

**Assessing the Need and Feasibility of Expanding and Standardizing a Safety
Protocol and Training Program for Probation Officers in South Dakota**

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ABSTRACT

The Court Services Department of the South Dakota Unified Judicial System provides court ordered community probation supervision services to over 7000 adults and juveniles placed under their jurisdiction by the court. The purpose of this research project was to assess the need to expand and/or standardize South Dakota's current court services staff safety protocol and training program. Probation officer safety issues have become a pertinent area of concern not only in South Dakota, but on the national level as well. In recent years there has been a philosophical change in how probation supervision is approached. These philosophical changes accompanied by societal changes, overcrowding of prisons, and researched based "Best Practices" of probation supervision strategies to increase offender outcome measures, has led to a heightened awareness and concern for probation officer safety issues. Like many other states, South Dakota has embraced the new philosophical direction for community based probation supervision practices. Being aware of and proactive regarding potential issues rather than a necessitated reactive response is generally seen as a wise investment.

Actual reported incidents involving court services staff safety issues were obtained from the Unified Judicial System's Human Resource Department and reviewed. Three surveys were conducted to gather information and opinions from South Dakota court services (probation) staff, South Dakota presiding judges and circuit court administrators, and probation directors from other states where the probation department operates under the Judicial Branch of Government. The Court Services Staff Survey asked nineteen questions including questions related to demographics, feelings of job safety in the office and in the field, opinions on the adequacy of safety training, reports and descriptions of verbal and physical assaults while on the job, and recommendations for changes and improvements in the area of court services staff safety. The

Presiding Judges and Circuit Administrator Survey asked eight questions related to demographics, current comfort level with court services staff safety issues in the office and field, opinions on adequacy of current safety training, and recommendations for changes and improvements in the area of court services staff safety. The Other States' Survey asked seven questions related to demographics, current safety tools/equipment being used, current training programs, annual safety protocol and training costs, suggestions/comments of benefit to South Dakota for planning purposes.

Results from all surveys were gathered, compiled, and tabulated as appropriate. While results of the Court Services Staff Survey showed an overall general positive feeling that court services staff are safe while conducting job responsibilities in the office and field, there are definite identified areas of concern that warrant attention. One area identified as a significant concern was in the area of courthouse security. Additional safety protocol and training concerns in the areas of safety tools and training should also be addressed. This should include expansion of current staff training opportunities and expansion of issuance of safety tools/equipment on a statewide basis, accompanied by appropriate policy and training. The Presiding Judges and Circuit Administrators Survey revealed a relevant number of "unknown" responses indicating a need to be more proactive in communication and education regarding the subject of court services staff safety. The Other States' Probation Survey supports the supposition in place prior to initiating this endeavor and supported throughout the Literature Review of the subject. There is nothing simple or easy about the subject of probation staff safety. Although hard line statistics about actual safety related incidents is important, perhaps even more important is the perceived view by those most affected on a daily basis. The Other States' Survey results support the struggle to define the subject, set protocol in place, move forward, and meet the needs of all

involved. This effort is one of perseverance, resiliency, and urgency. Despite or perhaps because of the fact there is no “one size fits all” easy answer to the issue of probation officer safety, it is ever more imperative that the subject be kept “center stage” and constant efforts be put into improving upon what currently exists for the good of the order.

INTRODUCTION

The South Dakota Unified Judicial System was established in 1975. All employee related activities, including all policies and procedures operate within the state Unified Judicial System under the direction and authority of the Chief Justice and Supreme Court. There are seven circuit trial courts across the state of South Dakota. The state trial courts and related offices are all housed in the various county courthouses within the seven circuits. Facilities, maintenance, and security issues concerning the courthouses are the responsibility of the local county government.

Within each of the seven judicial circuits there is one presiding judge, appointed by the Chief Justice of the state Supreme Court, who is responsible for all administrative functions of the local circuit and circuit personnel. Each circuit also has a circuit court administrator who assists the presiding judge in the performance and delivery of all circuit court administrative functions within the circuit. A chief court services officer, appointed by the circuit presiding judge, is responsible for all administrative functions of the court services office.¹ Three of the larger judicial circuits in the state have a deputy chief court services officer who assists the chief court services officer in the execution of court services administrative duties within the circuit. Ninety-five court services officers and thirty-three court services support staff are dispersed throughout the seven circuits in the state entrusted with the responsibilities and duties related to the supervision of adult and juvenile offenders placed on probation by the court. During any given snapshot in time, South Dakota court services officers supervise more than 7000 adult and juvenile offenders placed under their watch. The local trial courts are ultimately responsible to

¹ In South Dakota, the term “Court Services” is synonymous with “Probation”. Both terms are used interchangeably.

the Supreme Court and are subject to Supreme Court rules. Oversight and support are provided to the local circuit trial courts by the State Court Administrator's Office. The Trial Court Services Department within the State Court Administrator's Office, although not responsible for direct supervision of statewide court services offices, is specifically responsible for the oversight and support provisions provided to the statewide court services offices. An organizational chart of the South Dakota Unified Judicial System is located in Appendix A on page 85. Appendix B on page 86 provides a South Dakota map displaying the seven circuits with court services officer and chief and deputy chief court services officer duty assignment location information.

Since the inception of the Unified Judicial System in 1975 the probation department has been a part of the unified court system. There has been a significant transformation in recent years regarding the philosophical direction of the court services department. During the early years and for many years following unification, the philosophical approach to probation supervision was nearly totally focused only on "court ordered" compliance. There was little, if any true effort placed upon supervision strategies designed to enhance positive long-term change among offenders placed under supervision by the court. In recent years, the court services department has recognized not only the benefit but essentially the need to move in a new direction; a new direction seeking more positive outcomes not only enhancing the life of the offender, but most certainly society in general. Court Services has embraced the philosophy of "What Works" in probation supervision, employing research supported "Best Practices" of probation supervision service delivery. Significant improvements made include use of a validated risk and needs assessment tool instrument which drives supervision contact standards. The risk assessment is conducted on all adults and juveniles placed on formal probation by the court. Motivational interviewing techniques and the development and utilization of specific and appropriate

community based cognitive behavioral treatment programs based on specifically identified needs of the offender are additional supervision strategies put into place in recent years. With these changes has come a catharsis away from the traditional “court order” compliance monitoring; whereby offender supervision meetings occurred only within the confines of the probation officer’s office where a check mark was placed on the record when a court ordered compliance was achieved. Although court ordered compliance is still of highest priority, the changes made in philosophy in recent years have appropriately brought the advent of a more active role in supervision practices by the probation officer when executing their job duties and responsibilities. The changes have taken the probation officer out from behind their desk and required more involvement from them where the offender’s life is happening, including contacts in the offender’s home, place of employment, and other community locations.

With the evolution of these new ways of conducting business have come added concerns of probation officer safety. Visits to unknown locations with unknown expectations, increases in violent crime rates, over-crowded prisons, and general societal changes have increased a general concern for officer safety, not only in the field but also while conducting office visits.

In 2001, the Unified Judicial System’s Court Services Department established a “Safety Team” comprised of court services staff from each of the seven circuits, with one administrative staff person assigned as the team advisor. The Safety Team has examined various probation staff related safety issues and initiated a yearly one week long “Safety Academy” for all new probation officers as well as existing probation officers. The week long annual safety academy teaches principles of a variety of basic officer related safety techniques including tactical communication, defensive tactics, and scenario based training. The focus of the training has been based upon those techniques to be generally employed while conducting field visits. The

academy is conducted in concert with the state Division of Criminal Investigation and the only associated fiscal costs are travel, lodging, and per diem for the court services trainers and the academy attendees. The team also offers annual defensive tactics training that is currently optional for all probation officers. Although the annual officer training academy has been a very positive addition for the court services department and serves a very valuable role in the area of officer safety, the question of whether we are doing enough continues to surface. The safety academy is not offered to chief and deputy chief court services officers or court services support staff. Without mandated annual “refresher” training courses, the last safety training attended by many of the existing court services staff has been five to seven years ago.

In 2007, the Trial Court Services Department of the State Court Administrator’s Office issued identification safety badges to all court services officers and chief and deputy chief court services officers. There is a statewide protocol in place governing the use of the badges to be followed by all officer staff. Additional safety tools/equipment issued to some court services staff include, office panic buttons, cell phones, flashlights, latex gloves, and first aid kits. While known as “allowable” items for safety purposes, these items have been issued at individual circuit discretion with no statewide policy or protocol in place directing their use.

Although there have been no significantly notable reported safety related incidents for probation officer staff in South Dakota, a preventative, proactive approach is being sought to formally examine the issue and determine if there is a need to change the practices currently in place in the area of probation officer staff safety. The intent of this research project is to analyze the need and feasibility of a formalized structured safety protocol and training program, to possibly include specifically defining the safety equipment and tools to be used and providing standardized policies and mandated training curriculums for probation officer staff. To

accomplish this, following a thorough review of pertinent literature relative to the subject, actual reported probation staff safety issues over the past three years will be reviewed. Surveys will be conducted to garner the opinions of all statewide probation officer staff who will be solicited for their input regarding present status of safety practices and need for changes. All presiding judges and circuit administrators will be surveyed for input regarding their perception of the issue and level of support for any changes; and a survey review and examination of practices of probation departments in other states under the judicial branch of government will also occur. The information will be collected and analyzed. The analysis and findings will be used to assist the South Dakota Unified Judicial System in determining whether expansion and standardization of our current safety protocol and training program is appropriate and necessary for South Dakota probation staff. Based upon the analysis of the data collected in this research, appropriate recommendations will be made accordingly.

There is no “hard and fast” answer to the best way to handle safety issues. Varying philosophies and opinions lend conflict to any “one size fits all” approach to this subject. The literature review will help to sort out and organize identified issues and assist in narrowing the field of targeted issues.

LITERATURE REVIEW

Supervised Probation is an alternative to incarceration which granted by the court, allows adult misdemeanants, felons, juvenile delinquents, and status offenders to remain in the community under supervision. With community supervision of felony offenders comes a significant amount of potential risk. Analyzing the risk inherent with community supervision and determining an appropriate way to address the risk becomes ever more important as changes occur with the philosophy that drives probation supervision practices.

Historically, probation has occupied a distinctive and integral place within the judicial structure. It is central to the criminal and juvenile justice system in our country. It is the single one partner that regularly interacts with all other justice stakeholders as an offender moves through the justice system, from adjudication through discharge from supervision.²

Probation is the connecting point between the assortment of stakeholders that are involved in the legal processes of an offender to ensure the courts', communities', victims', and probationers' needs are met. Those stakeholders include, law enforcement; community based organizations; mental health; drug and alcohol and other service providers; the community; the victim(s); and the probationer.³

The role of the probation officer has long been in question. Is the role of the officer as a helping agent or as an enforcement agent? In recent years in fact, the answer to that question has seemed to become more clouded than ever. In probation's early inception in the 19th Century,

² California Probation Services Task Force, *Final Report, Executive Summary*, 2000, page 5.

³ *Ibid.*, page 1.

the traditional role of the probation officer was seen to be that of a helper, a social worker, and rehabilitative agent for the offender.⁴

The practices of this role definition meant that the probation officer's philosophical emphasis centered around assisting the offender with his or her rehabilitation through treatment, skill development, and the goal of successfully reintegrating the offender back into society.

The rehabilitation emphasis focuses on treatment strategies like drug and alcohol counseling, behavior modification therapy, educational training, vocational training, and providing "life" skills.⁵

In the past twenty years, an evolution has surfaced with a new role definition for probation officers, leading to a philosophical change with a new "law enforcement" emphasis emerging that focuses more on community safety and offender accountability. With this approach the role of the probation officer is more closely associated and identified with that of a law enforcement officer as opposed to a human services worker.⁶

In recent years, it has become common for a probation officer to take an active role in the enforcement of probation conditions by monitoring, conducting surveillance, engaging in search and seizure procedures, administering frequent drug tests, and accompanying police in the field or other related duties considered to be enforcement activities.⁷

The characteristics of both of these defined roles have existed in the practice of probation since its inception, however the blending and implementation of these two conflicting philosophical roles is a major contributing factor to an ongoing debate in the field of

⁴ Small, Shawn E., and Torres, Sam PhD., **Arming Probation Officers: Enhancing Public Confidence and Officer Safety**. Federal Probation, Volume 65 Number 3, page24.

⁵ **Loc. Cit.**

⁶ **Loc. Cit.**

⁷ **Loc. Cit.**

corrections.⁸ With the differences in philosophy as to role definition, comes an “upping of the ante” as to the potential ramifications posed for officer safety.

To reach their highest efficacy, probation officers need to be able to move from one end of the continuum to the other as is necessary and appropriate to meet the demands of the situation. As Robert Thornton states, “a well rounded officer can lead a counseling group in the morning and conduct surveillance in the field and make an arrest if warranted in the afternoon”.⁹ This is considered the “balanced approach” to probation supervision.¹⁰

The treatment versus security dichotomy in correctional institutions has long been recognized with security always being the “winner” in that setting. However, with probation supervision services, a social casework orientation, human services perspective, has long prevailed.¹¹

As a “Get Tough” on crime philosophy evolved as crime rates increased in the 1990’s, so did the rate of incarceration of offenders. Small and Torres state:

“From year end 1990 to midyear 1999, the rate of incarceration increased from one in every 218 United States citizens to one in every 147. In 1990, there were 1,148,702 inmates incarcerated in our jails and prisons. As of June 1999, that number had increased to 1,860,520 nationally”.¹²

With this significant increase in incarceration rates, there has followed negative ramifications with fallout from specific issues related to overcrowding of jails and prisons including funding issues, officer and inmate safety issues and philosophical concerns related to the sentencing

⁸ **Ibid.**, page 25.

⁹ Thornton, Robert L., **New Approaches to Staff Safety**, 2d ed. Washington DC: US Department of Justice, National Institute of Corrections, 2003 page 15.

¹⁰ McCoy, Tana, **Probation Officer Safety: The Results of the National Association of Probation Executives Probation Survey**, Executive Exchange, Summer 2000, page 4.

¹¹ Cohn, Alvin W., **The Arming of Probation and Parole Officers May Not Be Necessary: Options May Be Available**, Corrections Management Quarterly, 1997, page 46.

¹² See Note 4 **supra**, page 25.

practices of the court. Overcrowding issues have led to a greater reliance on the use of probation as a viable alternative to imprisonment. Consequently, more individuals are placed on probation for a wider spectrum of criminal offenses.¹³ A natural consequence of the philosophical role change together with overcrowding has occurred in recent years causing probation caseloads to change significantly, not only in their size, but also in their general demographic make-up.

“According to the US Department of Justice, there were 3,077,861 adults on probation in the United States in 1995. By 2006, the number had grown to 4,237,023, which represents an increase of 30 percent”.¹⁴

“In South Dakota, there were 3,745 adults on probation in 1995 and 5,661 under probation supervision in 2006.”¹⁵

Probation is being granted to offenders with more serious criminal behaviors, causing caseload priorities to change, forcing officer safety to be examined, and analyzing the allocation of resources in service delivery. Many crimes that at one time would have resulted in a prison sentence are now being granted community supervision via probation. This increase in the numbers of serious offenders on probation provides a significant impact as to how probation supervision and services are delivered.¹⁶

To meet the evolving changes many probation departments have revised their mission statements using jargon such as community safety, probationer accountability, and victim advocacy. These terms better depict the tasks associated with their new role definition, which traditionally are associated more with law enforcement activities.¹⁷

In 2007, the South Dakota Trial Court Services Department revised their Mission Statement

¹³ Linder, C., **The Refocused Home Visit**, Federal Probation, 1992, page 56.

¹⁴ Bonczar, T.P. and Glaze, L.E., **Probation and Parole in the United States**, Bureau of Justice Statistics Bulletin, U.S. Department of Justice, 2006, Page 1.

¹⁵ **Loc. Cit.**

¹⁶ See Note 4 **supra**, page 25.

¹⁷ **Loc. Cit.**

for Court Services Officers (Probation Officers). The statement is as follows and contains terminology consistent with the change in probation philosophy:

Court Services Department Mission Statement

“Our mission is to serve the citizens of the State of South Dakota by Preventing crime and repairing the harm caused by crime through public safety and crime prevention in the community, accountability and opportunity for positive change of the offender, justice for the victim, and respectful treatment for all involved”.¹⁸

Guiding Principles to Carry Out Mission Statement

- “Our employees are our most valuable resource for accomplishing our mission.
- Community protection can best be achieved by a role that balances supervision and supportive case management”.¹⁹

Vision

- “To maintain probation as a cost-effective alternative to a prison sentence.
- To develop community based programming that will reduce recidivism of offenders through competency development and elimination of antisocial attitudes, values, and beliefs.
- To implement a validated nationally recognized offender classification system to address offender needs and community safety”.²⁰

With the more proactive approach to community corrections and the increased importance being placed on accountability, probation officers spend more of their available time on

¹⁸ <http://www.sdjudicial@ujs.state.sd.us> at Probation.

¹⁹ **Loc. Cit.**

²⁰ **Loc. Cit.**

surveillance and enforcement than was previously the case. This change has led officers and offenders to increasingly view the probation officer/offender relationship as being adversarial. This seems to be true even for minor standard supervision tasks such as urinalysis collections for substance usage detection. As a result, the subsequent potential for antagonism and victimization increases dramatically.²¹

Historically, probation officers have been complacent in matters of personal safety. They have seen other probation officers retire from the system who have never been involved in a physical attack or a situation involving the use of physical force. Because the primary focus in the past was on rehabilitation and supervision involved limited “enforcement” types of responsibilities, it was unlikely that an offender would assault someone who did not represent a threat to his or her freedom.²² However, as repeatedly stated by authors considered in this Literature Review, because of the philosophical paradigm shift, the role of the probation officer has changed. Too often, however, neither line officers nor managers have adjusted their thinking or behavior accordingly.²³

According to Robert Thornton, “Most probation and parole officers will be victimized while performing their duties”.²⁴

Victimization, as defined by William Parsonage, is “any violence, threat of violence, intimidation, extortion, theft of property, damage to one’s reputation, or any other act that inflicts damage, instills fear, or threatens one’s sensibilities.”²⁵

²¹ See Note 9 *supra*, page 15.

²² *Ibid.*, page 25.

²³ *Loc. Cit.*

²⁴ *Ibid.*, page 16.

²⁵ Parsonage, William, H., **Worker Safety in Probation and Parole**. University Park, PA: The Pennsylvania State University, April 1990, page 7.

Parsonage and Bushey report that the range of victimization of probation officers tends to be very broad and includes acts of “physical assault, threats of harm to workers and their families, property damage, intimidation, and coercion”.²⁶ They go on to state that “while a significant amount of actual physical assault occurs, the largest portion of victimizations against workers takes the form of threats, coercion, intimidation, and other kinds of verbal and psychological abuse”.²⁷

With all this being said, Alvin Cohn believes, “there is no doubt that officers are becoming more and more fearful in their daily work and especially when they are required to conduct home (field) visits”.²⁸

Lindner and Bonn examined the relationship between probation officer victimization fears and field visits:

“The risk is greatest when, in the course of the visit, the officer finds the probationer engaged in conduct violating the conditions of probation... under the influence of drugs [or if a]...confrontation develop[s]. [They are also] at some risk of being victimized not only by the offender, but also by persons frequenting the neighborhood”.²⁹

In further support of concerns in the general topic area of officer safety, Thornton and Shireman state that “research shows that the threat [of officer victimization] is real”. They cite data from the Federal Probation Officers Association indicating there were “1,025 physical

²⁶ Parsonage, William H., and W. Conway Bushey, **The Victimization of Pennsylvania Probation and Parole Workers in the Line of Duty: A Survey**, University Park, PA: The Pennsylvania State University, 1988.

²⁷ **Loc. Cit.**

²⁸ See Note 11, *supra*, page 51.

²⁹ Lindner, C., and Bonn, R.L., **Probation Officer Victimization and Fieldwork Practices: Results of a National Study**, Federal Probation, Volume 60 Number 2, pages 16-23.

assaults against state and local probation, parole, and pretrial service officers between 1980 and 1992”.³⁰

Most aggressive acts involving probation officers occur either in the probation office or the offender’s home. Probation officers are at a considerably higher risk when making field contacts. Would be assailants, on their own home turf, are given the freedom to decide when, where, and whom to attack for totally selfish or irrational reasons.³¹

According to Thornton, “the rates of probation and parole workers who experience hazardous incidents range from 38 to 50 percent”. The victimization rate is significantly higher for probation officers with direct responsibility for supervising offenders in the field.³²

In an effort to avoid such officer victimization and the resulting cost of training and equipping officers who provide more “enforcement” type supervision, some agencies and administrators have decided that their officers’ will not conduct surveillance, searches, and arrests. With this strategy, they believe the victimization threat of officers will be avoided. However, in reality, as Thornton points out, “officers are not often killed or seriously injured performing these law enforcement functions. If community corrections officers are killed while on duty, it is usually while performing routine job functions”.³³

Thornton goes on to point out in his article that:

“ Kansas probation officer Paul Weber was stabbed to death by an offender under his supervision while making a home contact with a partner. They were discussing other living arrangements because the offender’s mother wanted him to move”.³⁴

³⁰ Thornton, R.L., and Shireman, J.H., **New Approaches to Staff Safety**, Washington DC: National Institute of Corrections, 1993.

