



# PERSPECTIVES

the journal of the American Probation and Parole Association

w w w . a p p a - n e t . o r g  
Volume 35 Number 3 Summer 2011



# REDUCED CASELOADS





# American Probation and Parole Association

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## INSTRUCTIONS TO AUTHORS

PERSPECTIVES disseminates information to the American Probation and Parole Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole and community corrections agencies throughout the United States and Canada. Articles submitted for publication are screened by an editorial committee and, on occasion, selected reviewers, to determine acceptability based on relevance to the field of criminal justice, clarity of presentation or research methodology. PERSPECTIVES does not reflect unsupported personal opinions. Submissions are encouraged following these procedures: Articles should be submitted in MS Word format on an IBM-compatible computer disk and mailed to Karen Mucci, Production Coordinator, PERSPECTIVES Magazine, P.O. Box 11910, Lexington, KY, 40578-1910, or can be emailed to [kmucci@csg.org](mailto:kmucci@csg.org) in accordance with the following deadlines:

**Winter 2012 Issue – August 24, 2011**

**Spring 2012 Issue – November 11, 2011**

**Summer 2012 Issue – February 17, 2012**

**Fall 2012 Issue – May 20, 2012**

Unless previously discussed with the editors, submissions should not exceed 10 typed pages, numbered consecutively and double-spaced. All charts, graphs, tables and photographs must be of reproduction quality. Optional titles may be submitted and selected after review with the editors.

All submissions must be in English. Authors should provide a one paragraph biography, along with contact information. Notes should be used only for clarification or substantive comments, and should appear at the end of the text. References to source documents should appear in the body of the text with the author's surname and the year of publication in parentheses, e.g., (Jackson, 1985: 162-165). Alphabetize each reference at the end of the text using the following format:

Anderson, Paul J. "Salary Survey of Juvenile Probation Officers." Criminal Justice Center, University of Michigan (1982).

Jackson, D.J. "Electronic Monitoring Devices." *Probation Quarterly* (Spring, 1985): 86-101.

While the editors of PERSPECTIVES reserve the right to suggest modifications to any contribution, all authors will be responsible for, and given credit for, final versions of articles selected for publication. Submissions will not be returned to contributors.

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**D**uring a short two years as your President, I have endeavored to strengthen and sustain the Association as a valuable resource and to ensure a strong, unified voice for our members.

I have been surrounded by a talented team and am extremely grateful to all of the members of the Executive Committee as well as the APPA staff for their creativity, knowledge, dedication, and numerous contributions. The support and wisdom of Past President Gary Hinzman has been very much appreciated.

The Association has sustained focus on four goals over the past several years and significant progress has been made toward these goals.

1. Develop and disseminate a positive and compelling image of the community corrections profession
2. Gain long term financial stability
3. Strengthen the functioning of the Association
4. Advance correctional policy

The branding initiative produced a common identity for the Association and all community corrections agencies. "A Force for Positive Change" is now a positive and shared marker for our profession.

The APPA Leadership Institute has become a valued resource that will enhance and sustain our organizations and the Association.

Priority was given to strengthening our relationship with internal and external stakeholders. Members were surveyed and a list of key issues was developed, based on your needs and concerns, for attention by the APPA Executive Committee. Committee Chairs worked diligently on a number of resolutions, position statements and issues papers during my tenure. I am very grateful for this renewed effort on behalf of our profession.

The Association has moved forward as a national voice for community corrections. Last summer, top leaders from the departments within the U.S. Department of Justice, Office of Justice Programs (OJP) listened to views from community corrections during a historic "listening session" with the APPA Executive Committee as well as with the Annual Training Institute attendees. Recent grant solicitations from OJP suggest that our voice was heard.

