth) participated in the recent Sandman Triathlon held in Virginia Beach. He was third after the swim and third after the bike event but faded to eighth on the run. We are still proud of his accomplishments. Walter competed in 3 Triathlons during the summer months finishing in the middle of his age group in two events, 5th in one event, and first in another event. Yeah of the Iron Man of the Eastern Region!!!!

Conference News

BY LORI SISSON

Virginia Beach Joint Conference

The joint VCA/VPPA Training Conference held on October 19 -21, 2005 at the Oceanfront Hilton in Virginia Beach was touted as a success. Responses from attendees indicated an enjoyable conference in luxurious accommodations. It was noted that the training sessions were interesting and provided valuable information and the social atmosphere allowed for positive and worthwhile networking.

This conference would not have been possible without all of those who volunteered their time and energy in the planning and execution of all of the components that are a part of an event of this magnitude. So, a thank you to all of those volunteers as well as to the Department of Corrections Management who provided support and, also, to all of those who attended.

If you would like to view photos of the Conference, you can log onto the website of [Stephen Farris, III](#), a long-time supporter of VPPA and the "man with the camera" at all of the conferences. We thank you, Steve, for your support and wonderful photos over the years.

Richmond Conference 2006

Mark your calendars. The next Annual VPPA Training Conference will be held May 23 - 25, 2006 at the Crowne Plaza Hotel in Richmond. The Conference committee is working diligently on the plans to make this a valuable training conference for all.

We expect to have four outstanding trainers at the event.

- Todd Negola, Psy.D., the author of the feature article in the current edition of The Journal, has offered several topics that he might address including An Introduction to Gangs for Law Enforcement Officers, Prison Gangs, Prison Gang Tattoos, and Tactical Interviewing: Interviewing the Criminal Mind
- Peter A. Smerick, M.Ed., a former FBI Supervisory Special Agent, FBI Faculty Member, and Criminal Profiler, who was a featured presenter at the 2004 conference, is returning.
- Faye Taxman, Ph.D., a Professor in the Wilder School of Government and Public Affairs at Virginia Commonwealth University has agreed to speak. The topic of her presentation, although it has not yet be finalized, is expected to relate to Evidence Based Practice.
- Ray Ferns, author of "Restorative Case Management: The Evolution of Correctional Case Management," will lead sessions on cognitive restructuring.

Volunteers are always needed, and if you would like to help, please contact the VPPA Vice-President and Conference Chairman John F. Smith, Jr. at 757-925-2278, Ext. 22, or by Email.

President's Letter

Dear Santa

I trust you will not consider me importunate for writing again this year, but you missed my house when you rocketed over Virginia on your annual mission of benevolence. Please, do not take offense. I am not complaining. After all, it probably was my fault.

Let me explain. I was quite excited on Christmas Eve. I purchased some fresh, organic milk from the local Amish creamery, and I made a huge batch of sugar cookies in anticipation of your arrival. It was still early, so I decided to lounge in front of the fire.

While I toasted and listened to A Rock 'N' Roll Christmas, I drank Twelve Days – a potent libation I recently invented using a dozen toxic ingredients. Well, the next thing I knew it was Christmas morning, and the fire was still blazing in your chimney entrance.

Given the circumstances, I certainly understand why you skipped my address.

Anyhow, to get to my point, I apologize for making this request, but if you would consider flying back over here and bringing me the things on my list I would sincerely appreciate it.

Just in case, you lost my first list, here it is again.

- **Heightened Awareness, Appreciation, and Recognition:** I would like several cases of this so I can pass it out to folk in the community, to my friends in the Department of Corrections, and to my comrades in other Law Enforcement Agencies. Sometimes, I think some people forget what a vital role Probation and Parole Officers play in the law enforcement continuum. So if I could bring a few cases of Awareness, Appreciation and Recognition, I will hand it out each chance I get.
- **Statewide Resources:** You have been very generous, Santa, in bringing us resources in some of the large urban areas of the Commonwealth, but my peers in the outlying areas really need more resources for assessment and treatment. There is no need for me to list these areas, since you know your geography so well. So if you could just take my friends in outlying areas some additional resources, I would sincerely appreciate it.
- **Patience and Understanding:** I would like to have several boxes of understanding (preferably chocolate covered) that I could eat whenever I disagree with others. If you could bring enough for me to share, then I will hand them out to those who disagree with me. Then we can all have a little more patience and understanding.
- **Elves:** I do not know if you can spare them, but I need some elves here. There is so much work to be done in the Association. The elves I have are not complaining. They are great. But they really are working too hard and would benefit from some assistance.
- **Tenacity:** I want enough of this to finish everything I start. And if you do not mind, bring me some extra to share with my friends in the Association, so we can continue our professional reputation for getting the job done.

Before I end, I want to clear up a few things.

I will not lie to you. I have been bad this year. But I have been good too! So just try to forget the bad stuff. That is what my friends do.

Santa (Continued)

Also, I really believe in you. Those rumors insinuating that I doubted you were floated by some of my mischievous colleagues. Do not listen to them. You can put all suspicions to rest. I am as much in your thrall as I was when I was nine.

And finally, about those cookies last year – we both were the innocent victims of an impish prank by another of my friends. I had no idea she had replaced my chocolate with Ex-Lax.

Okay, that about covers it. If you could get busy with my list, I would be most grateful.