³¹ See note 9, *supra*, page 16.

³² **Loc. Cit.**

³³ **Loc Cit.**

³⁴ **Loc Cit.**

Thornton further discusses that most serious assaults occur in the field – and during what they (probation officers) consider to be routine duties:

“In Arizona, a female adult probation officer responded to a call from the husband of a probationer. On her way to the probationer’s home, it started to rain heavily and the officer decided to go home. The next day, she was horrified to learn that the person she was to meet had been arrested for raping and killing a church volunteer who had responded to the husband’s plea for a food box. She also learned that she was the intended target of the attack, but the rain interrupted his plans. The murderer admitted to police that he knew the probation officer would come to his home, as she always did when he asked for help, and that he wanted to know what it was like to choke the life out of someone.”³⁵

An officer who anticipates the potential for difficulty with offenders will often arrange for them to be seen in the probation office, believing the office setting to be safer than a field visit. Although being on “home ground” may provide some comfort, failure to recognize the need for personal safety in the office can result in serious, unexpected and unsolicited incident consequences.³⁶

Yet another supporting example of the seriousness of the subject is pointed out by Thornton.

“In October 1990, an emotionally distraught person with a history of mental disorders threatened a U.S. Probation Officer with a loaded weapon in the Western District of Kentucky’s Owensboro Office. The officer was able to press a panic button, which alerted the court security officer. The security officer responding to the duress alarm, saw the probation officer being held at gunpoint by the offender. In the resulting struggle, the probation officer and the court security officer subdued the offender and took possession of the weapon. A shot was fired during the struggle, but no one was injured.”³⁷

Officers are not the only ones at risk from a violent or non-compliant offender. Probation Support Staff are usually the first employees with whom offenders make contact when they

³⁵ **Ibid.**, page 63.

³⁶ **Ibid.**, page 41.

³⁷ **Loc. Cit.**

report to the probation office. The first Federal Probation employee to be killed by an offender was not an officer; she was a secretary in a Federal Probation Office in West Virginia:

“In December 1966, a 48 year old female offender came into the probation office, shot the secretary five times, and then took her own life. It appears that she intended to kill her probation officer, but when she learned he was not in, she took the life of the secretary”.³⁸

Information generated from the research of Parsonage and Bushey and others included in this author’s review of the literature relative to this subject, repeatedly shows that the prospect for increased exposure of probation officers to hazardous situations in the line of duty is clear. The research findings “support a need to assemble comprehensive information from which sound policy decisions and helpful agency interventions can be designed and implemented”.³⁹

In general, information emanating from the studies of Parsonage and Bushey and from Parsonage’s personal conversations with people in the field strongly suggest that the verbal and physical abuse of probation officers is more widespread than is generally known and that a significant number of incidents are not being reported or are under reported. Further, the impact of such events (e.g., fear, stress, negative attitudes towards clients) on officers, support staff, and their agencies, while hidden, is likely to be extensive.⁴⁰

Statistics, which are often limited in this subject area, “provide information on the hazardous duty experiences of officers, but the after effects of victimization are often less visible – and perhaps more significant”.⁴¹

Parsonage points out that while “35 percent of the most serious incidents reported involved physical assault”; the following conditions were also reported:

³⁸ **Ibid.**, page 42.

³⁹ See Note 26, **supra**.

⁴⁰ See Note 25, **supra**, page 22.

⁴¹ See Note 26, **supra**.

- “56 per cent of all worker victims reported being “shaken up” emotionally because of the incident
- 11 per cent experienced physical symptoms (e.g., stomachache, headache) because of the incident
- 18 per cent experience fear on the job as an aftereffect
- 23 per cent reported disruption of personal and family life

Other psychological consequences included lack of self-confidence, reduced trust in offenders, and reduced sensitivity to offenders”.⁴²

Parsonage goes on to report opinions of officer victims following victimization:

- “In 25 per cent of the cases, victimizations could have been avoided
- In 22 per cent of the cases, the agency could have done something to prevent it
- In 55 per cent of the cases, the agency could and should have been better prepared to cope with these events”.⁴³

In Robert Thornton’s analysis, he points out that agencies are attempting to identify high-risk offenders whose potential for violence is more obvious. As a result, “agencies have taken steps such as making team assignments, purchasing body armor and communication equipment, and authorizing officers to carry weapons. Logistical considerations, expenses, and officer disregard often prevent applying the same precautions to all offenders, particularly those with less documented histories of violence”.⁴⁴

Pressure on agency administrators to “do something” on behalf of officer safety has been building in recent years. As more data becomes available to support the concerns, the pressure will only continue to increase. Often, however, actions have been taken by administrators

⁴² **Loc. Cit.**

⁴³ **Loc. Cit.**

⁴⁴ See Note 9, **supra**, page 17.

without the benefit of good information that describes the actual incidence and prevalence of the problem in their specific location⁴⁵

Parsonage points out that it is important to take time and conduct adequate research prior to embracing any one plan currently in place elsewhere. In the search for ways to enhance officer safety, it is important to acknowledge that no single model can be proposed for uniform application across jurisdictions. There may be some “generic” or generally applicable components, but agency approaches to the prevention and remediation of officer victimization must be developed according to the “specific legal, organizational, and environmental circumstances in which agencies operate”.⁴⁶

The fact that the potential for harm exists is apparent throughout the various resources examined for this review. A question deserving of inquiry regarding the subject is that of agency liability, both with respect to employing a plan and training accordingly, and for not employing a plan for officer safety in our state. The U. S. Supreme Court in *Monell v. Department of Social Services* (1979) held that “municipalities could be sued for civil rights violations if they maintained an unconstitutional custom, policy or practice that caused the constitutional deprivation”.⁴⁷

The Supreme Court further ruled that:

“In the training area – a failure to train constitutes a municipal policy for purposes of *Monell* liability. Where the need for training is obvious, but the training doesn’t occur, or it occurs in such a fashion that rights violations are likely to result, liability will be imposed.”⁴⁸

⁴⁵ See Note 25, *supra*, page 7.

⁴⁶ **Loc. Cit.**

⁴⁷ O’Linn, Missy K., Esq., Cotkin, Collins & Franscell, Los Angeles, California, **The Gaps in Use-of-Force Policies and Training**, The Police Chief, February 1992, page 52.

⁴⁸ **Loc. Cit.**

Regardless of the nature of any officer safety plan, (if there be a plan at all), it is imperative to the implementation of the plan that it be accompanied by appropriate policy, procedure, and training. The issue of liability is significant.

In an attempt to determine what efforts were being made to ensure probation officer safety across the country, the National Association of Probation Executives (NAPE) conducted a survey of members regarding probation safety issues in 2000. The project sought to establish a baseline of various practices embraced by the 32 states that responded to the survey. The areas evaluated included field practice issues, safety equipment utilized (including firearms) and procedural safeguards.⁴⁹ Overall, data collected and analyzed by NAPE indicates that probation and parole officers are using less deadly means of protecting themselves. The five most common types of field safety equipment being used by the agencies in the responding states were; cell phones, latex gloves, OC spray, flashlights, and handcuffs (listed in order of prevalence).⁵⁰ The NAPE study (2000), found an overall increase in use of protective measures by probation and parole staff compared to research conducted by Lindner and Bond (1996), suggestive of the increasing dangers affiliated with field contact work conducted by probation and parole officers.⁵¹ Following, is a chart noting the Prevalence of Safety Equipment in use as indentified by the 32 states responding to the National Association of Probation Executives survey:⁵²

⁴⁹ See Note 10 *supra*, page 4.

⁵⁰ *Ibid.*, page 5.

⁵¹ *Loc. Cit.*

⁵² *Loc. Cit.*

Table 1: Prevalence of Safety Equipment

<u>Equipment</u>	<u>Percentage</u>	<u>Rank</u>
Cell phones	83.2%	1
Gloves	81.4%	2
OC Spray	75.2%	3
Flashlights	71.7%	4
Handcuffs	61.9%	5
Police Radios	61.1%	6
Body Armor	58.4%	7
First Aid Kit	56.6%	8
Firearms	42.1%	9
Radio Scanner	28.3%	10
CPR Equipment	26.5%	11
Batons	15.9%	12

Some of the questions from the survey conducted by the National Association of Probation Executives will be used by this author in the data collection survey tool. Additionally, questions contained within a survey conducted by the Maricopa County Juvenile Probation Department in Phoenix, Arizona,⁵³ will also be utilized by this author in the data collection survey for SD probation officers. The analysis' results, findings, and conclusions of the NAPE study will be used to enhance this project as they correspond well with the research study this author is conducting for the court in South Dakota and will be helpful for comparisons and recommendations for this project.

This literature review certainly points to the value of and the need to evaluate on a local level the extent of the problem, the perceived need, the actual need, and the feasibility of developing and implementing a protocol and training program for probation officer safety in South Dakota. Certainly "local flavor" influenced by economic feasibility balanced by examination of the issue of liability enter into the possible outcome. The literature supports the notion that the problem is

⁵³ **Ibid.**, pages 12-17.

not going to go away but indeed, will only get bigger. This is likely in direct relationship to increased caseloads caused by growing societal problems that introduce offenders to the court system in the first place.

Thornton and Shireman's words resonate when they state that "safety is not something that is put on, put over, or carried in a pocket, but is a total behavior – thinking, feeling, and doing. It is a way of life."⁵⁴

⁵⁴ See Note 30, *supra*.

METHODS

Following the review of pertinent literature regarding the issue of probation officer safety, it was decided that the appropriate means by which to gather data for this subject review was by way of survey data collection. Three separate surveys were developed for three different audiences, all of which it was determined could provide valuable information for purposes of this study. In addition to the collection of data via the three survey tools, this author also contacted the Human Resources Department of the Unified Judicial System to retrieve official information regarding the number and type of reportable incidents related to court services staff safety that had occurred in the past three years. The purpose of gathering this information was to determine the quantity and quality of reported incidents occurring in order to assess the current status of safety related issues as it applies to actual reported incidents. The Human Resources Department provided documentation to this author on August 25, 2008, of all reported workmen compensation claims for court services staff during the past three years. This author gathered all workmen's compensation claim reports specific to court services staff safety issues during the past three years and entered the information into a compiled list. Given the limited number of reports, it was not necessary to code this information for analysis purposes.

SURVEY I: South Dakota Court Services Employee Survey

The first survey created was for all court services (probation) staff in the state of South Dakota. "All staff" includes seven chief court services officers located in each of the seven judicial circuits in South Dakota; three deputy chief court services offices located in three of the judicial circuits in South Dakota; 95 court services officers located in the seven judicial circuits in South Dakota; and 33 court services support staff located in the seven judicial circuits across the state.

This survey was designed to assess each staff person's opinion relative to probation staff safety issues and the perceived need for changes or improvement in areas of staff safety protocol and training. The survey included an opening paragraph explaining the purpose of the survey, specifically identifying the survey to be an analysis of need to expand and/or better define a safety protocol and training program for court services staff in South Dakota. The initial remarks on the survey encouraged input from all staff, noting the importance of their responses to the research project.

The survey contained three demographic questions; (1) What position the respondent held within the court services department; (2) Length of employment with the court services department; and (3) Gender of respondent. The remaining survey questions were a combination of Lickert scale questions, Yes/No response questions, and open-ended questions. The open-ended questions solicited information to provide data relative to specific safety related incidents the respondents had experienced; suggestions for improved safety while working in the office; and safety suggestions when officers are conducting job responsibilities in the field. If survey participants answered they were concerned about their safety in the workplace, they were asked to identify additional safety tools and training they believe they need in order to safely perform their job functions. The questions were designed to elicit truthful responses, in a non-threatening way, as to the court services staff's perceived perception regarding adequacy of the current safety protocols, practices, and training of probation staff in South Dakota. The first 11 questions of the survey (including the first three demographic questions previously mentioned) were developed for completion by all court services staff (chief court services officers, deputy chief court services officers, court services officers, and court services support staff). Questions 12 through 19 of the survey were designed to be completed by court services officers whose job

responsibilities included conducting field visits and field contacts (chief court services officers, deputy chief court services officers and court services officers).

The court services staff survey was pre-tested by Kathy Christenson, Court Services Program Coordinator with the Department of Trial Court Services of the UJS; Beth Urban, Human Resources Manager with the UJS and fellow 2009 CEDP Classmate; and Don Cullen, CEDP Project Advisor. Suggested changes included noting on the survey those questions where only one response was requested, clean-up regarding response choice options on the Lickert scale questions, and improper numbering scheme on some of the questions was pointed out. All suggested changes were incorporated into the final version of the survey document. A copy of the Court Services Employee Survey is located in Appendix C, found on page 87.

Following thoughtful consideration given to the method of delivery of the survey (postal mail, fax, email, or personal delivery), it was determined that email dissemination would be the most efficient and effective means to provide the survey instrument to the recipients. The options of email, fax, or postal mail were given to survey respondents to return the surveys to this author.

The survey instrument with instructions was emailed to all 138 court services staff on September 16, 2008. Return responses were requested by September 30, 2008. On September 23, 2008 a reminder email was sent to all staff participants asking for the return of the survey for those who had not yet done so and thanking those participants who had already returned their survey responses. As of September 30, 2008, eight of the ten chief and deputy chief court services officers had returned the completed surveys, representing a response rate of 80%; 77 of the 95 court services officers responded for an 81% response rate; and 27 of the 33 court services support staff responded for a response rate of 81%. Overall, across all court services staff position types, 112 of the possible 138 staff responded for an 81% return rate.

Upon receipt of the survey responses, this author coded all responses and entered them into an Excel spreadsheet for tracking and statistical analysis.

Questions #1 – #3 were each coded to more easily identify and analyze the demographic data acquired. Question #1 (position type) was coded as follows: Chief/Deputy Chief Court Services Officer = 3, Court Services Officer = 2, Support Staff = 1. Question #2 (number of years worked for Court Services) was coded as follows: 30+ years = 6, 21-30 years = 5, 11-20 years = 4, 6-10 years = 3, 1-5 years = 2, less than 1 year = 1. Question #3 (gender) was coded as follows: Male = 2, Female = 1.

Question #4 examined the degree to which court services staff felt safe while carrying out their typical office duties. Respondents were given five choice responses: safe, somewhat safe, neither safe nor unsafe, somewhat unsafe, and unsafe. For analytical purposes, this author gave each choice response a numerical code; safe = 5, somewhat safe = 4, neither safe nor unsafe = 3, somewhat unsafe = 2, and unsafe = 1. This coding scheme was used for ease in calculating the percentages of which participants endorsed a particular choice response. This same coding scheme was used for question #12 asking how safe court services staff feel while conducting field visits., which offered the same choice responses.

Question #5 examined how respondents rated three different office safety measures. Question #5a asked if clients are adequately checked for weapons before entering the building. Question #5b asked if clients are adequately monitored while in the building. Question #5c asked if the respondents feel there are adequate office safety precautions currently in place. Respondents were given five choice responses: agree, somewhat agree, neither agree nor disagree, somewhat disagree, and disagree. Each choice response was given a numerical code; agree = 5, somewhat agree = 4, neither agree nor disagree = 3, somewhat disagree = 2, and disagree = 1.

Question #6 asked those survey respondents who answered “somewhat agree”, “somewhat disagree”, or “disagree” on question #5c (whether adequate office safety precautions are currently in place) what additional precautions should be taken or added. Respondents “free formed” their responses to this question. This author identified all responses received and coded each response. If a respondent replied with an identified response it was coded as 1. If a respondent did not reply with an identified response it was coded as 0. This coding scheme was used to easily tabulate percentages for each individually identified response item. This same coding scheme was used for all additional survey questions requesting a “free form” response (survey questions #10, #11, #14, #16, and #19).

Question #7 examined how many times respondents have been verbally intimidated or threatened while working in the office in the past two years. Respondents were then asked to provide a brief description of the incidents. Responses were given a numerical code; 1-2 verbal threats = 1, 3-5 verbal threats = 2, 11-20 verbal threats = 3. The types of verbal threats were additionally broken down into two category responses, electronic threats and face to face threats. These categorical responses were coded as follows: 1-2 electronic threats = 1, 3-5 electronic threats = 2, 6-20 electronic threats = 3, 1-2 face to face threats = 1, 3-5 face to face threats = 2, and 6-10 face to face threats = 3.

Question #8 examined how many times respondents were physically assaulted while working in the office in the past two years. Total survey respondents reported only two incidents of physical assaults during the past two years. Given the limited number of responses, this survey question was not coded for analytical purposes.

Question #9 asked if staff believe they have been adequately trained to handle office safety issues. Respondents were given three response choices: yes, somewhat, and no. Each choice

response was given a numerical code; yes = 3, somewhat = 2, and no = 1. This same coding scheme was used for all additional survey questions requiring the same response choices (survey questions #13, #15, and #17).

Question #18 asked survey respondents answering “somewhat” or “no” to question #17 (whether respondents believe they have been provided with adequate safety tools/equipment to perform job responsibilities and duties) what additional safety tools/equipment are needed. Respondents were given seven specified choices and were also allowed to “free form” “other” specific responses. All identified responses were coded. If a respondent replied with an identified response, the response was coded 1. If a respondent did not reply to an identified response, it was coded 0.

There were no noted issues identified with the court services employee staff survey or responses received that proved problematic to this research project.

SURVEY II: South Dakota Presiding Judges and Circuit Administrators Survey

The second survey was developed for the seven judicial circuit presiding judges and the seven judicial circuit administrators in the state of South Dakota (there was one circuit administrator position vacancy at the time of survey data collection, therefore, only six circuit administrators were available to respond to the survey). This survey’s purpose was to ascertain the perception of circuit court administrative staff relative to the adequacy of current safety protocol and safety training for court services staff statewide.

This survey also included an opening paragraph of explanation as to the purpose of the survey, specifically identifying the survey to be an analysis of any need to expand and/or better define a safety protocol and training program for court services staff in South Dakota.

Encouragement was given to solicit responses from all presiding judges and circuit administrators in the state, noting the importance of their responses to the research project.

This survey began with one demographic question asking whether the respondent was a presiding judge or a circuit administrator. The remaining questions were a combination of Lickert scale questions, Yes/No questions, and open-ended questions. The questions were designed to ascertain the level of comfort circuit court administration has with court services staff safety protocol and training presently in place and to identify potential areas of need as seen by circuit court administration within the area of court services staff safety.

This survey was pre-tested by Kathy Christenson, Court Services Program Coordinator with the Trial Court Services Department of the UJS; Beth Urban, UJS Human Resources Manager and fellow 2009 CEDP Classmate; and Don Cullen, CEDP Advisor. Lickert scale response adjustments were suggested and made and the suggestion of adding a “don’t know” option to the Yes/No questions was also incorporated into the final survey document. The South Dakota Presiding Judges and Circuit Administrators Survey is located in Appendix D on page 92.

This survey was also emailed to each of the seven presiding judges and six circuit court administrators on September 16, 2008. The recipients were given the option to return the completed survey by postal mail, fax, or email to this author. A September 30, 2008 return date was provided to all survey recipients. On September 23, 2008, an email was sent reminding those that hadn’t yet responded of the September 30th deadline and thanking those who had previously responded. As of the September 30th deadline, six of the seven presiding judges had responded to the survey. This represents a response rate of 85%. Six of the possible six circuit administrators responded for a 100% return rate. Overall, the total response rate for circuit court administrative staff statewide was twelve of the possible thirteen for a 95% response rate.

Responses from the surveys were coded and entered into an Excel spreadsheet for tracking and statistical analysis purposes.

Question #1 was coded to more easily determine who was completing each survey questionnaire. Numerical codes were assigned as follows: Presiding Judge = 2, Circuit Administrator = 1.

Question #2 examined the degree to which presiding judges and circuit administrators believe adequate office safety precautions are in place for Court Services Staff. Respondents were given four response choices; yes, somewhat, no, and don't know. For analytical purposes, this author gave each choice response a numerical code: yes = 4, somewhat = 3, no = 2, and don't know = 1. This coding scheme was used for ease in calculating the percentages of which participants endorsed a particular choice response. This same coding scheme was used for all additional survey questions eliciting the same choice responses (questions #4 and #6).

Question #3 asked those survey respondents who answered "somewhat" or "no" to question #2 (are adequate office safety precautions currently in place) to identify what additional precautions should be put into place. Respondents "free formed" their responses to this question. This author identified all responses received and coded each response. If a respondent replied with an identified response it was coded as 1. If a respondent did not reply with an identified response it was coded as 0. This coding scheme was used to easily tabulate percentages for each individually identified response item. This same coding scheme was used for question #7 of the survey which also asked for "free form" responses.

