

PROBATION OFFICER VICTIMIZATION: AN EMERGING CONCERN

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ABSTRACT

Field visitation has long been a basic part of the probation supervision process. In recent years, however, probation officers have become increasingly reluctant to make field visits, primarily because of personal safety fears. Many believe that visitation is more dangerous than ever before, and they attribute this to a more difficult probationer population, the drug epidemic, and increased violence in their fieldwork environments. The emergence of field safety as an issue in probation is exemplified by the development of safety training programs, recent publications in professional journals and the popular media, and several studies of officer safety. Several probation agencies have changed their fieldwork policies to enhance officer safety. Many are supplying or encouraging the use of defensive weapons when in the field.

This article reviews the changes that have led to the emergence of the staff safety issue and assesses the impact of this issue on probation field practices. Finally, it discusses the policy changes that are likely to occur, should the staff safety issue intensify.

Field visitation has long been a primary part of the probation supervision process. Through visits to probationers and their relatives, friends, and employers and to community institutions, probation officers are able to gather and verify information, provide counseling, and monitor compliance with court-ordered requirements for behavior.

Although concerns about safety during field visits always have existed, a review of the literature indicated that until recently these issues received fairly minor attention in the journals and in probation and parole textbooks (Hussey and Duffee, 1980; Smykla, 1984; Carter et al., 1984). During the late

1980s a heightened awareness of probation officer safety clearly developed. Many officers regard fieldwork as increasingly dangerous and believe that safety concerns adversely affect their making field visits (Serant, 1989: 49; Ely, 1989). Officers are also pressuring probation managers for permission to carry firearms in a wider range of circumstances. Many are armed in violation of department policy and perhaps the law (Brown, 1989). Some probation agencies have developed safety training programs and promulgated visitation policies designed to lessen the risk to staff (New York City Department of Probation, 1989).

This article reviews the safety issue, identifying factors contributing to it and describing agency efforts to ameliorate the situation. It also analyzes policy implications of the street safety issue.

FIELDWORK AND PROBATION SUPERVISION

Home visitation in the delivery of social services predates the growth of statutory probation. In the nineteenth century, the Charity Organization Society movement, considered a precursor of modern social work, employed home visits both to determine the need for charitable assistance and to provide "Scientific Philanthropy" (Leiby, 1978: 114-16). Concepts of "friendly visitation" spread to other fields of philanthropic work, including the visiting teacher and visiting nurse movements (Hancock and Pelton, 1989: 23), as well as to the field of probation. The incorporation of "friendly visitation" into probation eased the transition to a new occupation for many of the early officers, who were from social work backgrounds. Folks, a pioneer in probation, pointedly noted that "probation work is not unlike friendly visiting" (1906: 120). The importance of fieldwork to probation has been stated repeatedly (New York State Probation Commission, 1918: 67-69; Chute, 1922: 7).

In both the investigation and supervision processes the purpose of the field visit is to gather and verify information. In addition, in the supervision process, it may serve further to foster a positive relationship with the probationer and his or her family. Field contacts enable an officer to monitor a probationer's behavior better than could be done from behind a desk. For example, in the course of home visits officers sometimes find probationers under the influence of alcohol or drugs. Home visits also provide valuable information about family and social relationships that can support or inhibit rehabilitation. Similarly, residence checks often prove the stated address to be fictitious or one in which the probationer no longer resides. In the absence

of field visits, vital case information often would be lost.

THE EMERGENCE OF PROBATION OFFICER STREET-SAFETY CONCERNS

Although individual officers may have always experienced occasional fears in the performance of field activities, these concerns have been widely communicated only recently. The safety issue has been reported not only in professional journals but also in the popular media (Serant, 1989: 49; Labaton, 1990: 1). For example, it was noted that a probation officers' union had obtained a temporary injunction barring home visits to certain substance abusers (Serant, 1989: 49). Although the injunction was subsequently dismissed, it was reported that the union president accused agency officials of "being out of their minds" in wanting field visits. He stated that to "ask someone to do unarmed field visits is ridiculous" (Serant, 1989: 49).