Your Admirer and Friend,

Su Tarr

P.S. By the way, if you want the recipe for Twelve Days, let me know and I will share. I can attest to the efficacy of this lusty potion - at least in the short term. As to the long-term efficacy, I will have to get back to you on that.

Soap Box

Costs and Restitution Issues in a Performance Based Correctional System

BY EARL SMITH, CHIEF, DISTRICT 33

The Commonwealth of Virginia needs to develop an efficient, coherent, and uniform approach to community service and costs collection to replace the current inefficient and inconsistent approaches that prevail from jurisdiction to jurisdiction. The first priority is to protect the community, and then the next should be holding the offender accountable for his costs and restitution if the offender is able to perform. In cases where the offender cannot comply for financial or physical reasons, then he should be declared a pauper.

I suspect that the lack of staff and resources to address the costs and restitution issues will drive solutions once JLARC or someone else takes a closer look at revenue being lost via the delinquent collection system. I also foresee the detention and diversion combined concept will eventually spread across the state locally regardless of NIMBY because of the loss of money that presently exists and the continued growth of criminal activity driven by many factors, not the least of which is a population mired in drug and alcohol use.

Despite the political dynamics that have stymied progress, and despite the lack of resources, I fully expect a better system will prevail because we are facing constant revenue problems that will drive solutions. The present system is an example of “systemic disconnect with perpetual irritation and frustration” among the courts, agencies and the public over the collection of costs and restitution.

It is improper not to give the offender credit when he does perform certain community service under certain situations. Regardless, costs have to be collected, as does restitution whether offenders are given credit for community service or not. The present system is not manageable on its own merits.

The focus in the future is going to be **performance based** as far as collecting costs and restitution. The expansion of work release, including HEM run by the jails and other programs, is inevitable. Then hopefully, once the offender is released locally he will have a job **locally**. We will not just have several detention and diversion centers across the state. They will exist to serve all the districts on a local or regional basis. The concept of “Costs Court” will evolve as an intermediate sanction process to hold offenders accountable by review, and if they can't perform, then they can be placed under more control and required to work in private or municipal industries and businesses with periodic reviews. And those with proven disabilities will be declared paupers.

Please See Costs on Page 13

Costs (Continued)

We need vehicles to insure that costs and restitution are paid. And we need a uniform system that records and evaluates these payments or attempted payments. I anticipate that the government will turn to free enterprise or socialistic programming or a combination of the two to meet these objectives. I also anticipate that those offenders who fail to pay while free in society will find themselves under physical control where collection is controlled. The time is coming when no one will walk away without addressing costs and restitution. There is simply too much money not being collected.

The criminal justice system has been unable to address the issue of costs, and restitution collection, and credit for community service efficiently due to a lack of resources. This means that real programs costing money to get money will have to evolve for those unable to function within the normal collection process, which will include the evolution of a graduated sanctions collections process. Let the regional jails partner in rural areas and day reporting centers expand in urban, but when that fails you are back to local work release, and/or local detention/diversion. I am not addressing paying for treatment. I am addressing paying for the costs of defense, administration, prosecution, and **restitution to victims**.

When a court demands that the offender work regularly as a condition in the sentencing order, then if the offender is not working and can't find a job, the court should enter in the same order (to keep the offender busy and motivate him to seek work) that he should be involved in community service with at least a minimum wage credit, should he fail to maintain regular, gainful employment. By including this provision in the sentencing order, time and money are saved. At present, officers, when they find they have an offender who is not paying and who is not working, have to prepare written plans for community service which they submit to the Court. Sometimes this results in additional hearings, and more time and money lost simply to get Court approval for community service.

Another benefit of having this order "up front" is that raises expectations for the offender. (This begs the question as to why the circuit courts of Virginia do not have a real standardized statewide-computerized court order, but that is another topic). Again, if we seriously start into community service work, it will take additional resources to see that it is accomplished. I do not mention specifically whom this role will fall under.

Why should we allow one court not to count certain types of community service while another does count community service? Isn't one purpose of the court to see that the costs are collected, and even greater than that, that restitution is priority for the sake of victims? Currently, restitution is not always given priority in some of our courts. This needs to be rectified.

At present, we have a multitude of services funded by taxpayers that could utilize the labor pool of offenders who owe costs and restitution and who are not employed. We need to consider forging business partnerships in these areas that would benefit both offenders and the community at large. Eventually some legislator is going to find this issue a fertile field to plow. I am not saying that we presently have the resources to deal with this. I am predicting that it is out there and coming, and we will be expected to do our part.

In some jurisdictions, the judiciary and prosecutors expect Probation Officers to ascertain the amount of restitution, collecting same and costs, notwithstanding the clear provisions of Virginia Code sections. This needs to change.

The days of not having the tools to collect costs and restitution are approaching a decline. The day is coming when the tools will be in place, and if the offender fails to perform, there will be swift and sure action to attempt to insure that the costs and restitution are collected in a lawful manner as defined by the code. This will include restitution being recorded in the Circuit Court and paid to the victim by the Clerks - not the Probation Office - or to The Victim's Compensation Fund as defined in the Virginia Code. Ethically, offender payments should be credited to restitution and paid to the victim by the clerk first before addressing the cost of court. After the restitution is paid then the cost should be collected rather than payments being credited to court cost first.

Consider the following sections taken from the Virginia Code. As you read consider the extent to which you find your particular court is in compliance. Also, note that community service is addressed in Subsection C.

The Back Page

Michael Marion Wins Award