Question #5 asked survey respondents answering "somewhat" or "no" to question #4 (do court services staff have adequate safety tools and equipment to perform office and field job duties) what additional safety tools/equipment is needed. Respondents were given six specified

response choices and were also given the opportunity to “free form” specific office tools/equipment needs and “other” specific tools/equipment. All identified responses were coded. If a respondent replied with an identified response, it was coded 1. If a respondent did not reply with the identified response, it was coded 0.

Question #8 examined overall how safe presiding judges and circuit administrators believe court services staff are in conducting their jobs. Respondents were given five choice responses: safe, somewhat safe, neither safe nor unsafe, somewhat unsafe, and unsafe. Each response choice was given a numerical code; safe = 5, somewhat safe = 4, neither safe nor unsafe = 3, somewhat unsafe = 2, and unsafe = 1.

There were no identified issues with this survey or the survey responses that caused issues with data collection for purposes of this research project.

SURVEY III: Other States’ Probation Officer Safety and Training Protocol Survey

The third survey was compiled and sent to nine states who like South Dakota, have their probation departments located within the Judicial Branch of Government. The purpose of this survey was to garner safety protocol and training program information from states where the probation structural hierarchy is similar to that of South Dakota. Surveys were sent to the states of Arizona, Colorado, Connecticut, Illinois, Indiana, Kansas, Nebraska, New Jersey, and West Virginia. As with the previously described surveys, this survey also included an explanation as to the purpose of the survey, requesting assistance and cooperation in responding to help this author in this research project.

The first part of the survey consisted of gathering demographic information regarding the survey respondent including name, position title, address, telephone and fax number, and email address. The remaining survey questions solicited information about the type of safety

tools/equipment currently used in their respective state, whether use of the safety tools/equipment is mandatory and if not, under what circumstances it is, what type(s) of training programs each state has for probation staff safety, annual costs of safety protocol and training programs, challenges experienced in implementation of safety protocol and training programs, and suggestions and additional comments for South Dakota in pursuit of this endeavor. Survey questions were designed to assist South Dakota in determining appropriate and/or necessary considerations with regard to this subject when comparing with other states. States were also asked to provide copies of written policies established in their state relative to this subject when returning their completed surveys.

This survey was also pre-tested by Kathy Christenson, Court Services Program Coordinator with the Trial Court Services Department of the UJS; Beth Urban, UJS Human Resources Manager and fellow 2009 CEDP Classmate; and Don Cullen, CEDP Advisor. There were no noted changes to be made for the final State Survey prior to sending it out. The Other State Survey is located in Appendix E on page 95.

The Other State Survey was emailed to the directors of probation in the previously named nine states. The surveys were sent on October 24, 2008 with a deadline for completion and return by October 31, 2008. Respondents were given the option to email, fax, or use postal mail for the return of the surveys to this author. By October 31, 2008, five of the nine states responded to the survey for an overall response rate of 55%.

Responses from this survey were entered into an Excel spreadsheet to be analyzed and compiled. Given response rates to be limited, results from this survey were not coded. Excel spreadsheets were utilized to develop charts showing survey responses to questions #1 and #4.

The remaining survey questions and responses (questions #2, #3, #5, #6, and #7) were compiled to be contained within the text of the findings section of this research report.

The responses to this survey are quite vague and data collection for this population would likely have been more productive and beneficial had this author contacted each state's probation director personally and retrieved the requested information via a telephone interview. Despite this, the information that was received was helpful to the overall purpose of this project.

FINDINGS

Official Safety Related Reports of Court Services Staff to Human Resources Department

Actual reported incidents during the last three years were gathered and analyzed to demonstrate the current level of identified problems related to probation officer staff safety issues in South Dakota. The identification of current issues assists in learning the extent and specifics regarding known and reported problem areas and will be helpful in planning for the future. The findings regarding past incident results are as follows. There are 138 total probation staff personnel in the Unified Judicial System including chief and deputy chief court services officers, court services officers, and court services support staff. Within the past three years there have been thirteen reported safety issues or potential safety issues amongst the total population of 138. Of those thirteen reported incidents, twelve involved court services officers and one involved a court services support staff. There was one cat bite reported; one report of a dog bite; four reports of working with a urinalysis sample of a client with Hepatitis C; three incidents of exposure to a client with TB; and four incidents of being involved in a physical altercation with an client, causing skin breakage, scrapes, and abrasions to the skin.

SURVEY I: South Dakota Court Services Employee Survey

Survey results are reported including the total responses from all respondents completing each survey question. Table 2 identifies the sample demographic characteristics requested in the first three questions of the survey. **Question #1** of the survey asks “**What is your position in the Unified Judicial System Court Services Department?**” **Question #2** asks “**How long have you worked for the UJS Court Services Department?**” and **Question #3** asks “**What is your gender?**” See Table 2 following.

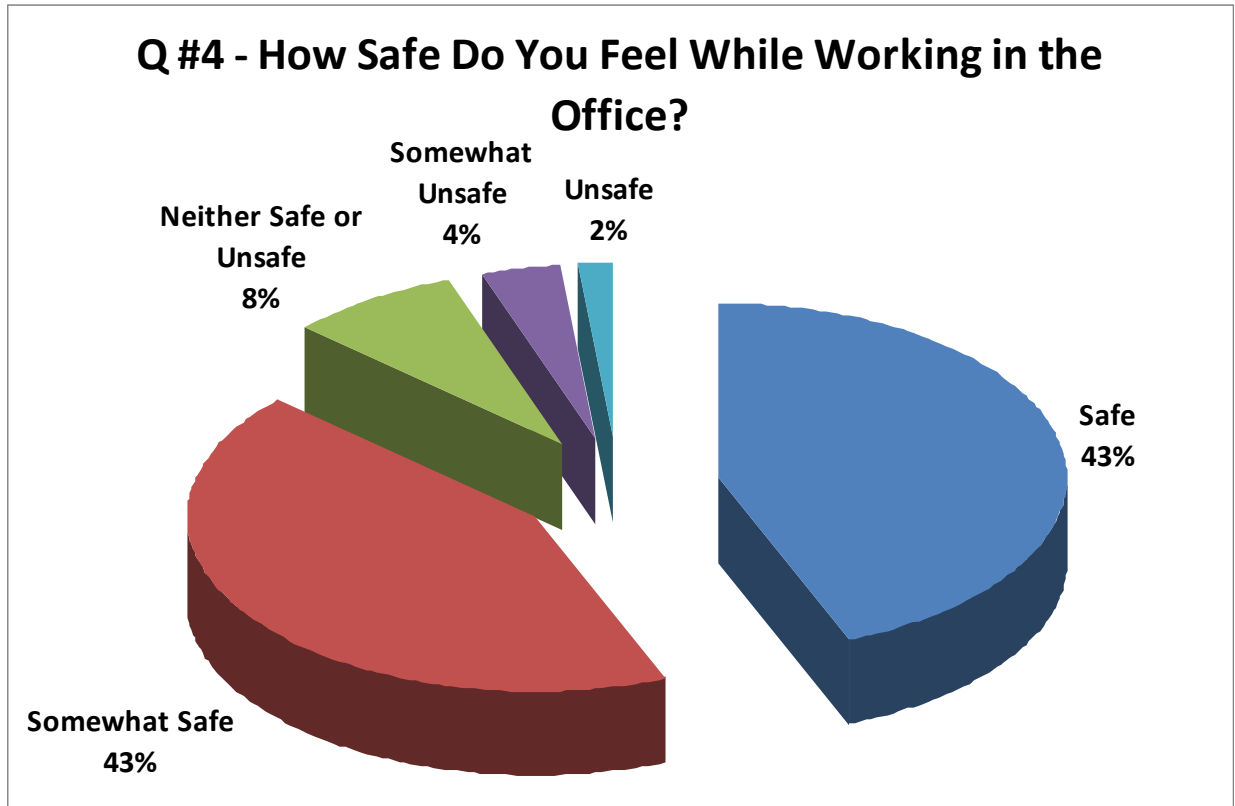
Table 2

Court Services Staff Demographics

POSITIONS		GENDER		# YEARS WORKED WITH COURT SERVICES					
		MALE	FEMALE	<1	1 to 5	6 to 10	11 to 20	21 to 30	30+
Chief/Deputy	8	6	2	0	1	1	3	1	2
CSO	77	35	42	7	19	29	13	8	1
Support Staff	27	1	26	2	9	7	5	2	2
Total	112	42	70	9	29	37	21	11	5

Overall, 112 court services staff responded to the survey. 8 Chief and Deputy Chief Court Services Officers, 77 court services officers, and 27 court services support staff responded. The following figures and text explain the breakdown of total respondent percentage responses for each of the remaining survey questions. The figures demonstrate the overall level of concern expressed by court services staff to the subject of court services staff safety issues. The figures also identify specific recommendations from this survey’s respondent population to suggestions for needed changes.

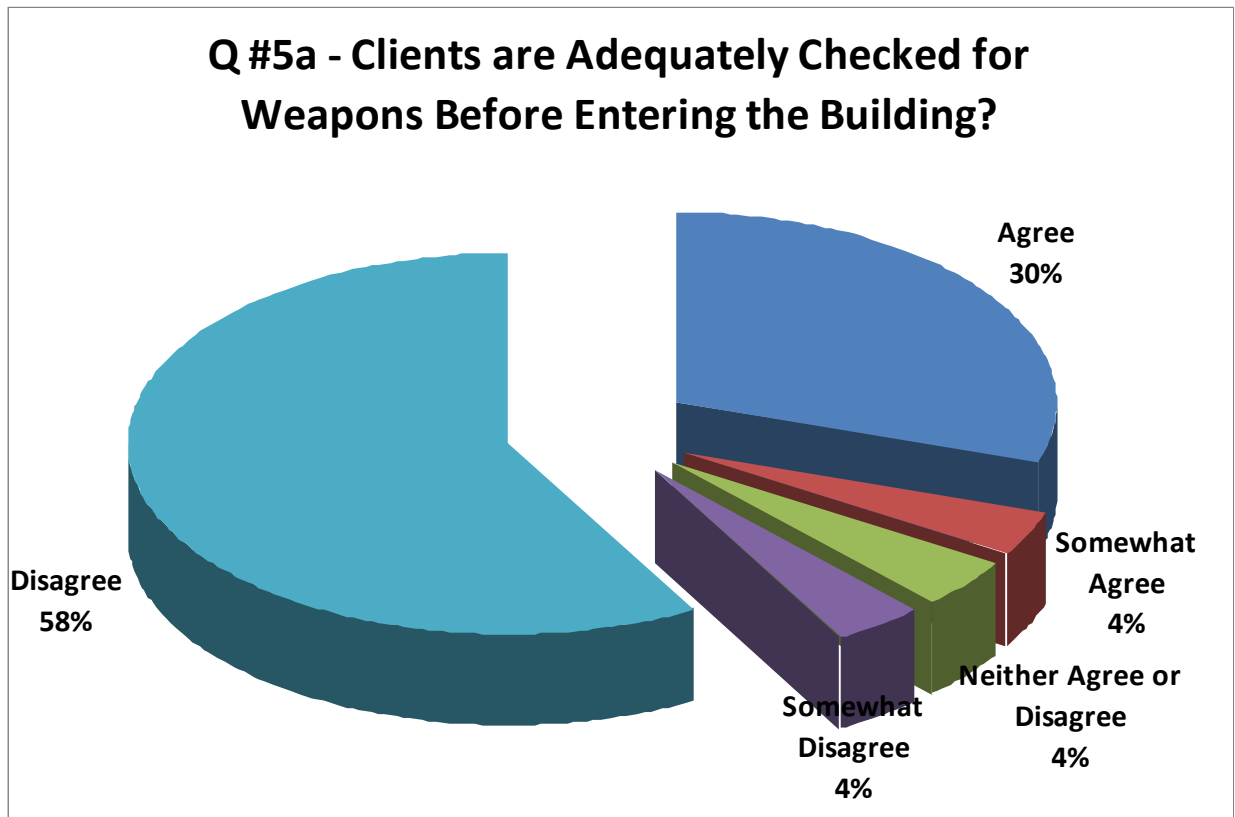
Figure 1



Question #4 – How safe do you feel while carrying out the normal duties and responsibilities of your job in your office?

- 86% of total survey respondents feel safe or somewhat safe while carrying out job responsibilities in their office.
- 8% of total survey respondents feel neither safe or unsafe while carrying out job responsibilities in their office.
- 6% of total survey respondents feel somewhat unsafe or unsafe while carrying out job responsibilities in their office.

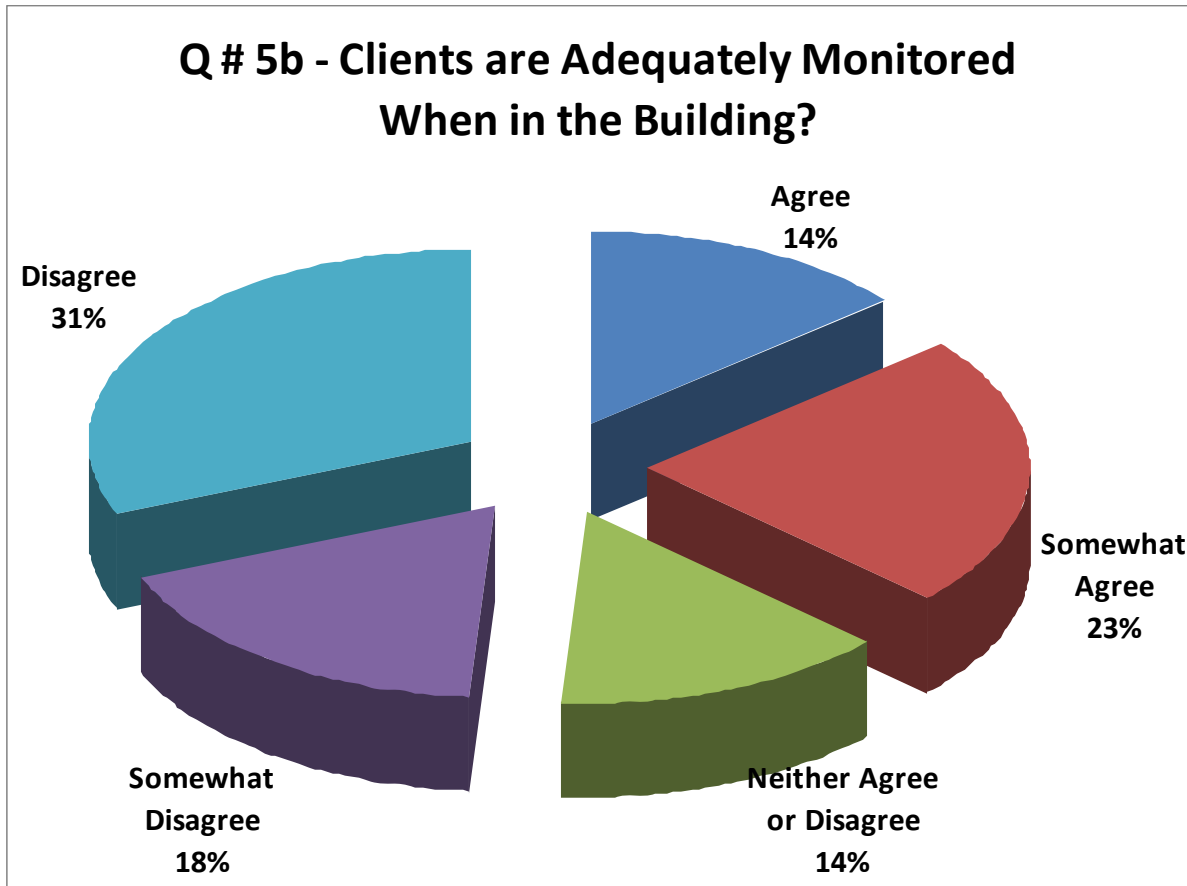
Figure 2



Question #5a – Clients are adequately checked for weapons before entering the building?

- 62% of total survey respondents somewhat disagree or disagree that clients are adequately checked for weapons before entering the building.
- 34% of total survey respondents agree or somewhat agree that clients are adequately checked for weapons before entering the building.
- 4% of total survey respondents neither agree or disagree that clients are adequately checked for weapons before entering the building.

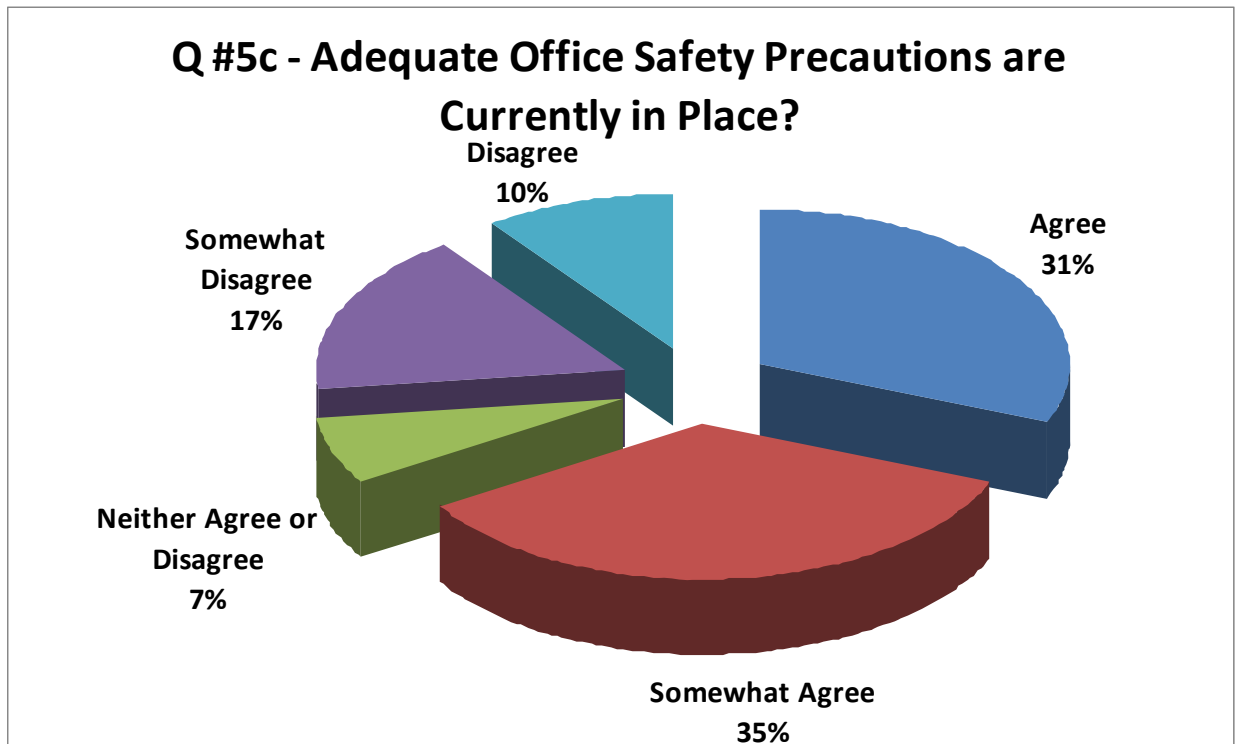
Figure 3



Question #5b – Clients are adequately monitored when in the building?

- 49% of total survey respondents somewhat disagree or disagree that clients are adequately monitored when in the building.
- 37% of total survey respondents agree or somewhat agree that clients are adequately monitored when in the building.
- 14% of total survey respondents neither agree or disagree that clients are adequately monitored when in the building.