Although concern is probably greater in urban areas, it may be more widespread than previously believed. In a survey of probation agencies in the state of New York, a total of 2,172 responses were received, more than half of which were from line officers. Strong feelings of probation officer concern were evident:

A majority of respondents see the field as becoming increasingly risky. The probationers are seen as more serious and more dangerous, posing more of a threat to the safety of staff.

The majority (57%) of respondents doing field work indicated that their personal safety had a negative impact on their going into the field on a routine basis. Factors cited included the nature of the client population and the character of the clients' neighborhoods, families and associates.

Seventy percent of the respondents doing field work indicated that, when in the field, they were concerned about their personal safety

Asked if they had ever perceived a risk to their safety in the course of their duties, a large majority (77%) of line officers indicated that they had. Risk was seen as higher in the field than in the office and seldom seen

as present off duty. Reports of perceived risk decreased with the respondents' rank and time in service.

Concerns are greater in the more urban areas and risks are perceived as higher there by all respondents, regardless of location.

Overall, the results of the survey indicate that perception among the majority of respondents is that the problem population is growing more serious and that observation is supported by all available data. From this, the belief is that doing the job entails a fair amount of risk to the personal safety of staff, particularly the line worker.

(Ely, 1989: 1-3)

A study of line-of-duty victimization of Pennsylvania probation and parole workers, including clerical staff and parole board members, was reported by Parsonage:

The victimization of Pennsylvania probation and parole workers is extensive and pervasive. While rates are highest for those involved in the direct supervision of cases, workers occupying other roles also experience appreciable levels of victimization in the line of duty. The range of victimization is broad and includes acts of physical assault, threats of harm to workers and their families, property damage, intimidation and coercion.

The impacts and consequences of victimizations on workers manifest themselves in many significant ways—physical trauma, fear on the job, avoidance of contact with threatening clients, and reduced self-confidence, trust, and sensitivity to clients.

(Parsonage, 1990a: 9)

Probation officer victimization has been the topic of several recent journal articles (Holden, 1989; Jones and Robinson, 1989; Brown, 1990). Probation officer concern about victimization is consistent with a concurrent change in officers' attitudes toward their work, which also has been explored recently (Harris, et al., 1989). The data in that study suggest that focus on authority among community supervision officers has increased and that authority is now a more meaningful concept in supervision than either assistance or treatment. The officers studied were from Texas, Minnesota, and Wisconsin. Officer safety was discussed tangentially in a debate between

Holden and Schuman over the arming of probation and parole officers (Holden, 1989). Holden, a deputy warden and a former probation officer, believes that officers in the 1990s experience greater risk than ever before. She argued that the arming of officers is necessary because of a more dangerous probationer clientele and increased crime rates in areas in which probationers commonly reside (Holden, 1989). While the weapons debate is a clear reflection of concern about officer safety per se, there continues to be a difference of opinion regarding the impact of weapons policies on an environment already characterized by a treatment-versus-enforcement role conflict (Abadinsky, 1991; Keve, 1979; Sigler, 1988).

The popularity of staff safety workshops at professional conferences further demonstrates practitioner interest. Conference topics may be an especially accurate barometer of officer interest because the choices are made for and by persons closely related to the field. Accordingly, the inclusion of this topic in several recent conferences is noted. The fact that in some areas of the United States this topic has been the focus of organizational efforts to develop training also is noteworthy (Sisson, 1991). Similarly, a number of large agencies have provided staff safety training. These include the United States Probation Office, The New York City Department of Probation, and the New York State Division of Parole. Street survival seminars for officers are also available in the private sector.

FACTORS CONTRIBUTING TO STAFF SAFETY CONCERNS

Further research is needed to determine whether officer safety concerns are the result of a significantly more dangerous work environment, distorted officer perceptions, or some combination of the two. Research on this topic is vital to the development of sound agency field visitation policy. Undoubtedly, probation work in the late twentieth century is so radically different from what it was in the beginning or middle as to give legitimacy to questions of officer safety and concomitant

training and policy issues. Changes that have contributed to these concerns include the growth of "felony probation," greater use of case classification systems, and neighborhoods made more dangerous by the proliferation of weapons, crack use, and violent crimes.

