Sanctions & Incentives: A Colorado Probation Perspective

Conference on Administrative Sanctions and Incentives in Probation Supervision
New Orleans – December 12, 2012

Eileen Kinney
Colorado Division of Probation Services
Becki Ney
Center for Effective Public Policy
Origin and Goals

**LRP**
- Strategic Planning with CPOs

**CCJJ**
- Commission on Criminal & Juvenile Justice Priority

**Goals**
- Improve Consistency: Procedural Fairness
- 4:1 Ratio
- Swift, Certain & Proportional Responses
- Reduce Revocations for Technical Violations
## Project Development

- Advisory Committee
- Technical Assistance: Center for Effective Public Policy
- Stakeholder Education & Input
- From Theory to Practice
- Pilot
- Automation
- Statewide Roll-Out
Responding to violations matters

Responses should be consistent, swift & certain

Balance violation responses with incentives/rewards

Use graduated responses

Focus of supervision: assisting clients to be successful

Majority Agreed:

143 Stakeholders

385 Probation Officers
The Pilot

- 7 Districts
- 747 Worksheets

2:1

- Behaviors to Responses

2:1

- Positive to Negative Responses
The Pilot

- 373 Responses to 567 Violation Behaviors
- 761 Responses to 1,866 Positive Behaviors
- Most Behaviors were Minor
- Most Responses were Low
<table>
<thead>
<tr>
<th>Positive Behaviors (1,866)</th>
<th>Positive Responses (761)</th>
<th>Violation Behaviors (567)</th>
<th>Violation Responses (373)</th>
</tr>
</thead>
<tbody>
<tr>
<td>69% Minor</td>
<td>58% Low</td>
<td>91% Minor</td>
<td>87% Low</td>
</tr>
<tr>
<td>24% Moderate</td>
<td>31% Medium</td>
<td>6% Moderate</td>
<td>8% Medium</td>
</tr>
<tr>
<td>7% Meritorious</td>
<td>10% High</td>
<td>3% Serious</td>
<td>5% High</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Most Frequent Type Behaviors Recorded</th>
<th>Most Frequent Type Responses Recorded</th>
<th>Most Frequent Type Behaviors Recorded</th>
<th>Most Frequent Type Responses Recorded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor: Positive attitude; Attend appointment on time</td>
<td>Low: Verbal recognition</td>
<td>Minor: Failure to submit alcohol/drug test; use of marijuana</td>
<td>Low: Warning/reprimand</td>
</tr>
<tr>
<td>Moderate: 60 days without missing apt; 30 days clean</td>
<td>Medium: Fish bowl, bus ticket, vouchers/gift certificates, treatment paid</td>
<td>Moderate: Other</td>
<td>Medium: Refer to increased treatment, limit freedom, refer to group based on CB principals</td>
</tr>
<tr>
<td>Meritorious: 60/90/180 days</td>
<td>High: Fish bowl, other, treatment paid</td>
<td>Serious: Charged with new misdemeanor</td>
<td>High: Revocation filed</td>
</tr>
</tbody>
</table>
Focus Groups: Probation Officers

- Used more positive reinforcements
- Complementary to effective case management
- More effective at setting expectations
- More likely to consider current behaviors & responses in context of past progress & responses to behaviors
Focus Groups: Clients

Noticing & rewarding positive behavior makes them want to comply

PO’s desire to help & encourage in positive ways, was critical to their success

“It makes me want to do better when positive behavior is noticed.”

“I...could work with a system if I knew what the rules were.”

“My PO has helped me in ways that no one else could, and I look at myself differently now.”
Focus Groups: Clients

Focusing on “little steps,” helps them make progress

“Never give up, never let up.”

Guidelines promote more consistency across PO’s.

PO’s who work with clients to solve problems, and respond to their “good” behavior are more likely to help them successfully complete supervision.