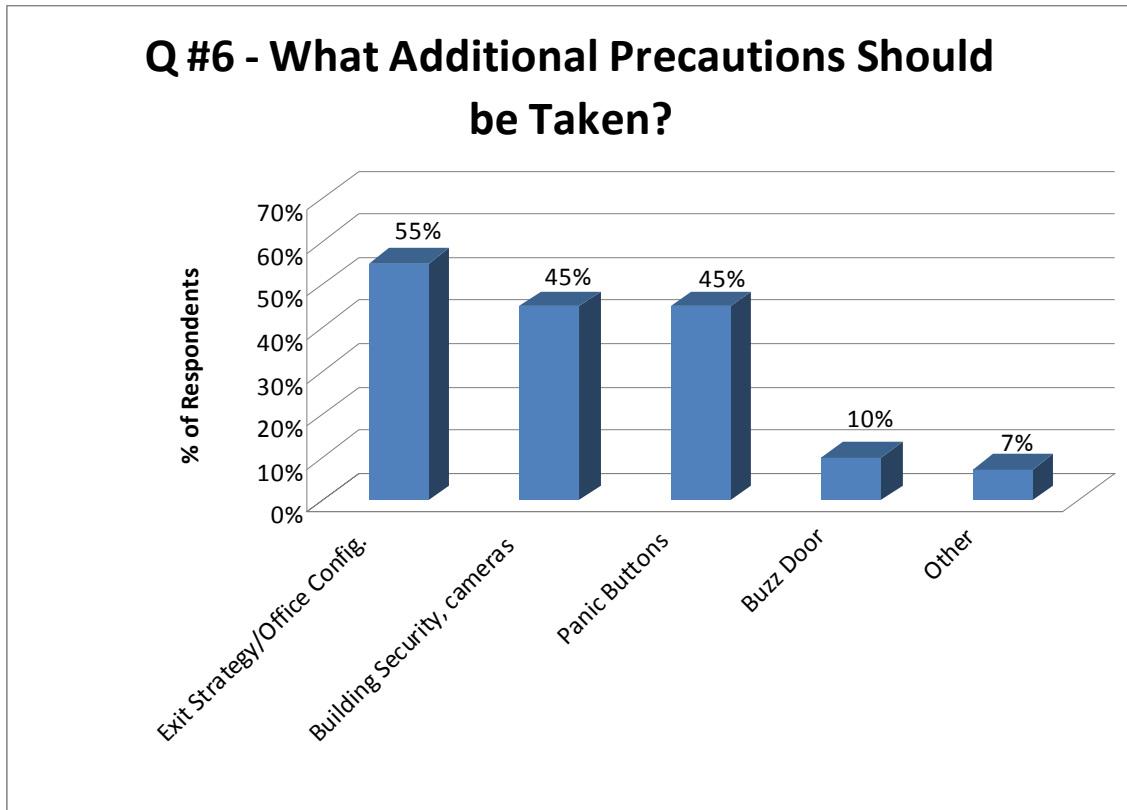
Figure 4



Question #5c – Adequate office safety precautions are currently in place (i.e. panic buttons, office exit strategies, etc.)?

- 66% of total survey respondents agree or somewhat agree there are adequate office safety precautions currently in place.
- 27% of total survey respondents somewhat disagree or disagree that there are adequate office safety precautions currently in place.
- 7% of total survey respondents neither agree or disagree that there are adequate office safety precautions currently in place.

Figure 5

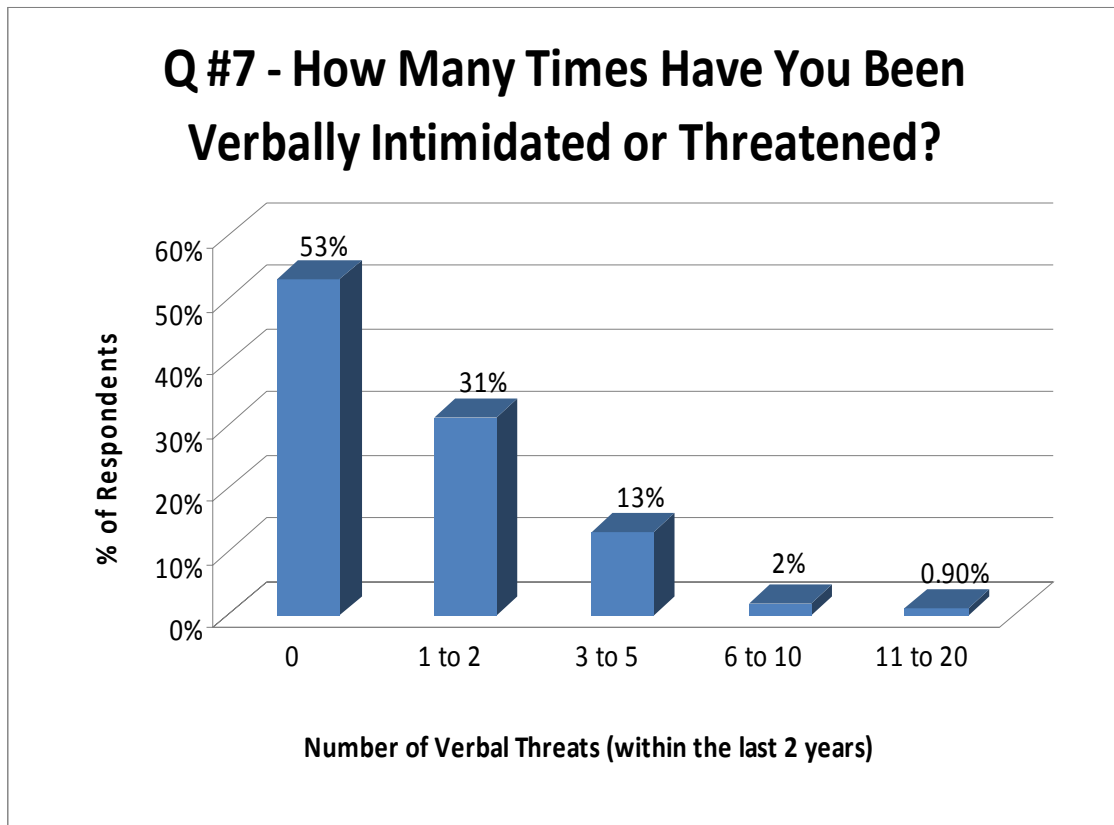


Question #6 – If you responded “Somewhat Agree, Somewhat Disagree, or Disagree” to question #5c, what additional precautions do you believe should be taken or added?

71 of total survey respondents answered somewhat agree, somewhat disagree, or disagree to question #5c. Respondents could provide more than one answer.

- 55% believe there needs to be exit strategies and office configuration plans developed.
- 45% believe there needs to be added courthouse building security and/or cameras.
- 45% believe there needs to be functional panic buttons added in offices.
- 10% believe there needs to be door buzzers added to the office entrance.
- 7% believe there needs to be “other” precautions added including, telephone codes for emergencies within the office; functional window escape routes; CPR training; and safety policy development.

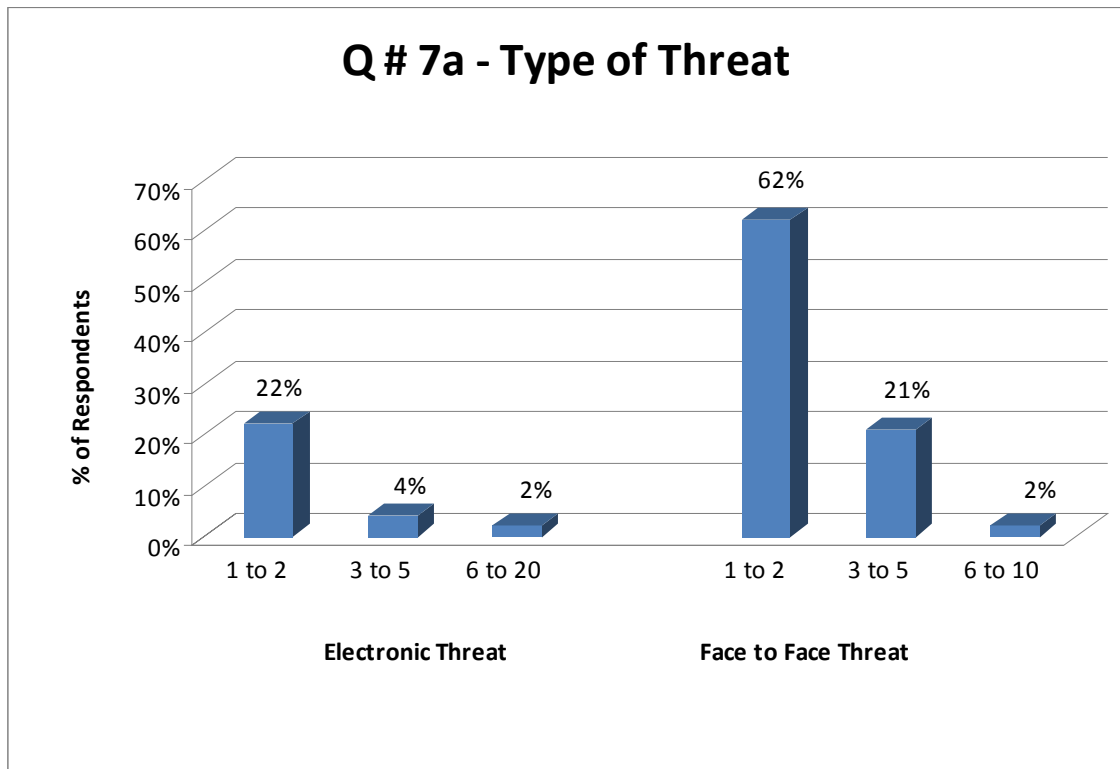
Figure 6



Question #7 – Within the last two years, how many times have you been verbally intimidated or threatened (include telephone threats) while performing your job functions in or out of your office?

- 53% of total survey respondents have had zero verbal intimidations or threats in the last two years.
- 31% of total survey respondents have had one to two verbal intimidations or threats in the last two years.
- 13% of total survey respondents have had three to five verbal intimidations or threats in the last two years.
- 2% of total survey respondents have had six to ten verbal intimidations or threats in the last two years.
- 0.90% of total survey respondents have had eleven to twenty verbal intimidations or threats in the last two years.

Figure 7



Question #7a – Please provide a brief description of the incidents.

53 of total survey respondents reported being verbally intimidated or threatened in question #7:

- 22% experienced one to two incidents of telephonic or email threats.
- 4% experienced three to five incidents of telephonic or email threats.
- 2% experienced six to twenty incidents of telephonic or email threats.

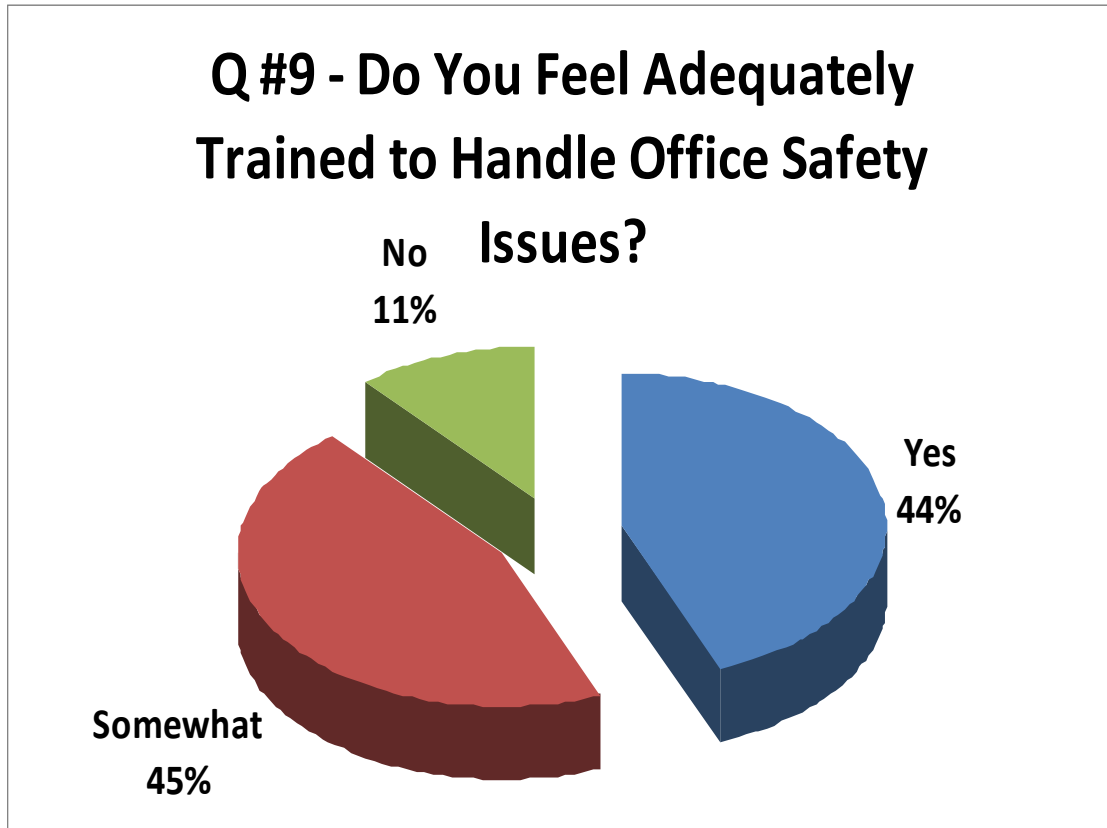
53 of total survey respondents reported being verbally intimidated or threatened in question #7:

- 62% experienced one to two incidents of face to face threats.
- 21% experienced three to five incidents of face to face threats.
- 2% experienced six to ten incidents of face to face threats.

Question #8 – Within the last two years, how many times have you been physically assaulted while performing your job duties in or out of the office?

There were two incidents of physical assaults reported by total survey respondents for the last two years. The two assaults involved officers being scratched and punched by juvenile offenders.

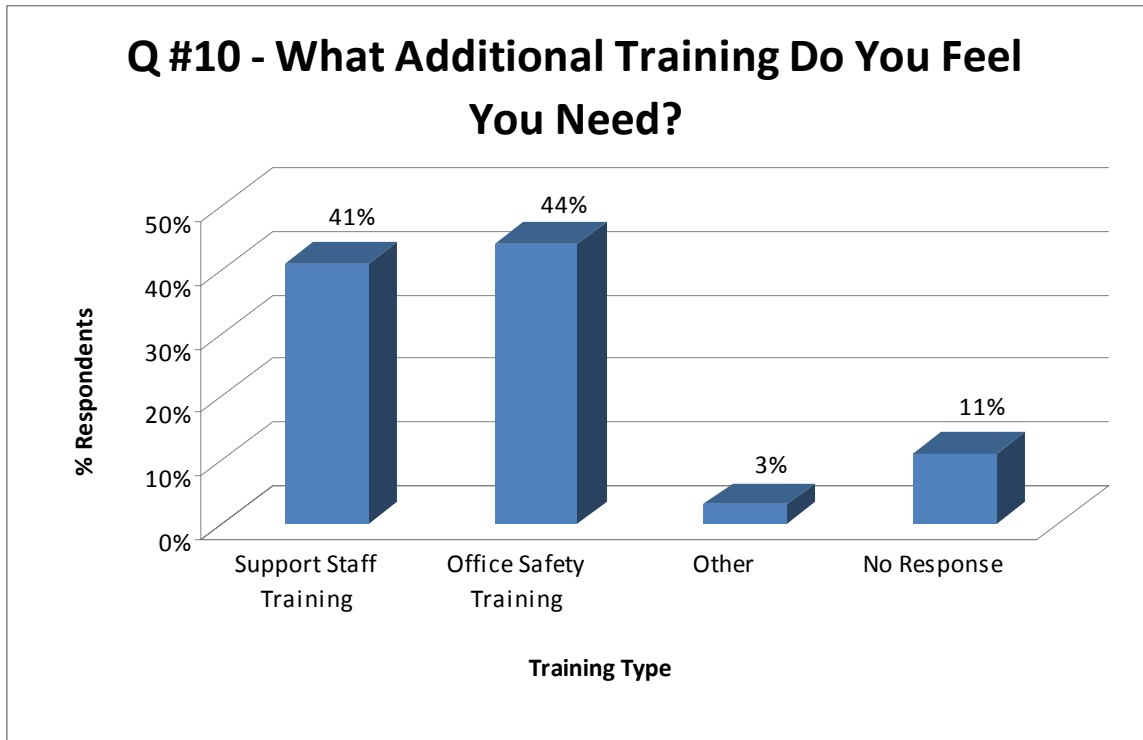
Figure 8



Question #9 – Do you believe you have been adequately trained to handle potential office safety issues that may arise?

- 89% of total survey respondents believe they have been adequately trained or somewhat adequately trained to handle office safety issues.
- 11% of total survey respondents do not believe they have been adequately trained to handle office safety issues.

Figure 9

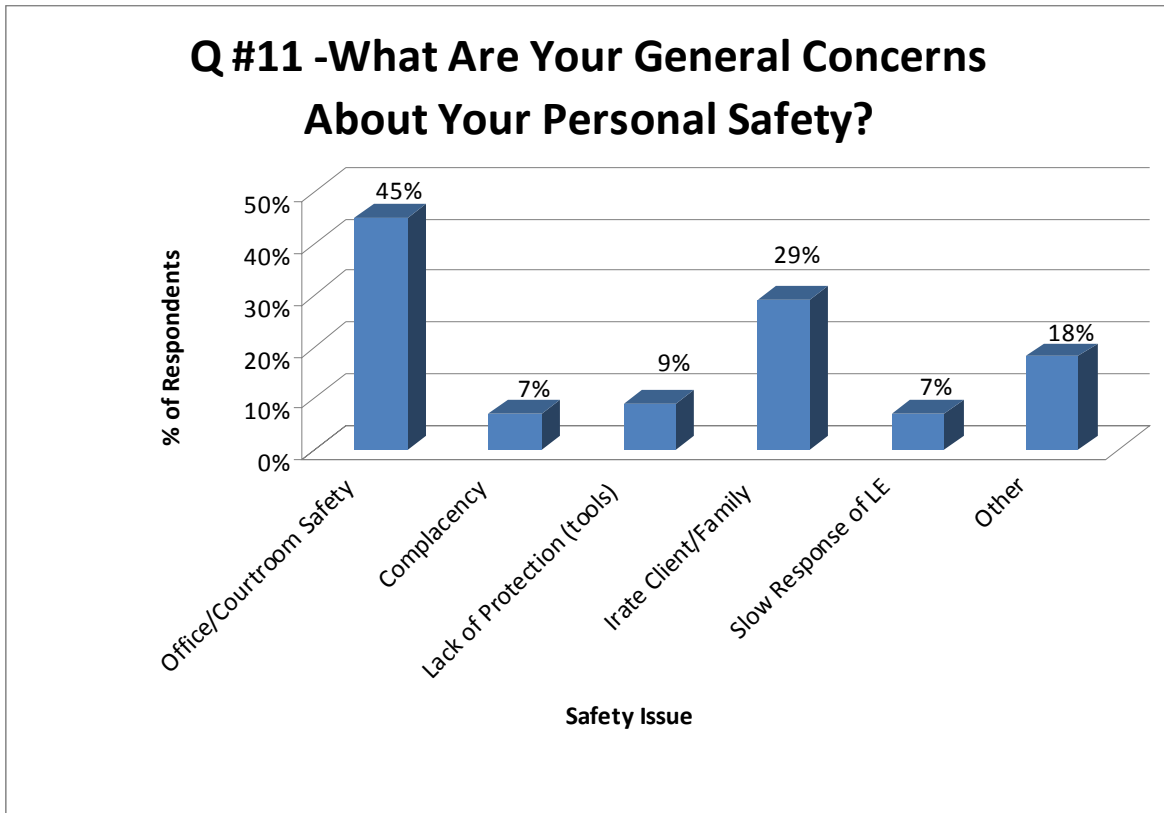


Question #10 – If your response to question #9 was “Somewhat or No” what additional training do you believe you need?

63 of total survey respondents answered somewhat or no to question #9. Respondents could provide more than one answer.

- 44% believe there should be office safety specific training provided including verbal judo; office disaster response; and office configuration.
- 41% believe support staff should receive office safety training.
- 11% provided no specific response.
- 3% believe there should be CPR and defibrillator training provided.

Figure 10



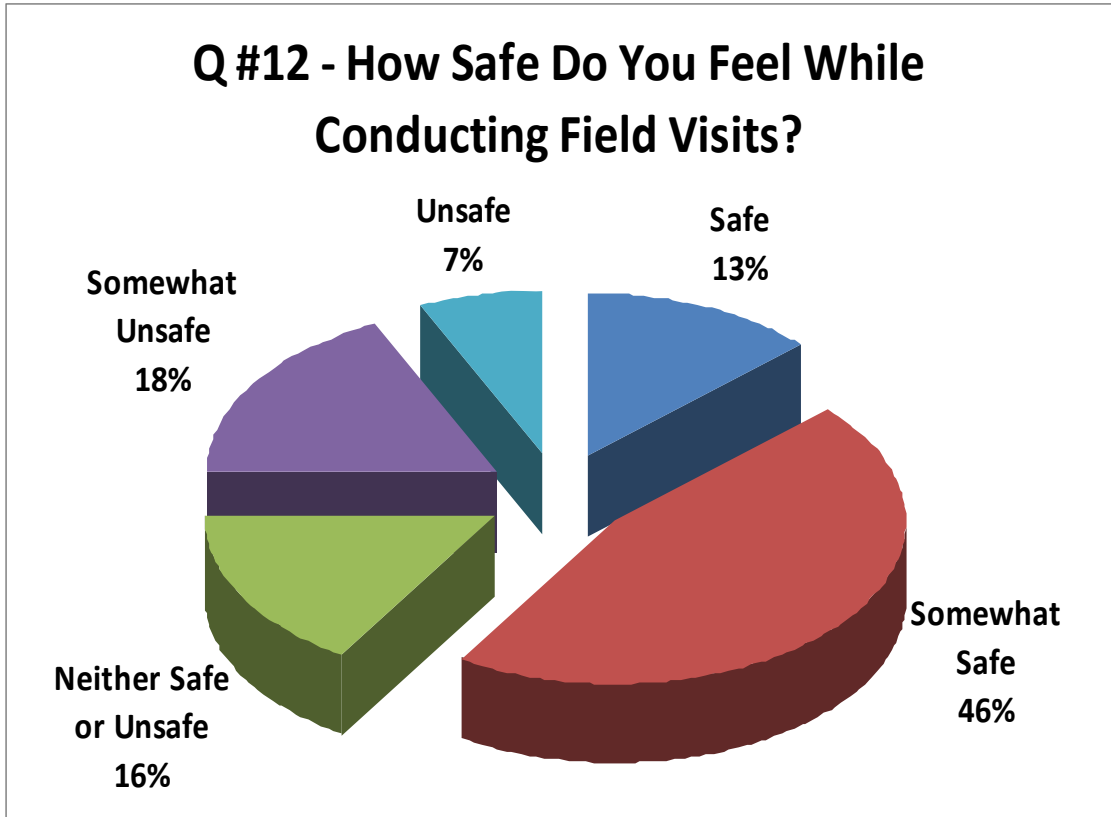
Question #11 – What, if any, are your general concerns about your personal safety on the job?