A More Difficult Probationer Population

In the United States, by 1990 probation had become the most common penalty imposed on criminal offenders (Krantz and Branham, 1991). The unprecedented rise in the number of offenders under probation supervision has been extensively reported (Byrne, 1988; Champion, 1988; Jacobs, n.d.). Unparalleled growth has occurred in all components of the U.S. correctional system. The total number of adults under some form of correctional supervision, including those in local jails or state and federal prisons, exceeded four million in 1989. Probation workloads have been rising more rapidly than those of parole, jails (U.S. Department of Justice, 1990), or prisons (U.S. Department of Justice, 1988: 104). In 1989, there were more than 2,500,000 adults on probation and 457,000 on parole (U.S. Department of Justice, 1990). Stewart (1986) observed that ". . . probation departments have become spillways for overflowing prisons—an abuse of the whole probation system."

Equally important, the probationer population has changed radically, and large numbers of felons are now under probation supervision. Due primarily to the crisis of correctional institutional overcrowding, it has become common to grant probation to offenders who would have been incarcerated in the not too distant past. The hydraulic effect is evident here: when pressure is alleviated at one point in the correctional system, it is increased at another (Champion, 1991). The growth of "felony probation" has been both rapid and pervasive. It was reported that by 1985 one-third of the U.S. adult probation population was composed of felons, rather than misdemeanants, as popularly believed (Petersilia, 1985: 3). Illustrative of the new "felony probation" is the situation in New York

City, where felons represented 70 percent of the probationer population in 1989 (Seymour et al., 1989: 2). Although the phenomenon of "felony probation" may be more pronounced in large cities, the percentage of felons under supervision is on the increase in virtually all probation agencies. In the state of New York, for example, the percentage of felony cases under supervision rose from 47 in 1984 to 54 early in 1989 (Seymour et al., 1989: 2).

Not only has probation work been made more difficult because of larger numbers of felony offenders, but caseload studies have revealed increases in other categories of "difficult" probationers. In a nationwide survey in the U.S. of probation/parole personnel, it was reported that

at least three-fourths of the respondents believe offenders' supervision needs are greater now than in the past. Thus, not only are the numbers larger, the offenders are also a more difficult group to manage.

(Guynes, 1988: 8)

Smyley, when Commissioner of Probation in New York City, reported that between 9,000 and 13,000 crack abusers were under the supervision of his agency and that as much as 40 percent of the probationer population may have been afflicted by one or more forms of chemical dependency (1989: 34). Nidorf estimated that between 60 and 80 percent of the Los Angeles County probationers need drug testing and treatment programs for their addictions (Labaton, 1990: A16).

The probationer population of the 1990s, comprised of large numbers of felons, substance abusers, and violent offenders, may be especially intimidating to probation officers in the performance of their fieldwork activities. Moreover, fear for personal safety is often exacerbated when the purpose of the visit is confrontational, as in the case of follow-up calls after a broken appointment or an alleged violation of the conditions of probation.

The Increased Use of Probationer Classification Systems

Probationer classification systems serve a number of functions in case management, including assessment of the degree of control

and/or services needed in the supervision process. Various individual characteristics are measured to categorize the probationer, often in terms of a risk and needs assessment: "While various names are used to differentiate the levels of supervision, most are essentially restatements of the traditional Maximum/Medium/Minimum supervision classes" (Nelson et al., 1978: 19). Differential supervision based on probationer classification systems is not only more effective in meeting supervision goals, it can also help conserve scarce probation resources through a prioritization of services. Since supervision standards, such as criteria for frequency and nature of officer/probationer contacts, are determined according to classification levels, resources may be conserved through minimizing the contacts with low-risk probationers. Cases categorized as high-risk, based on the greater likelihood of failure to complete the probation term, receive more intensive supervision, including a much larger share of the resources. By contrast, low-risk probationers receive little probation officer attention, enabling reduction of the expenditure of an agency's resources.

The increased popularity of classification systems may contribute to the discomfort many officers experience in the field. The allocation of probation resources based on classification systems generally would serve to increase the frequency of visits to high-risk cases and reduce visitation to low-risk cases. Accordingly, home visits increasingly serve the control/law enforcement function of probation and are concentrated on the high-risk probationer population, including felons, substance abusers, and violent offenders.