Before TVBC, only known rewards were early termination or not going to jail
Case Management Components

Assessments

Probation’s Response to Behaviors

Positive and Violation Behaviors

QA, Performance Feedback and Coaching

Typology

Case Planning

Focus on criminogenic needs

Utilize motivational interviewing
Respond to all behaviors

Emphasis on targeted behavior

Document in “real time”

Over rides
- Supervisors
- Treatment Teams
- Specialty Courts

Policy
## TVBC: the Model

<table>
<thead>
<tr>
<th>Risk</th>
<th>MIN</th>
<th>MED</th>
<th>MAX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Low</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Low</td>
<td>Medium</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>Low</td>
<td>High</td>
<td>High</td>
<td>High</td>
</tr>
</tbody>
</table>

**Behavior Level**
- MINOR
- MODERATE
- SERIOUS / MERITORIOUS

**Risk** + **Behavior Level** = **Response Level**
<table>
<thead>
<tr>
<th>STRENGTHS</th>
<th>Note: criminogenic needs are shaded with top 4 listed first</th>
<th>CONCERNS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Antisocial behavior</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Antisocial personality or temperament</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Antisocial attitudes, cognition</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Antisocial companions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Family/marital</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Employment/Education</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pro-social Activities (leisure/recreation)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Substance Use</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Treatment Participation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mental Health</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Support (family/peers/community)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Financial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Residence</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Takes responsibility for behavior</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stage of change</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Time since last violation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Escalating pattern of violation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multiple positive behaviors or violations in single episode</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other: Please specify</td>
<td></td>
</tr>
</tbody>
</table>

**Override Reasons UP or DOWN**
Challenges

- Resistance to change
- Judge involvement
- Fear of losing flexibility & professional judgment
- Automation
Challenges

- Resources
- Differing Attitudes, Values & Beliefs
- Geography
- Balancing Local Discretion & Statewide Implementation
- Collaboration across Agencies
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is it? Why are you doing it?</td>
<td></td>
</tr>
<tr>
<td>Does it address mutual goals?</td>
<td></td>
</tr>
<tr>
<td>Increased revocations? More jail?</td>
<td>No issues raised during pilot</td>
</tr>
<tr>
<td>Sounds good but doesn’t play out</td>
<td></td>
</tr>
<tr>
<td>How will we know impact?</td>
<td></td>
</tr>
</tbody>
</table>
Opportunities

- Stakeholder education & engagement
- Efficiencies
- Probationer engagement
- Increased positive reinforcement
- Consistency & fairness
- Longer-term behavior change
- Better use of resources
Develop & follow a framework

Review the literature on implementation science

Reap the benefits of fidelity & sustainability
Importance of Data & Evaluation

If you don’t measure for fidelity you don’t know what you’re implementing.

If you don’t know what you’ve implemented, you can’t determine what’s impacting the results.
Importance of Data & Evaluation

Writing a policy does NOT equate to implementing EBP

Data-driven decision-making helps avoid costly mistakes

We can fool ourselves into believing we’re effective
Importance of Data & Evaluation

You need to know if the intended results are being realized

If not, STOP doing it!

You need the support of your stakeholders

Prove that it’s working
If you make assumptions, assume there will be drift from policy.

If you assume, you’ll make an ass out of u and me.
Start with the End in Mind

- Tie measures to goals
- Identify your questions
- Define available data
- Determine “cost” of gathering missing data
- Determine method for acquiring data
Approaches to Quality Assurance

- Evaluation
- Training
- QA/CQI Reviews
- Automate Program
QA: Automation

- Programming of Policies
- Standardized Reports
QA: Training

Development of Experts (Implementation Team)

Classroom: Practice & Feedback

Post-Training Follow Up
QA: Review Tool

- Case File Review
- Reinforces Policy
- Reflects Philosophy and Literature
Continuous Quality Improvement (CQI)

- Direct Observation
- Feedback & Coaching
- Quality Assurance & Continuous Quality Improvement (QA & CQI)
- Performance Appraisals
Fidelity & Quality

- Are we doing what we intended?
- If not, how do we correct it?
- How often is the underlying logic being overridden?
Are we getting the results we expected? What other results are we getting?

Are sanctions being graduated & incentives tapering off over time?

Are we reaching the ideal of 4:1?

Are we changing targeted behaviors?

Are we reducing violations & increasing prosocial behaviors?

Are we reducing victimization and recidivism?

Are we using prison for the “right” violators?
Outcome Evaluation: Data

**Short-Term Outcomes**
- Number & Type of Violations
- Number & Type of Positive Behaviors
- Change in Targeted Behavior

**Long-Term Outcomes**
- Program Termination
- Revocation Placements
- Recidivism