56 of total survey respondents replied to question #11. Respondents could provide more than one answer.

- 45% are concerned about office, courtroom, and courthouse building safety.
- 29% are concerned about irate clients and irate client friends and family.
- 18% are concerned about “other” issues including, published telephone numbers; biohazards; being hurt or killed; being alone in the office; client vindictiveness toward the position of court services officer.
- 9% of total survey respondents are concerned about a lack of protection or proper safety tools.
- 7% of total survey respondents are concerned about becoming too complacent in the job which could lead to safety issues.

- 7% of total survey respondents are concerned about slow response time from law enforcement when office panic buttons are engaged.

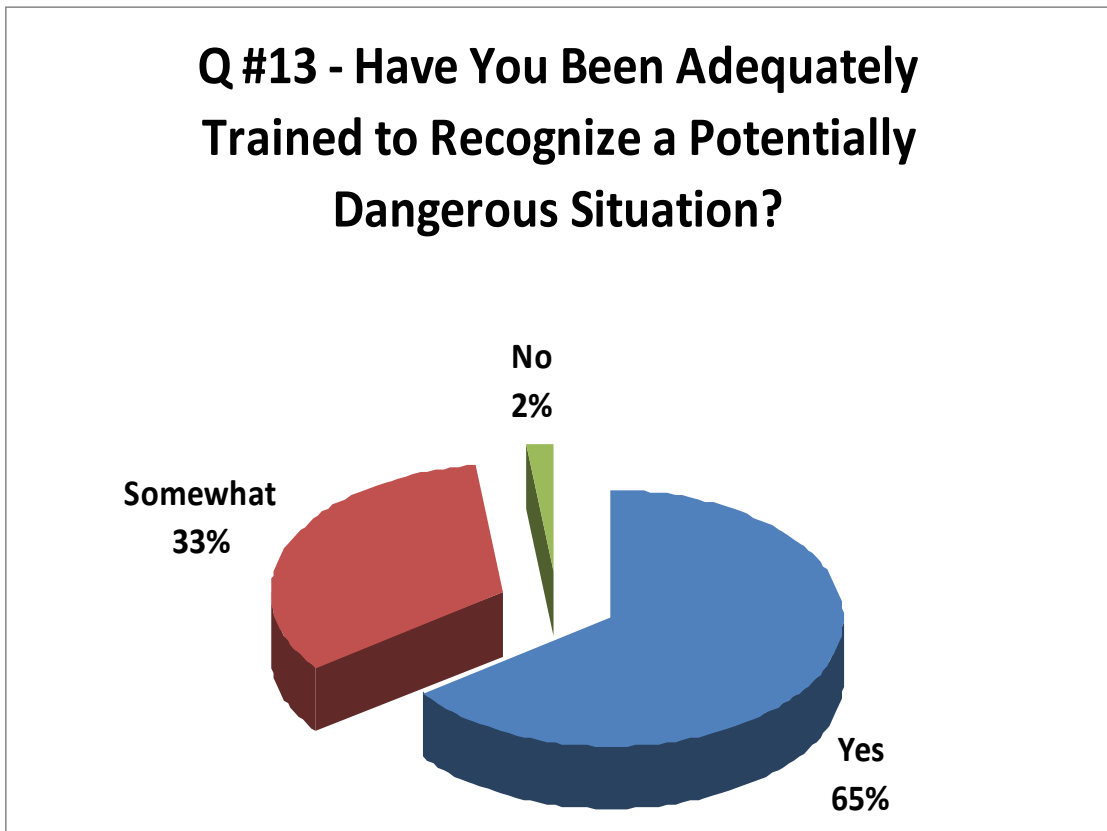
Figure 11



Question #12 – How safe do you feel while carrying out the normal duties and responsibilities of your job while conducting field visits?

- 59% of total survey respondents feel safe or somewhat safe while conducting field visits.
- 25% of total survey respondents feel somewhat unsafe or unsafe while conducting field visits.
- 16% of total survey respondents feel neither safe or unsafe while conducting field visits.

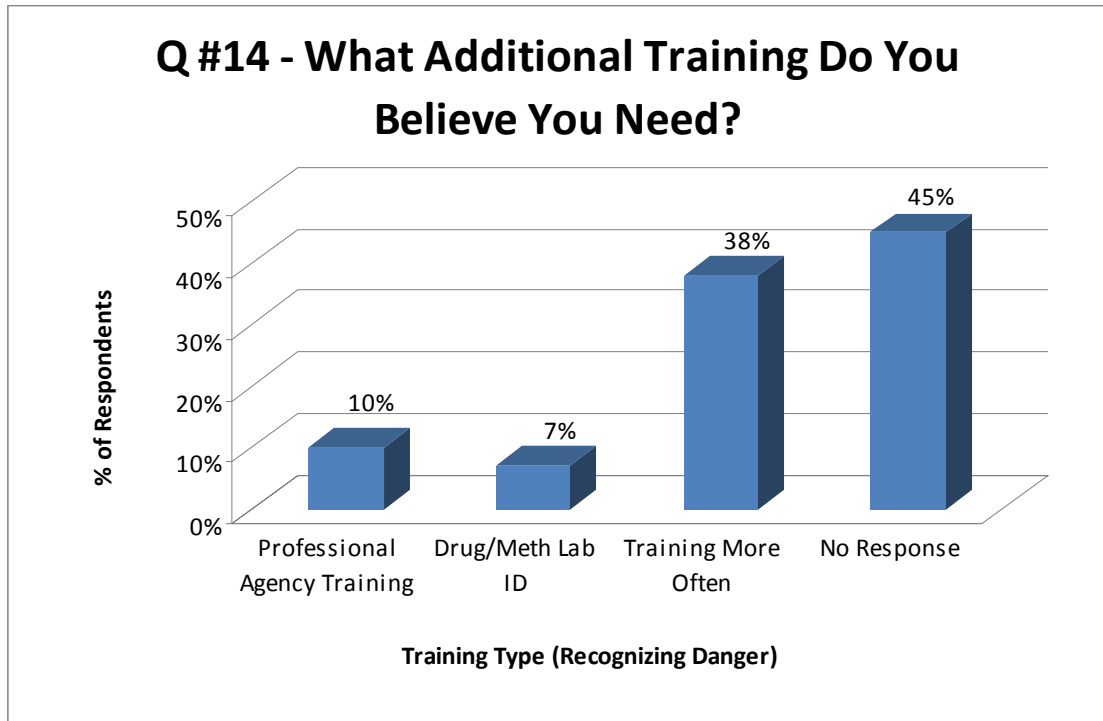
Figure 12



Question #13 – Do you believe you have been adequately trained to recognize a potentially dangerous situation when conducting a field visit?

- 98% of total survey respondents believe they have been adequately trained or somewhat adequately trained to recognize a potentially dangerous situation when conducting a field visit.
- 2% of total survey respondents do not believe they have been adequately trained to recognize a potentially dangerous situation when conducting a field visit.

Figure 13

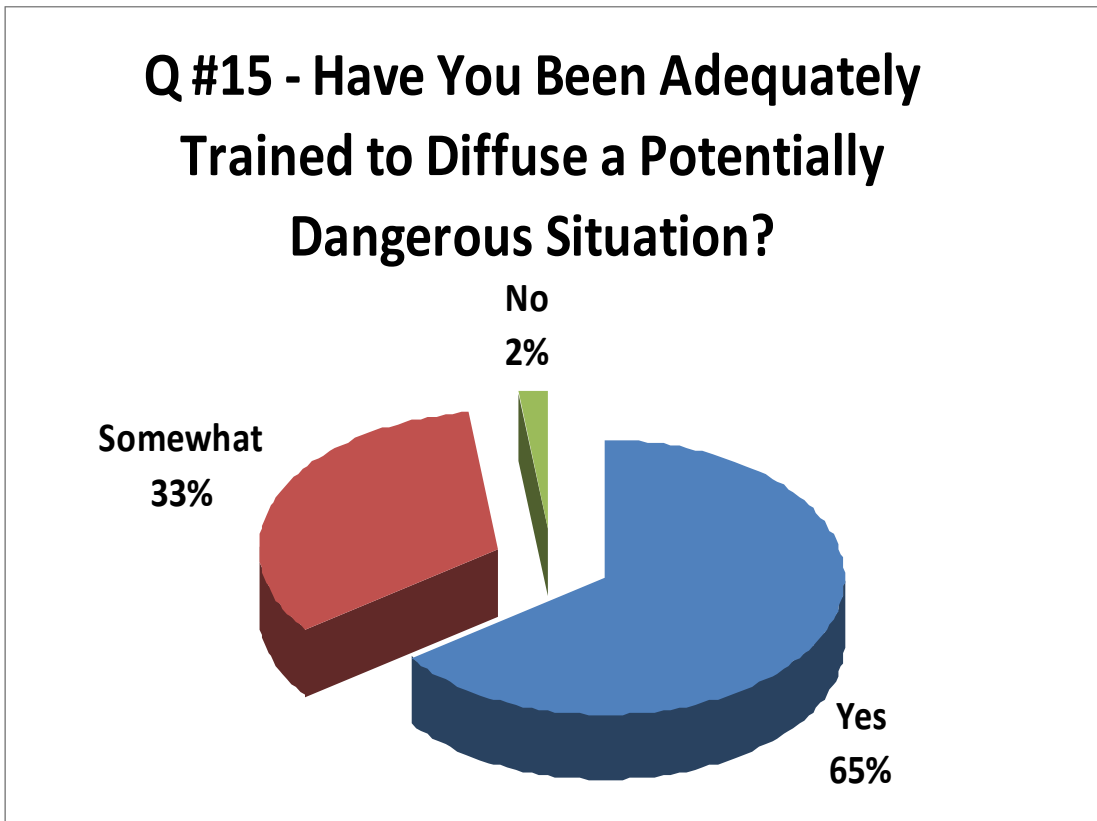


Question #14 – If you responded “Somewhat or No” to question #13, what additional training do you believe you need?

39 of total survey respondents replied somewhat or no to question #13. Respondents could provide more than one answer.

- 45% provided no specific response.
- 38% believe safety training should be provided more often.
- 10% believe safety training should be conducted by professional training staff rather than court services staff.
- 7% believe there should be training on drug identification and/or meth lab training.

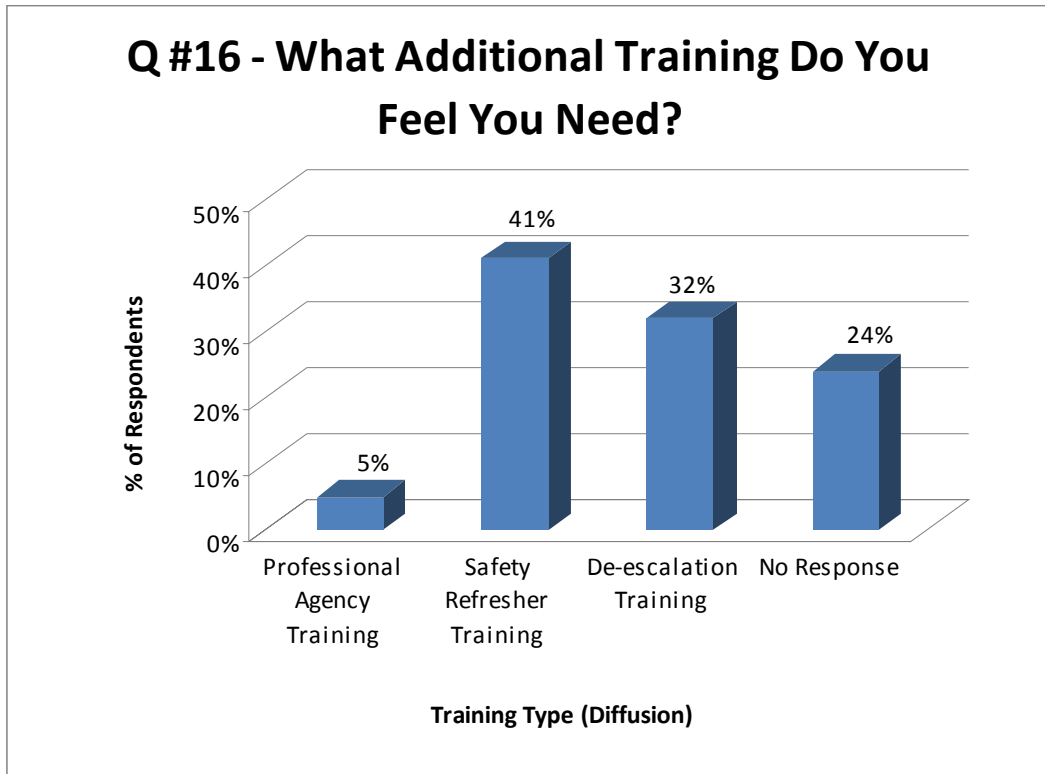
Figure 14



Question #15 – Do you believe you have been adequately trained to diffuse a potentially dangerous situation when conducting a field visit?

- 98% of total survey respondents believe they have been adequately or somewhat adequately trained to diffuse a potentially dangerous situation when conducting a field visit.
- 2% of total survey respondents do not believe they have been adequately trained to diffuse a potentially dangerous situation when conducting a field visit.

Figure 15

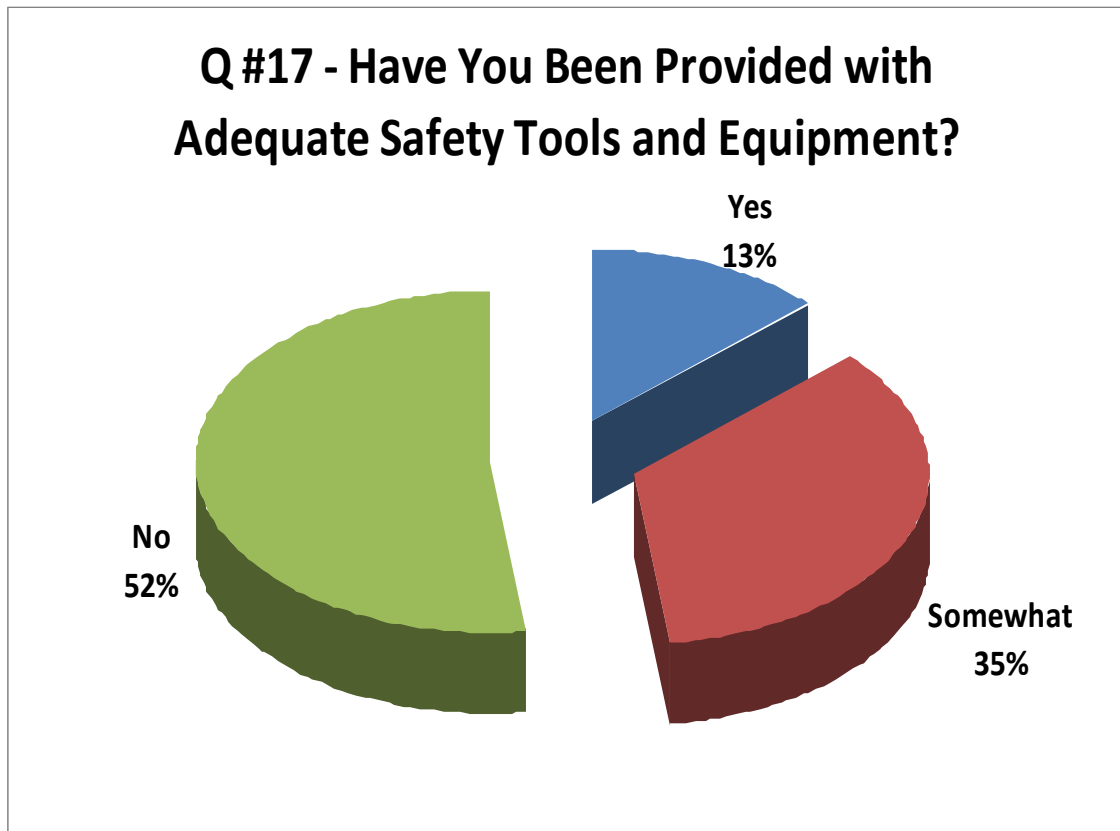


Question # 16 – If you responded “Somewhat or No” to question #15, what additional training do you believe you need?

41 of total survey respondents replied somewhat or no to question #15. Respondents could provide more than one answer.

- 41% believe there should be mandated safety refresher training for court services officers.
- 32% believe there should be a formalized de-escalation training program.
- 24% provided no specific response.
- 5% believe safety training should be provided by professional training staff rather than court services staff.

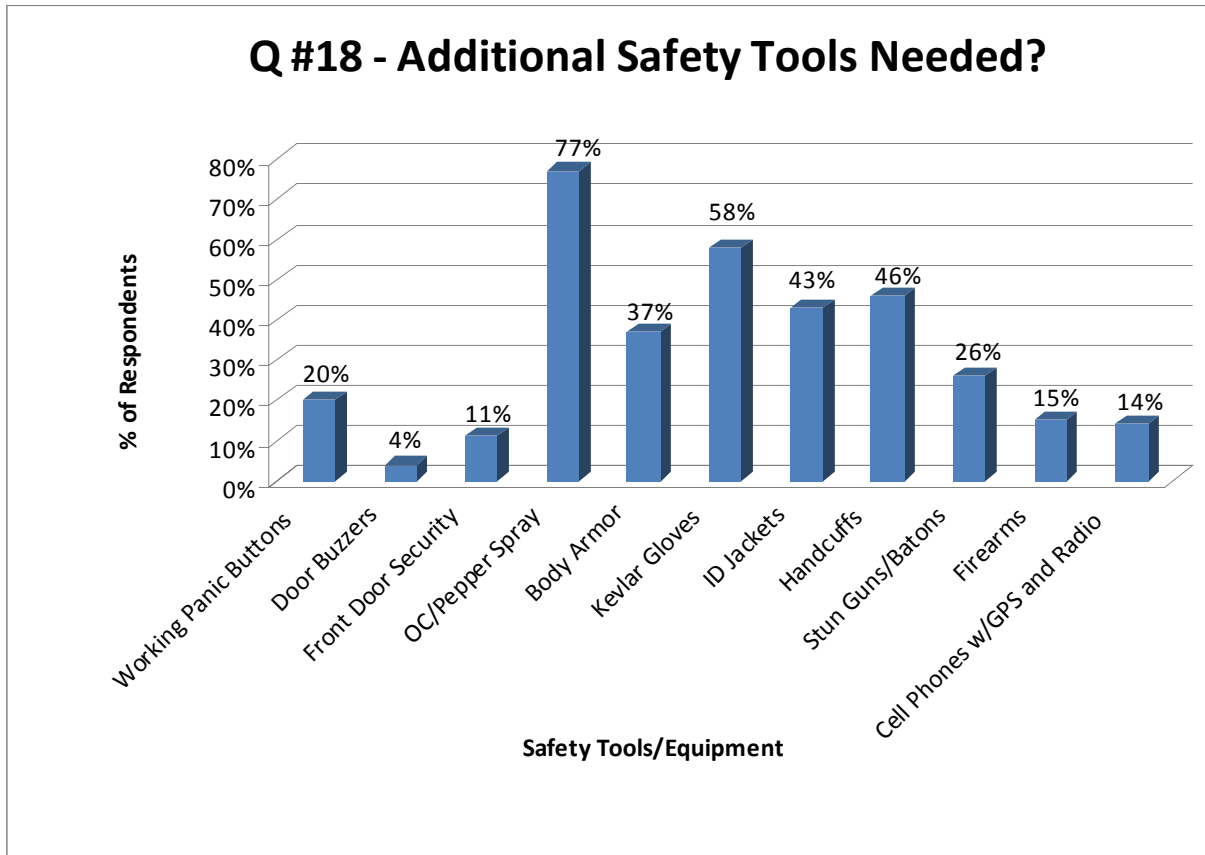
Figure 16



Question #17 – Do you believe you are provided with adequate safety tools and equipment to perform your job responsibilities and duties?