The field policy of the New York City Department of Probation is illustrative (1988). Probationers are classified into supervision categories based on the probability of their successfully completing the probation term. Standards for frequency of visitation are designed to promote concentration on high-risk cases. Low-risk cases are generally not visited unless there is a rearrest notice or a repeated failure to report (New York City Department of Probation, 1988: 4.3-4.6).

Although officers may visit a case of any category, time constraints ensure that visitation is limited to high-risk cases. Low-risk cases are usually seen only if there is an alleged probation violation.

U.S. Streets Are Believed to be More Dangerous than Before

Probation officer safety fears are not limited to concern about possible victimization at the hands of probationers; they also encompass the potential for injury by relatives or friends of the probationer or even by strangers. Many probationers live in high-crime areas, and officers are concerned about long-term increases in crime, a drug epidemic accompanied by violence, and the greater availability of sophisticated weapons in the streets. These concerns are felt in all areas of criminal justice work. In 1989 there were 3,154 assaults with firearms on law enforcement personnel, a 13-percent increase over the 1987 figure of 2,789. In 1989, 86 percent of the law enforcement officers who were killed feloniously were killed with firearms (New York City Police Department, 1991). The same authority also has presented evidence that not only the number, but the caliber and potency, of illegal firearms is changing. The chart provides a breakdown of illegal firearms seized in New York City in 1989 and 1990.

One criminal justice expert has expressed the practitioner's concern about violence by noting that ". . . during every 100 hours on our streets more Americans are killed in this country by violent means than were killed in the 100 hours that it took to begin and end the ground offensive in the Persian Gulf" (Morgenthau, 1991). An article in the *New York Times* reflected the fears of many probation field officers:

Probation officers report that they are increasingly walking into the middle of criminal acts in the course of their duties. Counselors making house calls in most cities routinely enter dangerous neighborhoods and crack dens.

(Labaton, 1990: A16)

| | <u>1989</u> | <u>1990</u> | <u>Percentage Change</u> |
|------------------|--------------|--------------|--------------------------|
| HANDGUNS | 13,909 | 15,234 | 9.5% increase |
| <u>LONG GUNS</u> | <u>2,305</u> | <u>2,341</u> | <u>1.5% increase</u> |
| TOTAL | 16,214 | 17,575 | 8.3% increase |
| SEMI AUTO | 5,408 | 6,510 | 20.4% increase |
| 9MM PISTOL | 1,042 | 1,451 | 39.3% increase |

| <u>CALIBER</u> | <u>TOTAL NUMBER IN 1990</u> | <u>PERCENTAGE OF TOTAL</u> |
|----------------|-----------------------------|----------------------------|
| .22 | 1,644 | 13.3% |
| .25 | 2,235 | 18.0% |
| .32 | 1,465 | 11.9% |
| .357 | 974 | 7.9% |
| 9 mm | 1,765 | 14.3% |
| .380 | 1,065 | 8.6% |
| .38 | 2,467 | 20.0% |
| .44 | 189 | 1.5% |
| .45 | 516 | 4.2% |
| <u>Other</u> | <u>36</u> | <u>.3%</u> |
| Total | 12,356 | 100.0% |

One can readily empathize with these officers. Alone, unarmed, and often untrained in street survival skills, it is difficult not to be unnerved during visits to the upper floors of aging tenement buildings, in which hallway light bulbs have been removed and victimization in the darkness and isolation are realistic possibilities, or on a visit to a housing project, where an officer is forced to choose between using an elevator, readily stopped between floors by muggers who gain entrance through the emergency door, or the threat of being trapped on the blind curve of a deserted stairwell. Abadinsky (1991: 313) has concluded that "Many agencies are confronted by probation/parole personnel who feel endangered by having to enter high-crime areas, particularly during evening hours, to visit serious offenders at home. These officers are demanding protective training and the right to carry firearms."

It is not likely that probation officer safety concerns can be significantly reduced even if it were to be shown that few officers are physically assaulted, if this is the case. Fear of crime, whether real or suspected, is so pervasive in urban areas in the U.S. that many officers avoid fieldwork whenever possible. As this issue intensifies and is more widely

discussed in the probation community, it is possible that resistance to fieldwork will escalate further, especially if one or more officers are seriously victimized.