- 52% of total survey respondents do not believe they have been provided adequate safety tools and equipment to perform job responsibilities and duties.
- 48% of total survey respondents believe they have been or somewhat have been provided adequate safety tools and equipment to perform job responsibilities and duties.

Figure 17



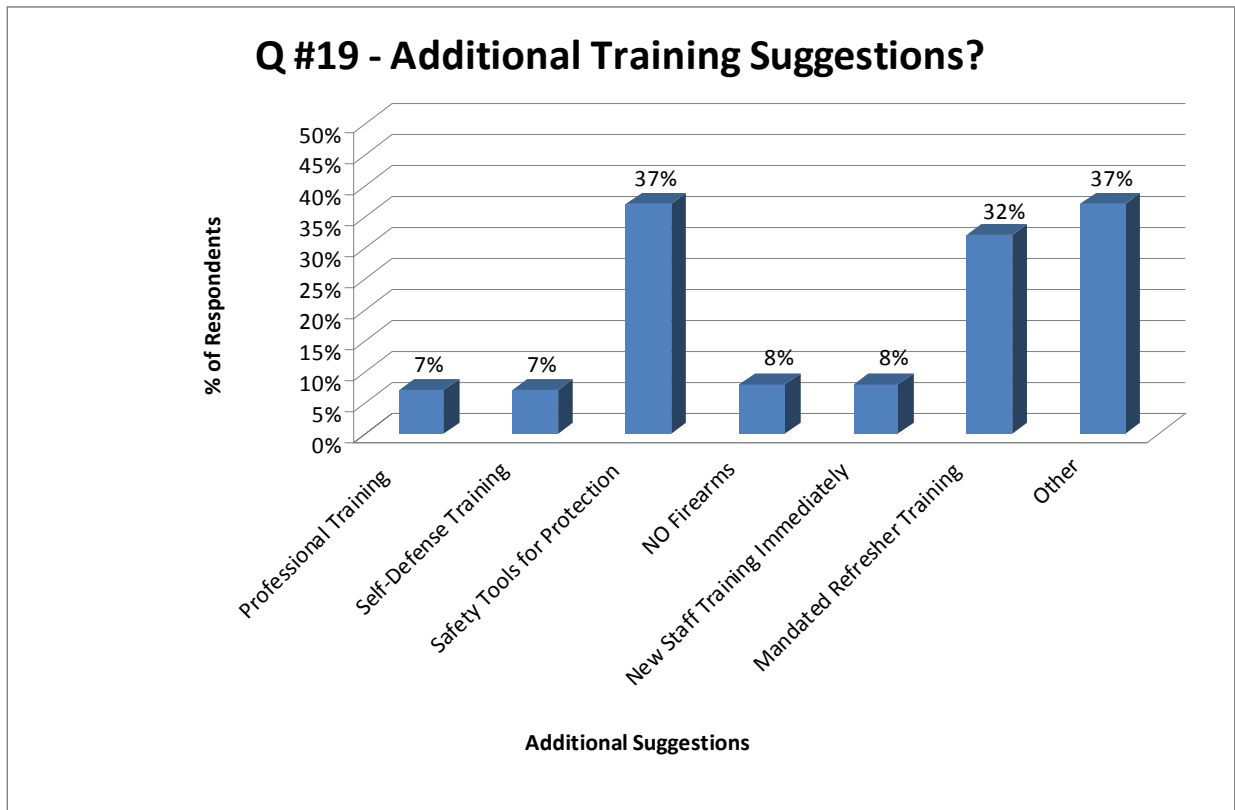
Question #18 – If you responded “Somewhat or No” to question #17, what additional safety tools or equipment do you believe you need to perform your job responsibilities and duties (mark all that apply)?

74 of total survey respondents answered somewhat or no to question #17. Respondents could provide more than one answer.

- 77% believe they need OC/pepper spray to safely perform their job responsibilities and duties.
- 58% believe they need kevlar gloves to safely perform their job responsibilities and duties.
- 46% believe they need handcuffs to safely perform their job responsibilities and duties.
- 43% believe they need ID jackets to safely perform their job responsibilities and duties.
- 37% believe they need body armor to safely perform their job responsibilities and duties.

- 26% believe they need stun guns or batons to safely perform their job responsibilities and duties.
- 20% believe they need functional panic buttons to safely perform their job responsibilities and duties.
- 15% believe they need firearms to safely perform their job responsibilities and duties.
- 14% believe they need cell phones with GPS capability or police radios to safely perform their job responsibilities and duties.
- 11% believe they need courthouse front door security to safely perform their job responsibilities and duties.
- 4% believe they need door buzzers for office door entry.

Figure 18



Question #19 – Please provide any additional suggestions or comments regarding the subject of court services staff safety you believe would be of value for this subject evaluation. (This question allowed survey respondents to free form additional comments).

41 of total survey respondents replied to question #19. Respondents could provide more than one answer.

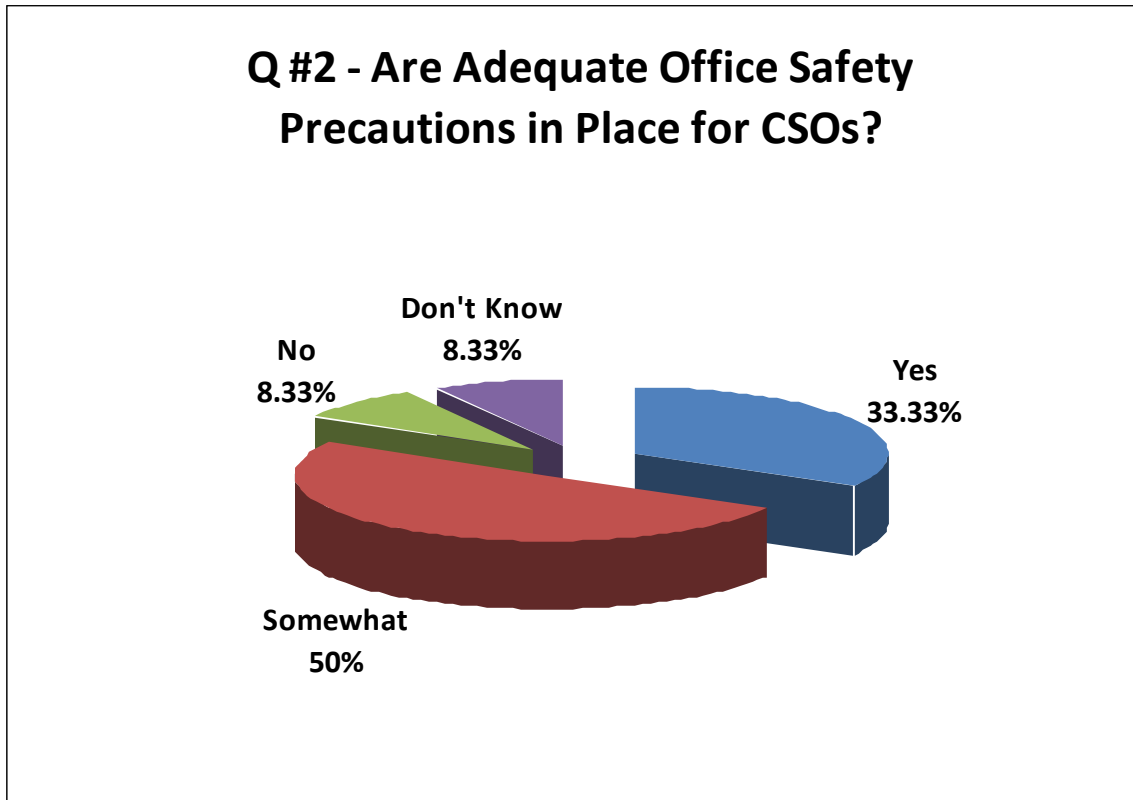
- 37% of total survey respondents replied they need additional safety tools for protection.
- 37% of total survey respondents provided “other” suggestions/comments including, concerns regarding working in isolated areas; concerns because chief and deputy chief court services officers do not receive safety training; believe that having safety tools is unnecessary and problematic; ID badges are good, but would like more latitude in when to wear them; need a more open dialogue with parole services; allow for casual dress while conducting field visits.
- 32% of total survey respondents believe safety refresher training should be mandated.
- 8% of total survey respondents suggested new staff should receive safety training immediately upon being hired.

- 8% commented that court services should never be allowed to carry firearms.
- 7% suggested professional training staff provide safety training rather than court services staff.
- 7% suggested that more self-defense training be provided.

SURVEY II: Presiding Judges and Circuit Administrators Survey

Survey results are reported including the responses from all respondents completing each survey question. **Question #1 of the survey asks each respondent to identify whether they are a presiding judge or a circuit court administrator with the Unified Judicial System.** Overall, 12 presiding judges and circuit administrators responded to the survey. Six presiding judges and six circuit administrators responded. The following figures and text explain the breakdown of total respondent percentage responses for each survey question. The figures demonstrate the overall level of concern expressed by circuit administrative staff to the subject of court services staff safety issues. The figures also identify specific recommendations from this survey's respondent population to suggestions for needed changes.

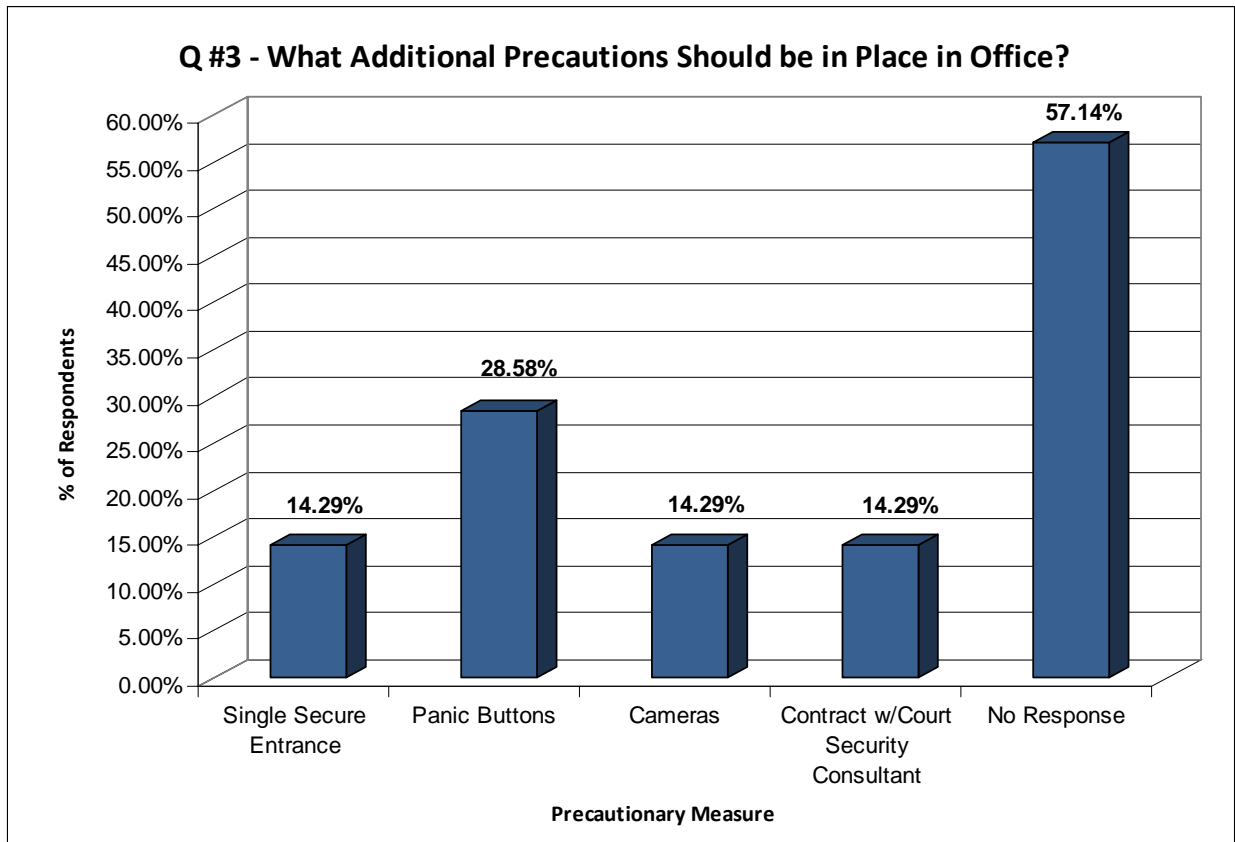
Figure 19



Question #2 – Do you believe there are currently adequate office safety precautions in place for Court Services Staff?

- 83.33% of total survey respondents believe or somewhat believe there are adequate office safety precautions in place.
- 8.33% of total survey respondents do not know if there are adequate office safety precautions in place.
- 8.33% of total survey respondents do not believe there are adequate office safety precautions in place.

Figure 20

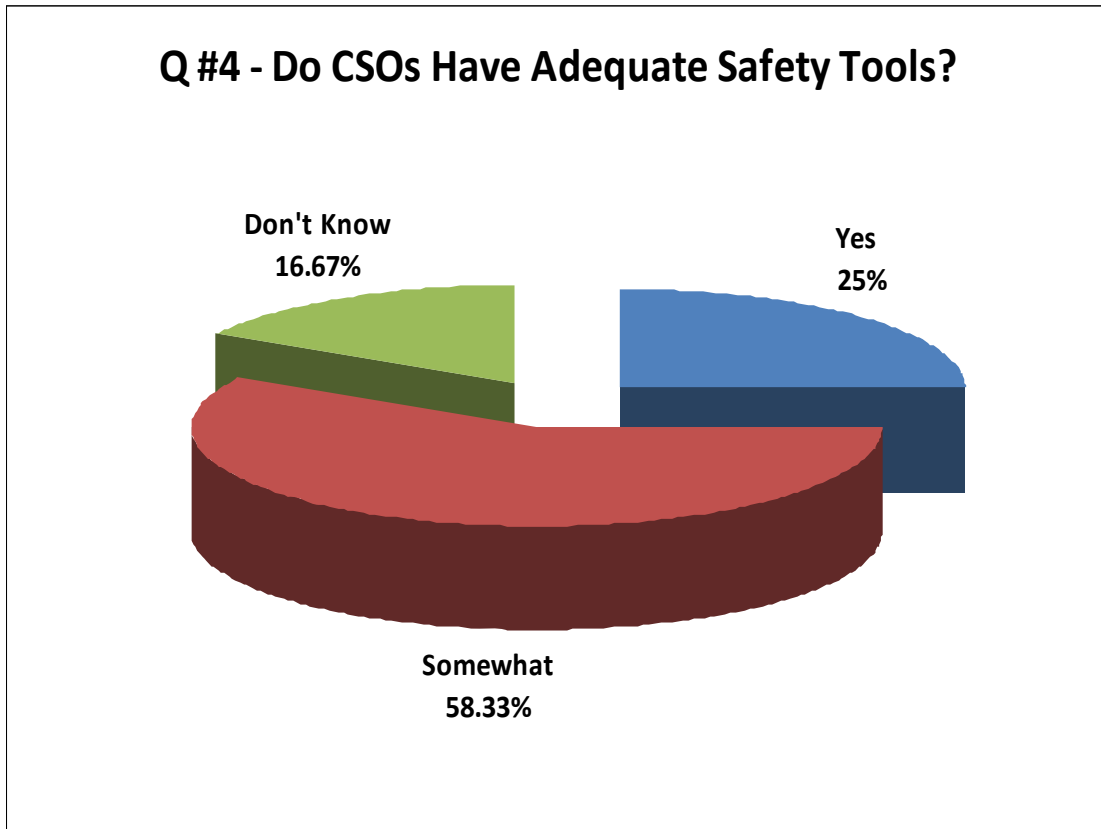


Question # 3 – If you responded “Somewhat or No” to question #2, what additional precautions do you believe should be put into place to ensure office safety for CSO staff?

7 of total survey respondents replied somewhat or no to question #2. Respondents could provide more than one answer.

- 57.14% provided no specific response.
- 28.58% believe panic buttons are necessary.
- 14.29% believe security cameras should be installed in offices.
- 14.29% believe single secure office entrances should be provided.
- 14.29% believe the UJS should hire a consultant to analyze courthouse safety/security issues and provide recommendations.

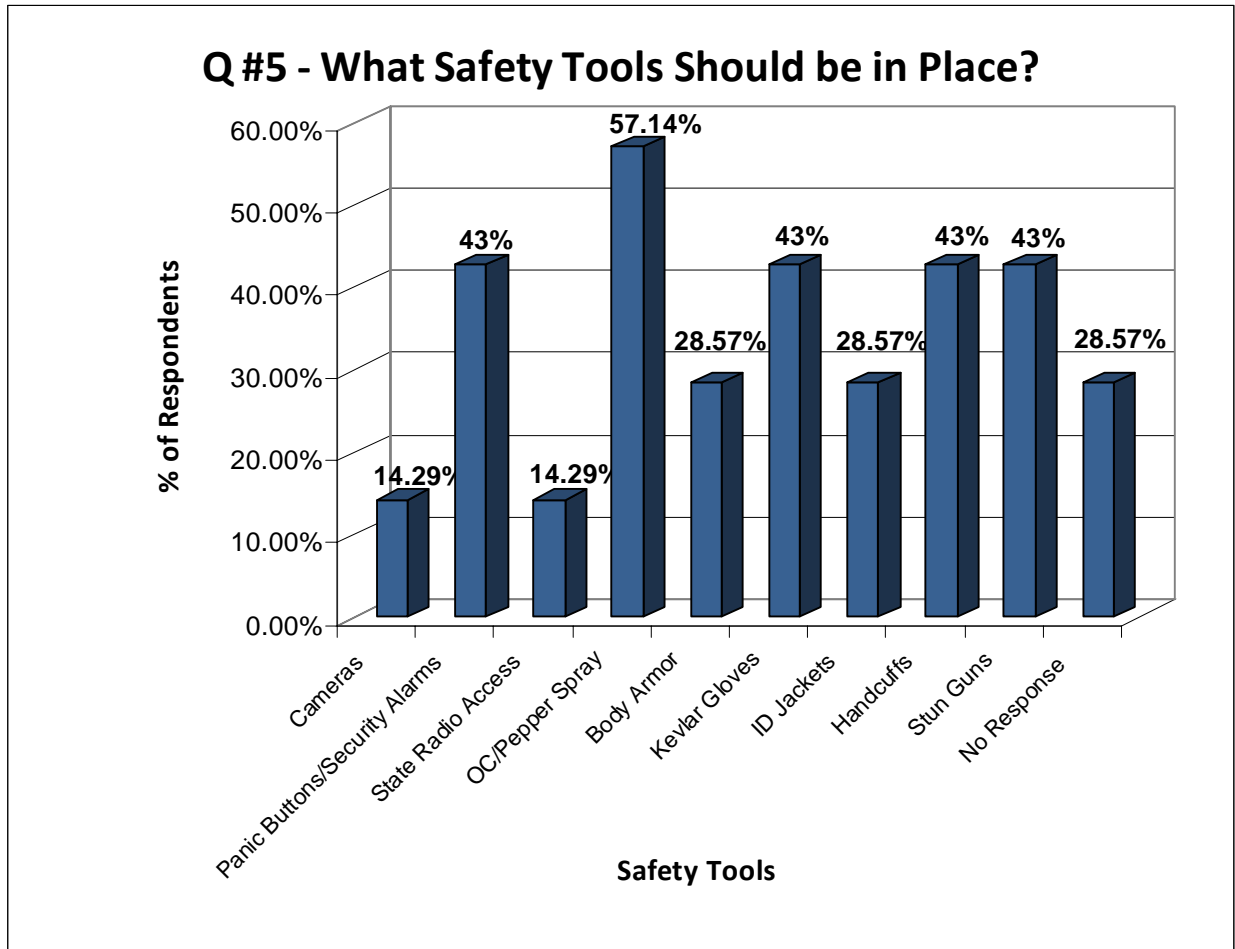
Figure 21



Question #4 – Do you believe Court Services Officers have adequate safety tools and equipment to perform their normal job responsibilities in the office and in the field?

- 83.33% of total survey respondents believe court services officers have adequate or somewhat adequate safety tools and equipment to perform their job responsibilities in the office and field.
- 16.67% of total survey respondents do not know if court services officers have adequate or somewhat adequate safety tools and equipment to perform their job responsibilities in the office and field.