RESTRUCTURING THE HOME VISIT

As resistance to fieldwork grows, probation agencies are likely to modify visitation policies so as to reduce the likelihood of officer victimization. Possible changes include reductions in the number of home visits through further decreases of low-priority visits, increased use of team visitation, and deemphasizing visits to potentially dangerous sites. Some agencies will establish special units with the sole responsibility to visit sites deemed too dangerous for the assigned probation officer. Staff safety training will be required for all officers. Critical incident reporting systems will be improved to represent officer victimization more accurately. Finally, more agencies will provide officers with defensive equipment, including body armor, body alarms, portable telephones, radios, and firearms. It is also evident that more probation departments will work closely with local police and sheriffs' departments to provide

backup in emergencies and even escorts on highly sensitive visits.

Staff Safety Training Programs

Staff safety training will be mandated as part of the orientation of new officers. The Federal Judicial Center developed one of the early probation staff safety programs. Specially qualified officers conducted training in various federal districts. The two-day program focuses on "(1) prevention; (2) managing crisis situations; and (3) emergency responses when all else fails" (Leathery, n.d.). An expanded model of this training was provided by the New York City Department of Probation for field staff and their supervisors (1989: 1). The federal training model is likely to be replicated by agencies throughout the United States. Street safety training for law enforcement officers is also marketed by the private sector. The Calibre Press, for example, offers seminars to develop

decision making strategies and techniques (danger assessment) and tactical options (the appropriateness of force) for controlling life-threatening assaults . . . also instruction on how to cope with the psychological consequences of one's decisions and actions, as well as the legal ramifications that often follow.

(American Correctional Association, 1987)

Probation Officer Use of Defensive Weapons

Many probation officers now use defensive equipment including beeper systems, two-way radios, body armor, and mace when in the field. Although many agencies do not supply this equipment except to officers assigned to specialized field units, they do not prevent field officers from purchasing such equipment on their own. The Nassau County Probation Department, for example, provides field officers with beeper systems, but it only issues body armor on a special-needs basis. However, officers may obtain body armor at their own cost (1983: A1-4). We believe that more agencies will provide this equipment as the technology improves and costs are reduced.

The controversy surrounding the arming of

probation officers, however, remains unabated, and it has resulted in widely varying agency policies. For example, although United States probation officers and New York City probation officers both service the same jurisdiction, as a general rule only federal officers may carry firearms while on duty (U.S. Probation Office, n.d.; New York City Department of Probation, 1985). Similarly, although New York City and Nassau County are contiguous, New York City probation officers may not be armed while on duty while qualified Nassau County probation officers are permitted to carry arms (Nassau County Probation Department, 1983). Keve, in a survey of the firearms policies of probation and parole agencies, concluded that:

It would be naive to suppose that two or more states next to each other and with supposedly similar characteristics would have similar attitudes and practices on weapons use.

(1979: 428)

He found that "thirty-three jurisdictions prohibit weapons use while twenty-six permit use to some degree or under certain conditions" (Keve, 1979: 428).

Although the cited surveys may no longer be timely, they do confirm the long-standing nature of the controversy, widely disparate practices, strong contrasts between the views of field officers and administrators, and the intense emotionalism underscoring the issue. Keve's finding that a wide gulf exists between the attitudes of administrators and those of line officers on the issue of arms has been supported by Ely:

By better than four to one, line officers expressed the opinion that officers should have the option of carrying firearms. This opinion was shared by the majority of other probation staff, but not by the Directors and Deputy Directors who responded to the survey.

(1989: 2)

There is a definite trend, at least in the federal system, toward permitting qualified officers to carry arms. Firearms training was developed by the Federal Probation Division in 1987, and currently "approximately 65 percent of the probation districts permit

officers to be armed" (Brown, 1990: 25). Nevertheless, the arming of probation officers remains highly controversial and is complicated by political, legal, ethical, and practical considerations. Despite the trend in the federal probation system, it is likely that, at least for the near future, widely disparate firearms policies will continue to be characteristic of state probation agencies.

Expanded Use of Specialized Field Service Units

Some agencies may resolve the fieldwork issue by removing that function from officers' supervision duties. All visits would be made instead by members of specialized field units. The officer supervising a case would forward a visitation request, including the reason for the visit, to the field service unit. Upon completion of the visit, a report would be made to the supervising probation officer.

Numerous procedural policy modifications are possible. For example, staffing of the unit could be limited to probation officers, or it could include less qualified but educationally and/or experientially competent personnel, including retired law enforcement officers. Regardless of employment status, all members of the field service unit should be specially trained in street safety skills, communication arts, note-taking and report-writing, and other areas related to fieldwork activities. If probation officers are assigned to field service units, it is preferable that they be volunteers. It is also important that they be carefully screened and interviewed to ensure suitability for the specialized work. Other policy decisions would include whether unit personnel should be armed and the nature of issued defensive equipment. Similarly, the unit might be responsible for all field visits, or it might conduct only those deemed dangerous. Finally, if these units are staffed by probation officers, there is an issue regarding extra compensation for hazardous work. Another possible option for field service units is utilization of ready-response units in areas where visits are concentrated. Radio communication and the availability of such units can

enhance safety while relieving officer apprehension.

Critical Incident Reports

The creation of a statewide critical incident reporting system is essential. Although many local agencies already require that officers report instances of victimization, the reporting is often haphazard and unreliable. We believe that reports of officer victimization resemble U.S. crime statistics in the sense that a large proportion of events is unreported. Data obtained from probation officer incident reports are of limited value in providing a true picture of officer victimization. Because reporting forms are often controlled by local departments, there is a lack of standardization between agencies. Officer underreporting is another major problem, which is often attributable to the failure of many agencies to encourage incident reporting. Many officers also believe that local agencies often do not act on incident reports. At times, officers choose not to report incidents that could embarrass them or reveal the officer's own violation of agency policy. Illustrative is the officer who disarmed a knife-wielding attacker but could not report the incident lest it be revealed that the officer was armed in violation of agency policy.

We urge the creation of a statewide critical incident reporting system under the control of the state probation commission. Incident reports would be filed with both the local agency and the state commission. The commission would be responsible for the collection and analysis of probation officer incident reports. Advantages of a statewide reporting system include the standardization of reports, which could be expected to reduce the inconsistencies often found among local agencies. Simultaneous filing at the state and local levels will assure officers that these reports will not be ignored or modified so as not to embarrass the local agency. Moreover, state-collected data are more likely to be published, and with greater objectivity. Finally, statewide reports of officer victimization would be critical to the development of agency field policies and training programs.

CONCLUSION

The issue of probation officer safety is becoming more prominent. Many believe that the probation work environment is more dangerous than ever before. This issue has not been researched adequately. Most work on the subject has been conducted since 1987 (Parsonage, 1990b). Further research is necessary to distinguish the reality of officer victimization from perceptions of danger. Although recent developments give adequate cause for officer concern, researchers such as Ely have reported that:

There does not appear to be a strong statistical relationship between what the officer has actually experienced (reported incidents) and his or her beliefs and perceptions.

(1989: 12)

Some probation agencies have initiated changes to increase the safety of their officers. Staff safety training is now used to alert officers to potential dangers and to provide specific safety skills. Some agencies provide or allow field staff to use firearms, body armor, and/or two-way radios (Brown, 1990). The New York City Department of Probation, which does not permit carrying firearms, recently revised its field policy to include team visitation, the use of private vehicles, and field visitation in the early morning hours, when the streets are believed safest. Staff safety training is mandated, and field service units are available for especially dangerous visits (1989). The New York State Division of Probation and Correctional Alternatives, the oversight agency for all local departments, recently has established a safety committee with representatives from probation, parole, and academe. The committee is responsible for the preparation of an officer safety report (personal communication with the New York State Director of Probation, 1990).

Other significant policy changes have been made by a number of agencies. Some examples given by Parsonage include: authority to carry weapons, unarmed self-defense courses, proposals for laws to make assaults on probation and parole officers felonies,

hazardous-duty and early retirement plans, identification of "red zones" and "safe zones" for community visits, reduction of arrest-related functions, and the use of specially equipped vehicles (Parsonage, 1990b). Should officer resistance to fieldwork continue to grow, or dramatically intensify in response to a number of serious officer victimizations, it is possible that routine probation field activities will be terminated or further restructured.

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