Figure 22



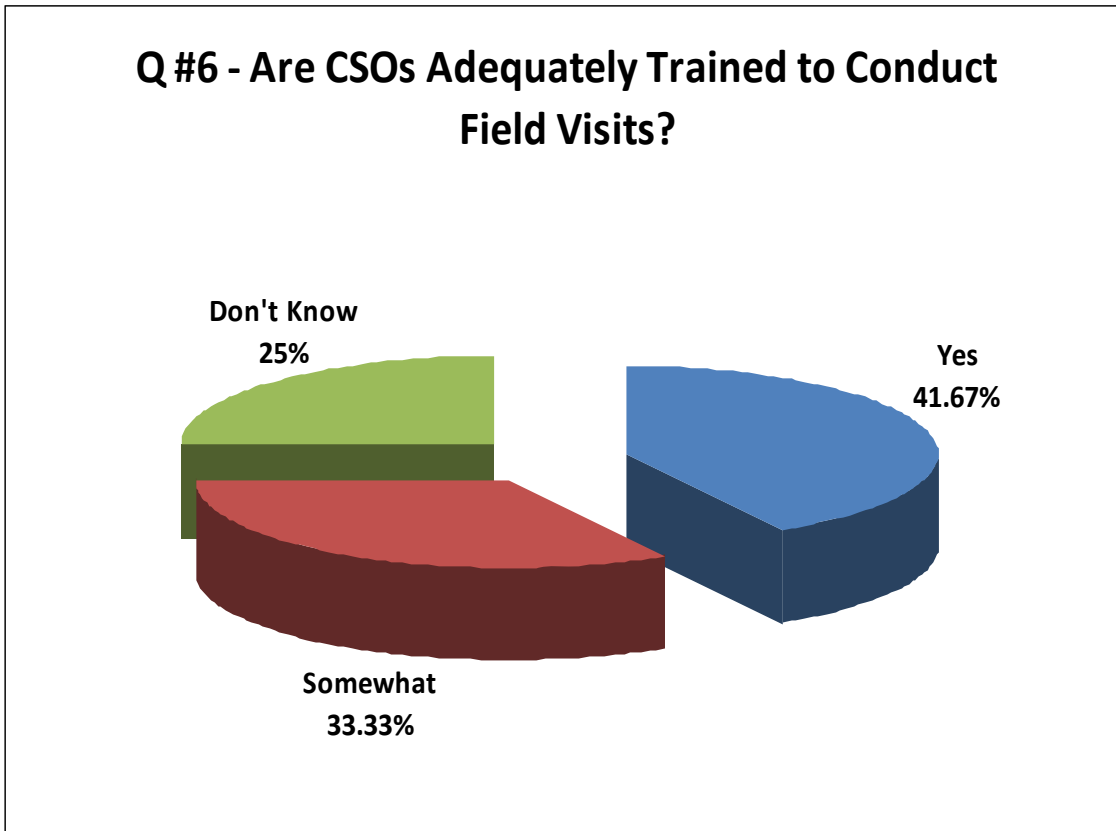
Question #5 - If you responded “Somewhat or No” to question #4, what additional safety tools or equipment do you believe should be provided to Court Services Officers for them to adequately perform their normal job responsibilities and duties in the office and in the field?

7 of total survey respondents replied somewhat or no to question #4. Respondents could provide more than one answer.

- 57.14% believe court services officers should be provided OC/pepper spray to perform job responsibilities.
- 43% believe panic buttons/security alarms should be provided in offices.
- 43% believe court services officers should be provided kevlar search gloves to perform job responsibilities.

- 43% believe court services should be provided stun guns to perform job responsibilities.
- 43% believe court services officers should be provided hand cuffs to perform job responsibilities.
- 28.57% believe court services officers should be provided body armor to perform job responsibilities.
- 28.57% believe ID jackets should be provided to perform job responsibilities.
- 14.29% believe courthouses/offices should have security cameras installed.
- 14.29% believe court services officers should be provided with police/state radio access.

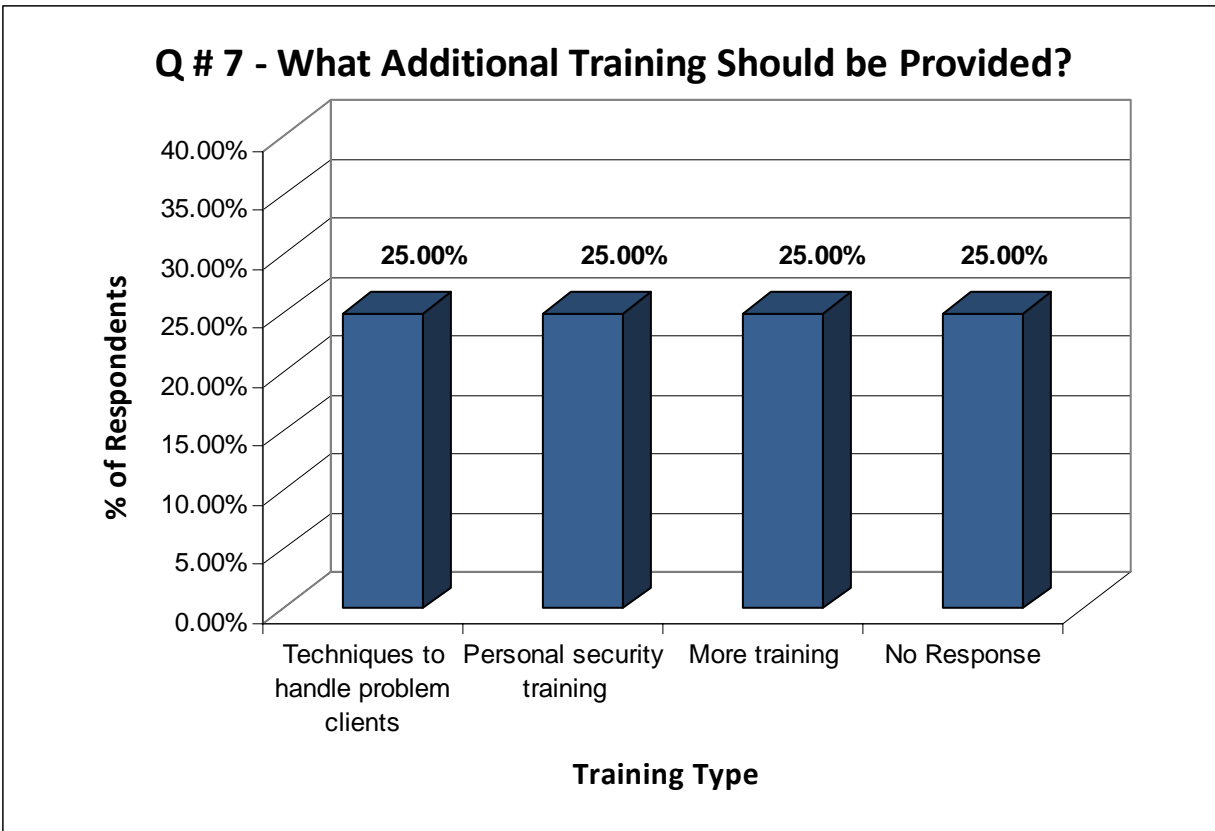
Figure 23



Question #6 – Do you believe Court Services Officers are currently adequately trained to conduct field visits?

- 75% of total survey respondents believe court services officers are adequately or somewhat adequately trained to conduct field visits.
- 25% of total survey respondents do not know if court services officers are adequately trained to conduct field visits.

Figure 24

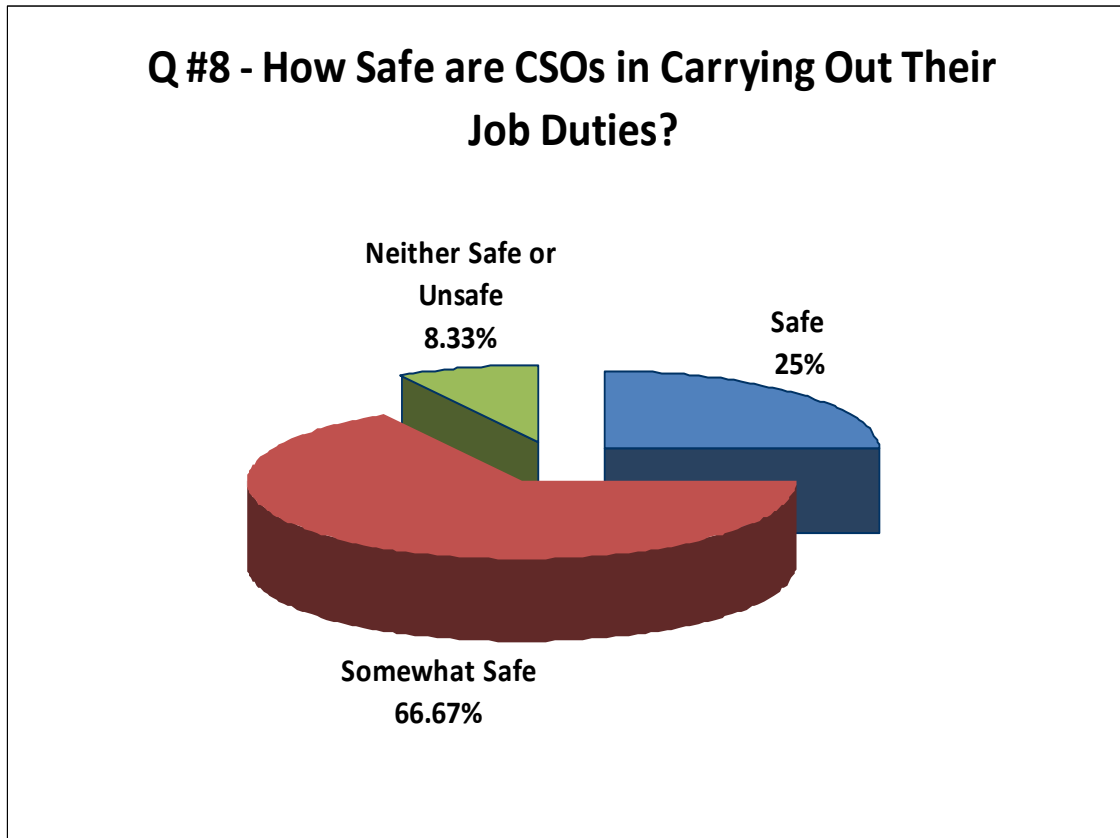


Question #7 – If you responded “Somewhat or No” to question #6, what additional training do you believe should be provided to Court Services Officers to properly conduct field visits?

3 of total survey respondents replied somewhat to question #6. 0 of total survey respondents replied no to question #6.

- 25% believe court services officers should be trained more in techniques to handle problem clients.
- 25% believe court services officers should receive more personal security training
- 25% believe court services officers should receive more overall safety training.
- 25% provided no specific response.

Figure 25



Question #8 – Overall, how safe do you believe Court Services Officers are in carrying out their job responsibilities and duties?

- 91.67% of total survey respondents believe court services officers are safe or somewhat safe in carrying out their job responsibilities and duties.
- 8.33% of total survey respondents believe court services officers are neither safe or unsafe in carrying out their job responsibilities and duties.

SURVEY III: Other States’ Probation Officer Safety and Training Protocol Survey

Survey results are reported identifying total responses provided by each respondent to each survey question. Findings show comparisons among the five state survey respondents to the survey questions. The states of Arizona, Colorado, Kansas, Nebraska, and West Virginia responded to the survey. Table 3 identifies data collected from **Question #1** of the survey “**What safety tools and equipment does your state provide to Probation Officers (mark all that apply)**”. See Table 3 below.

Table 3

State	ID Badge	Flash-light	First Aid Kit	Digital Camera	Cell phone	UA tests	Latex Gloves	OC/pepper spray	Portable Panic buttons	PBT	Body Armor	Hand-cuffs	Stun-guns	Fire-arms	Kevlar gloves
AZ	X	X						X			X	X	X	X	
CO	X	X		X	X	X	X	X	X	X	X	X			
KS	X														
NE					X		X	X		X	X	X			
WV	X	X	X	X	X	X	X			X		X		X	

The remaining survey questions and responses to the Other States’ Probation Officer Safety and Training Protocol Survey follow.

Question #2 - Is the use of these tools and equipment mandatory?

- **Arizona** – Use of tools and equipment is not mandatory statewide. Use is directed by county policy.
- **Colorado** – Use of tools and equipment is not mandatory statewide. Use is directed by individual districts.
- **Kansas** – Use of tools and equipment is not mandatory statewide.

- **Nebraska** - Use of all identified tools and equipment is mandated statewide **except** the use of body armor.
- **West Virginia** – Use of tools and equipment is not mandatory statewide.

Question #3 – If you responded “No” to question #2 under what circumstances are the various tools and equipment to be used?

- **Arizona** – Use is directed by individual county policy.
- **Colorado** – Use is directed by individual districts.
- **Kansas** – Use is directed by individual districts.
- **Nebraska** – Body armor is used in one district only.
- **West Virginia** - Use is directed at the discretion of individual circuits in the state.

Officers are allowed to carry firearms as long as they purchase the weapon and ammunition on their own; however, the weapon and ammunition must be approved.

Training is provided by the state before officers can carry a weapon.

Table 4 illustrates the responses to **Question #4 – What type of training program do you provide to prepare probation officers to properly use the safety tools and equipment and to enhance officer safety in the office and in the field?** See Table 4 below.

Table 4

State	Basic Safety	Certification Academy	Defense Tactics	Firearms Training	Response Control	Annual Refresher Training
AZ	x	x	x	x		
CO	x		x			x
KS						
NE	x		x			x
WV		x		x		x

Question #5 – What is your annual cost per officer for Probation Officer safety training and tools/equipment?

- **Arizona** – One time costs: Duty belt w/scabbards, holster, mag pouch, cuff case, etc. - \$100; Expandable baton - \$40; Handcuffs - \$30; Glock .40 cal. - \$429; body armor (5 year shelf life) - \$600; OC spray - \$15. Annual per officer ammunition cost - \$100. Training is conducted by existing staff with costs of annual training consisting of per diem travel expenses for each training officer and officer participants.
- **Colorado** – No specific per officer annual cost available. Body armor - \$500; per diem basic safety 2 week probation academy training costs; per diem one week initial defensive tactics training costs and annual defensive tactics refresher training costs.
- **Kansas** – Less than \$200 per year.
- **Nebraska** – Not currently tracked as separate line item. Costs are minimal. Training facilities are rented from Law Enforcement Training Center for \$50/day. Per diem officer travel expenses are only other training costs. OC pepper spray is provided statewide. Omaha District purchases body armor with grant and local funds.
- **West Virginia** – Unknown.

Question #6 – What challenges have you experienced in the implementation of your safety protocol and training program?

- **Arizona** – Convincing resistant management of the importance of an officer safety program needs to be a priority; policy development; funding; development of excellent curriculum and instructors; development of a training system with protocols.
- **Colorado** – Varying philosophies among 22 different districts; concern about probation becoming too much like “law enforcement”; lack of statewide standardization.

- **Kansas** – N/A
- **Nebraska** – Use of current officers as trainers, with no reward or workload relief; location of good curriculums that are inexpensive; need for policy and forms updates; mandating necessary refresher training; issue of whether to have a physical fitness requirement for employment.
- **West Virginia** – Getting court approval for “Use of Force” Policy.

Question #7 – What suggestions/additional comments do you have for South Dakota as they evaluate the need and feasibility for a Probation Officer Safety Protocol and Training Program?

- **Arizona** – Suggestion to apply for a grant and hire a consultant to assist with policy development.
- **Colorado** – Recognition of importance of Administration buy in. Examine what staff in the field believe is necessary and take that information to administrators, understanding the possible need for compromise.
- **Kansas** – Coordination at state level is essential. It sends the message to the field that management believes safety is important.
- **Nebraska** – It is important to be pro-active rather than reactive. You need to assess the “big picture” of your needs, rather than one isolated incident or worst case scenario.
- **West Virginia** – No response.

CONCLUSIONS AND RECOMMENDATIONS

The Trial Court Services Department of the Unified Judicial System in South Dakota has made many positive proactive changes in supervision strategies in our movement toward “Best Practices” in probation supervision in recent years. With these changes has come the recognition of the need to proactively supervise offenders in the places where they live and work. Further, as supported on a broader level by this project’s Literature Review, is the acknowledgment that times are changing. Societal pressures are greater and the type and risk level of individuals placed on probation supervision in the community is different than perhaps those supervised in the past. A logical and necessary response to this recognition and acknowledgment is a desire to proactively approach the issue of court services staff safety. This author believes it is better to be proactive in preparation for the possibilities rather than reactive in response to the reality of a safety related incident. However, this author also understands the need to be realistic and to not overreact to the possibilities. It is impossible to plan for every conceivable scenario. In fact, what to some are perceived as solutions to court services staff safety issues indeed may actually cause safety related harm in others’ opinions. This author learned in the review of literature on this subject, that methodical, tactical planning is of utmost importance when tackling this issue. There is no easy or quick fix that management can embrace that resolves all concerns. There simply is no definitive “answer all possible concerns” solution.

The literature review along with the findings from the three surveys conducted on this research subject provide this author with very valuable information from which conclusions and recommendations are formulated for review by South Dakota’s Chief Justice, presiding judges, and state court administrator.

CONCLUSION #1

The Unified Judicial System Human Resource Department records and Court Services Staff Survey Responses (questions #7 & #8), show a limited number of actual safety issue related incidents amongst court services staff that have been identified or reported in the last three years. Additionally, results derived from the Court Services Staff Survey and the Presiding Judges and Circuit Administrators Survey show, in general, court services staff and presiding judges and circuit administrative staff believe court services staff are safe while performing their normal office and field visit responsibilities and are adequately trained in the area of job safety.

Of all court services staff surveyed, 86% “agree” (43%) or “somewhat agree” (43%) they feel safe while working in their office and 66% “agree” (31%) or “somewhat agree” (35%) adequate office safety precautions currently exist. Of court services staff survey respondents, 89% “agree” (44%) or “somewhat agree” (45%) they have been provided adequate office safety training. Of all court services staff surveyed, 59% feel “safe” (13%) or “somewhat safe” (46%) while conducting field visits. Of this survey’s respondents, 98% “agree” (65%) or “somewhat agree” (33%) they have been adequately trained to recognize a potentially dangerous situation and diffuse a potentially dangerous situation while conducting field visits.

Of all presiding judges and circuit administrators surveyed, 83.33% “agree” (33.33%) or “somewhat agree” (50%) adequate office safety precautions are currently in place. Of all presiding judges and circuit administrators surveyed, 91.67% “agree” (25%) or “somewhat agree” (66.67%) overall, court services officers are safe while carrying out their job duties. Of this survey’s respondents, 75% “agree” (41.67%) or “somewhat agree” (33.33%) court services officers are adequately trained to conduct field visits.

Despite the positive fact there have been a minimal number of safety related incidents reported in the last three years and the overall statistically significant positive survey responses in these areas, it would be unfair to judge this subject matter simply against what has or hasn't happened in the area of staff safety incidents. It is important to not become complacent with the lack of negative statistics on the subject but to rather approach this subject proactively in an attempt to avoid serious incidents in the future. Perceptions of staff with perceived safety issues or concerns can not be ignored when reviewing this subject. Prevention is paramount to the principles of staff safety. It is equally important not to overreact. It would not be viable to approach the subject with a "what if" mentality in the hopes of creating a solution for every possible safety issue scenario. The Literature Review conducted for this research project supports the need to be proactive and diligent in the review of the subject. It is essential to provide thorough and realistic planning in the area of court services staff safety. The issue of fiscal cost is always a consideration too. Development of an elaborately expensive safety protocol and training program simply is not feasible, especially in the current economic times. However, it also isn't always necessary to spend a great amount of money to make improvements with notable outcomes. Each step will need to be examined individually for its economic feasibility.

RECOMMENDATION #1

The subject of court services staff safety (as well as court staff in general) should be identified as a priority for the Unified Judicial System. The subject should be thoroughly reviewed on an annual basis to assess current status of issues and needs and to respond accordingly.

CONCLUSION #2

A major area of identified concern relative to court services staff safety surrounds the issue of court house security. The responses to survey questions #5a and #5b show that a significant number of court services staff believe clients are not adequately checked or monitored while entering or conducting business in the court house. More than half of all respondents (62%) do not believe clients are adequately checked for weapons when entering the building and nearly half of all respondents (49%) believe that clients are not adequately monitored when in the building. Nearly half of all survey respondents replying to Court Services Staff survey question #11 (45%) identified courtroom/office safety to be their highest concern for personal safety while conducting job duties in the office. This is clearly an area of perceived safety concern for court services staff.

RECOMMENDATION #2

Although the focus of this research project is on court services staff safety concerns, courthouse security issues specifically affect all court personnel employed by the Unified Judicial System. There has never been a comprehensive safety review of all court houses in the state. Given courthouses are the fiscal responsibility of the local counties, this subject is more complicated. The Unified Judicial System (UJS) should explore the option of researching the issue of courthouse security further. This author recommends that a committee be established within the Unified Judicial System with cross representation of all UJS employee groups (court services, circuit administrators, judges, clerks, court reporters, and state court administrator staff). This committee would be tasked with the duty to explore courthouse security issues and work in concert with the state Board of County Commissioners to develop a plan of action. A possible link to the review process would be for the UJS and state Board of County

Commissioners to share expenses to hire a consultant to assess safety concerns of the individual courthouses across the state and provide recommendations accordingly.

CONCLUSION #3

The Court Services Department of the Unified Judicial System has provided a Safety Training Academy on an annual basis to all new court services officers and on a one time basis to all existing court services officers. The Safety Academy addresses issues of court services officer safety while in the field. Chief and deputy chief court services officers and court services support staff have historically not been included in the annual Safety Academy. Survey questions explored the areas of staff safety training to assess staff perception of training adequacy and needs. Of those survey respondents replying to Court Services Staff survey question #10 (63 total), 44% believe there should be a specific office safety training curriculum provided to staff. Of those survey respondents, 41% believe support staff should receive office safety training. The issue of mandated safety refresher training was addressed in three Court Services Staff Survey questions. Of those survey respondents replying to Question #14 asking what additional training is needed to recognize a potentially dangerous situation (39) 38% believe they should receive training more often. Of those survey respondents replying to Question #16 asking what additional training is needed to diffuse a potentially dangerous situation (41) 41% believe there should be mandated safety refresher trainings. Of those responding to Question #19 asking for additional training suggestions (41) 32% believe there should be mandated safety refresher training provided. The responses to these questions show an overall significance to a desire/need for more safety training, more often. Although it is difficult to rationally find a down side to the conceptual idea of staff receiving additional training, of course, fiscal considerations in its regard can not be ignored.

RECOMMENDATION #3

- 1) Court services support staff currently do not receive any scheduled office safety training. The Court Services Safety Team should expand their curriculum to include a section of the Safety Academy dedicated to office safety issues. This training section should be provided to all court services support staff as well as court services officers. The economic impact of this additional training will include traveling and per diem costs for court services staff trainers and support staff and court services officer training attendees.
- 2) Chief and deputy chief court services officers do not currently participate in the Safety Academy. All chief and deputy chief court services officers should participate in the office safety training section of the Safety Academy. All chief and deputy chief court services officers who conduct field visits should attend the entire Safety Academy program. Travel and per diem expenses for attendees would be the only additional costs.
- 3) Annual safety academy refresher courses should be provided to all chief, deputy chief and court services officer staff. An annual office safety refresher course should be provided to all support staff. Annual refresher training courses should require mandatory attendance. Travel and per diem expenses for trainers and attendees would be the only additional costs.
- 4) Although the scope of this project was to examine the safety issues of court services staff, the issue of office safety applies to all court personnel. The possibility of establishing an office safety training program for other court personnel (clerks, court reporters, administrative staff, and judicial staff) should be further explored as the issues surrounding this subject area are not unique to only court services staff within the court system.

CONCLUSION #4

While according to Question #4 of the Court Services Staff Safety survey, 86% of all survey respondents feel “safe or “somewhat safe” while working in the office; by contrast, according to survey question #12, 59% of survey respondents feel “safe” or “somewhat safe” while conducting field visits. Of those 59%, only 13% “agree” they feel safe while conducting field visits. The issue of field officer safety raises concern. In survey question #17, 52% of total survey respondents do not believe they are provided adequate safety tools and equipment to perform their job responsibilities. In survey Question #18, 74 staff responded “no” or “somewhat” to Question #17, whether they had been provided adequate safety tools. Of the five highest ranked items, 77% believe they should be issued OC/pepper spray to safely conduct their jobs; 58% believe they need Kevlar gloves to safely perform their job responsibilities, 46% believe they need handcuffs to safely perform their job duties, 43% want identification jackets, and 37% believe body armor is necessary to safely conduct their jobs.

Of the answers received from the five states responding to this author’s Other States’ Probation Officer Safety and Training Protocol Survey, four states issue ID badges and hand cuffs and three states issue flashlights, cell phones, latex gloves, OC/pepper spray, portable breathalyzers, and body armor.

As noted in the Literature Review of this report, the NAPE Survey conducted in 2000, which included responses from 32 states, shows cell phones, gloves, OC spray, flashlights, handcuffs, police radios, body armor, and first aid kits to be of highest value/use (all these items ranked above 50% usage by the survey state respondents and are listed in their order of prevalence).⁵⁵

⁵⁵ See Note 19, *supra*, page 5.

It is apparent through this author's research of this subject that there is no single "right answer" or "one size fits all" regarding safety tools and equipment that should be issued or required for Court Services Staff. One thing that is certain as evidenced in the research Literature Review and comments garnered in the Other States' Survey is that it is imperative that proper policy and training be put in place when implementing safety protocols.

RECOMMENDATION #4

- 1) A substantial review should occur as to what tools are currently in place by individual circuits. Historically allowable safety items issued in individual circuits such as cell phones, flashlights, panic buttons, latex gloves, and first aid kits should be reviewed with consideration for statewide adoption and issuance. Necessary and appropriate training and policy should be attached thereto. All court services staff conducting home visits should have a cell phone assigned to them, with digital phone capabilities. Ongoing awareness and pursuit of cell phone technology is paramount to ensure the Unified Judicial System is providing the most effective means of communication available to court services staff when conducting field visits. Office panic buttons need to be tested to ensure their usability and feasibility.
- 2) The Unified Judicial System should explore the issuance (following training) of OC/pepper spray to all court services staff conducting field visits. A Self Defense Continuum Policy should be adopted and implemented, including directives regarding the use of spray. In addition, further exploration should occur regarding the appropriateness of issuing OC/pepper spray to support staff and other UJS court staff for office safety purposes.

- 3) Court services officers are regularly required to conduct searches as a part of their normal job functions. Kevlar gloves should be issued to all court services officers who conduct searches to better ensure safety. A Search and Seizure Policy should be adopted and implemented.
- 4) The issuance of additional safety tools/equipment (handcuffs, body armor, ID jackets, stun guns) needs to continue to be evaluated on an ongoing basis to determine their appropriateness in meeting court services safety needs and mission.

Cost analysis of safety tools/equipment will need to occur prior to adoption and issuance. Recommendations for issuance of OC/pepper spray and Kevlar search gloves take into consideration the relatively low costs of these items.

CONCLUSION #5

Presiding judges and circuit administrators overall believe court services staff have adequate safety precautions in place, have adequate safety tools/equipment, and have been adequately trained to conduct field visits. Although there is a high percentage of affirmation with these areas addressed on the Presiding Judges and Circuit Administrators' Survey, there are a significant number of presiding judges and circuit administrators who responded they "don't know" to the areas identified above. Of the responses from the presiding judges and circuit administrators, 8.33% "do not know" if there are adequate safety precautions in place for court services staff; 16.67% of survey respondents replied they "do not know" if court services staff have adequate safety tools/equipment; and 25% responded they "do not know" if court services officers are adequately trained to conduct home visits.

Given these relevant statistics, there is a fair amount that is unknown by administrative staff in the circuits regarding the safety issues affecting court services staff.

RECOMMENDATION #5

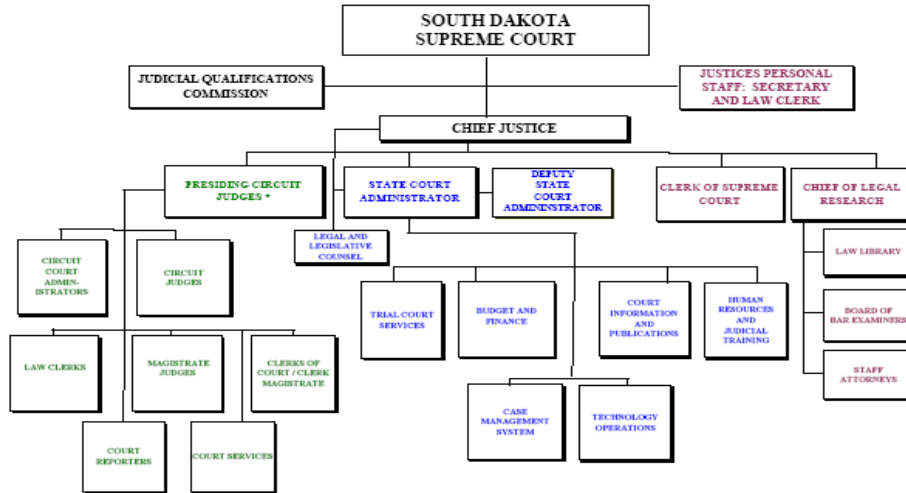
Given the importance of the subject matter, this author suggests that more communication occur regarding the subject of court services staff safety issues. As has been a central theme throughout this research report, safety protocol is rather ambiguous and difficult to isolate into one nice neatly wrapped package. Keeping lines of communication and education open regarding the subject from management to line staff is extremely important. We must ensure proper communication occurs so that safety issues are met, overreaction doesn't occur, and the best interests of staff and the Unified Judicial System as a whole is met.

FINAL CONCLUSION AND RECOMMENDATION

The noted theme of this project, supported by the Literature Review, staff surveys, and information obtained from other states, resounds throughout with the difficulty in establishing a safety protocol and training program that meets all needs at all times. It is simply impossible. However, despite this, it is also clear that the effort must be ongoing; the search must not end to continue to work toward the betterment of the system in our effort to ensure the safety of our most valuable resources; our employees.

APPENDIX A

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM Organizational Chart



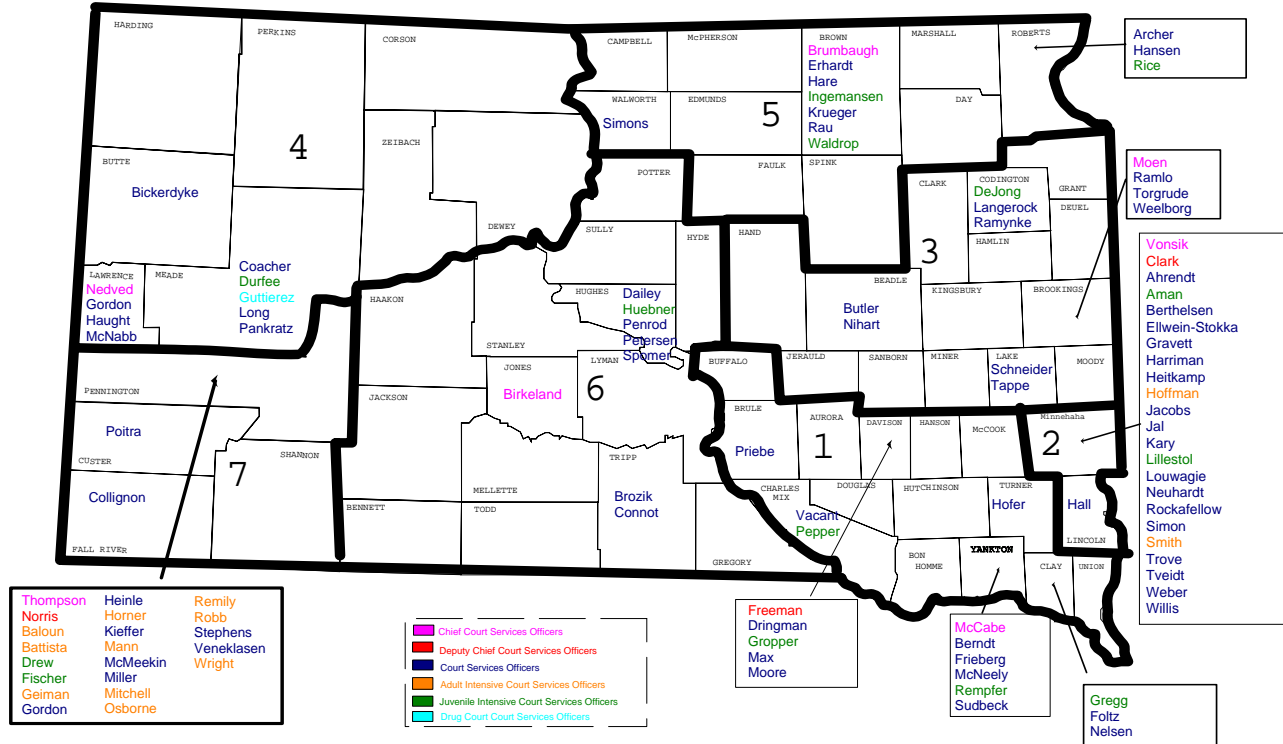
* One presiding judge for each circuit.

Rev. 12/201

APPENDIX B

South Dakota Judicial Circuits and Counties

Indicating Court Services Officer Duty Stations



Effective 12/08/2008

APPENDIX C

Dear Court Services Employee:

As Director of Trial Court Services, I am researching, assessing, and evaluating the level of safety issues and concerns within the Court Services Department of the UJS. This analysis is being conducted to assist in determining whether there is a need to expand and better define a safety protocol and training program for court services officers and staff in South Dakota. To aid in my evaluation and research, I am requesting input from ALL Court Services Staff. I am asking that you complete the following survey by September 30, 2008. All information you provide in the survey will be kept confidential. Thank you for your assistance in the examination of this important subject.

1. What is your position in the Unified Judicial System Court Services Department?

Chief Court Services Officer or Deputy Chief Court Services Officer

Court Services Officer

Court Services Support Staff

2. How long have you worked for the UJS Court Services Department?

Years _____ Months _____

3. What is your gender? Male Female

***Please mark one response for each of the following questions:**

4. How safe do you feel while carrying out the normal duties and responsibilities of your job in your office?

Safe

Somewhat Safe

Neither Safe or Unsafe

Somewhat Unsafe

Unsafe

5. How would you rate the following office safety measures?

a. Clients are adequately checked for weapons before entering the building

- Agree
- Somewhat Agree
- Neither Agree or Disagree
- Somewhat Disagree
- Disagree

b. Clients are adequately monitored when in the building

- Agree
- Somewhat Agree
- Neither Agree or Disagree
- Somewhat Disagree
- Disagree

c. Adequate office safety precautions are currently in place (i.e. panic buttons, office exit strategies, etc.)

- Agree
- Somewhat Agree
- Neither Agree or Disagree
- Somewhat Disagree
- Disagree

6. If you responded “Somewhat Agree, Somewhat Disagree, or Disagree” to question # 5(c), what additional precautions do you believe should be taken or added?

7. Within the last 2 years, how many times have you been verbally intimidated or threatened (include telephone threats) while performing your job duties in or out of

the office? _____

Please provide a brief description of the incidents: _____

8. Within the last 2 years, how many times have you been physically assaulted while performing your job duties in or out of the office? _____

Please provide a brief description of the incidents: _____

9. Do you believe you have been adequately trained to handle potential office safety issues that may arise?

Yes

Somewhat

No

10. If your response to question #9 was “Somewhat or No” what additional training do you believe you need? _____

11. What, if any, are your general concerns about your personal safety on the job?

ONLY respond to the following section if your current position (or position you held within the past year) requires you to make field contacts (home, work, school, etc.)

12. How safe do you feel while carrying out the normal duties and responsibilities of your job while conducting field visits?

- Safe
- Somewhat Safe
- Neither Safe or Unsafe
- Somewhat Unsafe
- Unsafe

13. Do you believe you have been adequately trained to **recognize a potentially dangerous situation** when conducting a field visit?

- Yes
- Somewhat
- No

14. If you responded “Somewhat or No” to Question #13, what additional training do you believe you need? _____

15. Do you believe you have been adequately trained to **diffuse a potentially dangerous situation** when conducting a field visit?

- Yes
- Somewhat
- No

16. If you responded “Somewhat or No” to question #15, what additional training do you believe you need? _____

17. Do you believe you are provided with adequate safety tools and equipment to perform your job responsibilities and duties?

- Yes
- Somewhat
- No

18. If you responded “Somewhat or No” to question #17, what additional safety tools or equipment do you believe you need to perform your job responsibilities and duties (mark all that apply)?

- Office safety equipment (specify) _____
- OC/Pepper Spray
- Body Armor
- Kevlar Gloves (for searches)
- Identification Jackets or Clothing
- Handcuffs
- Stun Guns
- Other (specify) _____

19. Please provide any additional suggestions or comments regarding the subject of court services staff safety you believe would be of value for this subject evaluation.

Thank you for completing this survey! Please return the survey to Nancy Allard,

Director of Trial Court Services, 500 East Capitol Ave., Pierre, SD 57501; or fax to: (605) 773-5627; or e-mail to Nancy.Allard@uj.s.state.sd.us

APPENDIX D

Dear Presiding Judges and Circuit Administrators:

As Director of Trial Court Services, I am researching, assessing, and evaluating the level of safety issues and concerns within the Court Services Department of the UJS. This analysis is being conducted to assist in determining whether there is a need to expand and better define a safety protocol and training program for court services officers and staff in South Dakota. To aid in my evaluation and research, I am requesting input from all Presiding Judges and Court Administrators. Please complete the following survey by September 30, 2008. All information provided will be kept confidential. Thank you for your participation and assistance in the examination of this important subject.

1. What is your position within the UJS?

Presiding Judge

Circuit Administrator

2. Do you believe there are currently adequate office safety precautions in place for Court Services Staff?

Yes

Somewhat

No

Don't Know

3. If you responded "Somewhat or No" to question #2, what additional precautions do you believe should be put into place to ensure office safety for CSO staff? _____

4. Do you believe Court Services Officers have adequate safety tools and equipment to perform their normal job responsibilities and duties in the office and in the field?

- Yes
- Somewhat
- No
- Don't Know

5. If you responded "Somewhat or No" to question #4, what additional safety tools or equipment do you believe should be provided to Court Services Officers for them to adequately perform their normal job responsibilities and duties in the office and in the field?

- Office Tools/Equipment (specify) _____
- OC/Pepper Spray
- Body Armor
- Kevlar Gloves (for searches)
- Identification Jackets and Clothing
- Handcuffs
- Stun Guns
- Other (specify) _____

6. Do you believe Court Services Officers are currently adequately trained to conduct field visits?

- Yes
- Somewhat
- No
- Don't know

7. If you responded “Somewhat or No” to question #6, what additional training do you believe should be provided to Court Services Officers to properly conduct field visits?

8. Overall, how safe do you believe Court Services Officers are in carrying out their job responsibilities and duties?

- Safe
- Somewhat Safe
- Neither Safe or Unsafe
- Somewhat Unsafe
- Unsafe

Thank you for completing this survey! Please return to Nancy Allard, Director of Trial Court Services, 500 East Capitol Ave., Pierre, SD 57501; or fax to: (605) 773-5627; or e-mail to Nancy.Allard@ujc.state.sd.us

APPENDIX E

State Survey – Probation Officer Safety and Training Protocol

The South Dakota Unified Judicial System Trial Court Services Department is conducting research to assess the need for and the feasibility of implementing a safety protocol and training program for probation officers in South Dakota. This survey will be used to gather and analyze data from other states where the probation department is under the jurisdiction of the Judicial Branch of state government, as in South Dakota. We are requesting information regarding safety tools and safety equipment and the training protocols used in your state. This information will assist South Dakota in developing and implementing our own program should we determine the need and feasibility to do so.

Please complete and return the following survey by September 30, 2008 to:

Nancy Allard, Director of Trail Court Services

South Dakota Unified Judicial System

500 E. Capitol Ave,

Pierre, SD 57501;

Or fax to: (605) 773-5627; or e-mail to: Nancy.Allard@uj.s.sd.us ; feel free to contact via telephone at (605) 773-4897 should you have further comments or questions.

When returning your completed survey, please include a copy of your state's policies and procedures regarding Probation Officer Safety and Training issues.

NAME: _____ TITLE: _____

STATE: _____

ADDRESS: _____

TELEPHONE NUMBER: _____ FAX NUMBER: _____

E-MAIL ADDRESS: _____

1. What safety tools and equipment does your state provide to Probation Officers (mark all that apply).

Identification Badges

OC/Pepper Spray

Flashlights

Portable Panic Buttons

First Aid Kits

Digital Portable Breathalyzers

Digital Cameras

Body Armor

Cellular Telephones

Handcuffs and Restraints

Instant Drug Testing Kits

Stun Guns

Latex Gloves

Firearms

Kevlar Gloves

Other (specify) _____

2. Is the use of these tools and equipment mandatory?

Yes

No

3. If you responded "No" to question # 2, when and under what circumstances are the various tools and equipment to be used? _____

4. What type of training program do you provide to prepare probation officers to properly use the safety tools and equipment and to enhance officer safety in the office and in the field? _____

5. What is your annual cost per officer for Probation Officer Safety Training and

tools/equipment? _____

6. What challenges have you experienced in the implementation of your safety protocol and training program? _____

7. What suggestions/additional comments do you have for South Dakota as they evaluate the need and feasibility for a Probation Officer Safety Protocol and Training Program?

THANK YOU VERY MUCH FOR ASSISTING US IN OUR RESEARCH!

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