APPA has gone green. The Association has increased its use of electronic resources to stay current with technological advances, save natural resources and cut costs. The APPA website has been enhanced and expanded. You are now receiving *Perspectives* electronically. Members

asked for training to be more accessible and we have increased the availability of on-line training and plan to offer trainings between Institutes. Our staff under Carl Wicklund's direction has done an awesome job.

Challenges remain for APPA. We will need to remain frugal as we manage our Association's business. Changes and transitions will continue to occur. We are saying goodbye to Carl Fox who is leaving the Executive Committee after contributing to APPA for over 25 years. We are fortunate to have benefited from Carl's energy and commitment.

Thank you for allowing me to serve as the President of the American Probation and Parole Association. APPA has given so much to me throughout my career and I am grateful for the opportunity to have served as your President.

I have every confidence that our new President, Scott Taylor, will lead the Association with passion and skill. Please give Scott Taylor and the newly elected APPA leadership your support and encouragement. »»»

*Barbara Brodnick*

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# Call for Papers

*Perspectives* is currently accepting article submissions.

Your story could be shared among APPA Members and constituents.

Readers of *Perspectives* are some of the most expert practitioners in community corrections today. Let others know about innovative programs in your agency, how you are implementing EBP or what changes you have made to survive budget cuts. Your story is important—share it with fellow reader of your premier community corrections journal, *Perspectives*.

## Article Submission Guidelines:

*Perspectives* disseminates information to the American Probation & Parole Associations' members on relevant policy and program issues and provides updates on activities of the Association. Articles submitted for publication are screened by an Editorial Committee comprised of eight members. The committee determines acceptability based on relevance of the field of criminal or juvenile justice, clarity of presentation or research methodology. *Perspectives*, does not reflect unsupported personal opinions.

Articles should be written in Microsoft Word™ format and mailed to Karen Mucci, Production Coordinator, *Perspectives* Magazine, P.O. Box 11910, Lexington, KY 40578 or can be emailed to kmucci@csg.org in accordance with the following deadlines:

Spring 2012 Issue: November 11, 2011  
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For more information, click [here](#) to go to page five of this publication for submission details and guidelines.





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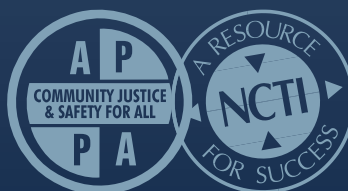


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**W**elcome to the Summer issue of *Perspectives*. Whatever the climate where you are reading this, I think we have a hot issue for you.

Our lead article by Sarah Jalbert and her colleagues describes some cutting edge research funded by the National Institute of Justice. This research tests out the premise that smaller caseloads, combined with empirically proven supervision practices (*evidence-based practices*) will produce significantly better supervision outcomes. This premise has been a hope for some, an article of faith for others but lacked sound empirical research to validate the premise.

This article describes the implementation of EBP in three locations, two of which produced statistically significant improvements in outcomes. The third site holds valuable lessons as well, as they were unable to keep their caseloads low, due to budgets constraints. This research shows both the promise and perils of implementing state of the art practices in the real world.

One of the principles of the evidence-based practices model promulgated by the National Institute of Corrections is that of providing positive reinforcements for offenders when they do well. The ratio of four reinforcements to one sanction has, in my experience, been a tough sell for many probation and parole officers. Our article by Eric Wodahl and his colleagues should help to reduce that resistance. Wodahl, et al. show that positive reinforcements are critically important in shaping offender behavior under supervision. It is important to note that while they find positive reinforcements are more influential than sanctions, it is important to also use sanctions to achieve the optimal results. The balanced approach of reinforcements and sanction was the most successful.

In their article on tribal probation, APPA staff Kimberly Cobb, Adam Matz and Tracy Mullins open the window on a little known corner of probation practice. It is not hard to conclude that the tribal justice systems feature some of the worst aspects of our business: a fragmented justice system, few, if any probation resources, large caseloads, and high levels of alcohol abuse, unemployment and violence. This shadowy world of tribal probation is in dire need of help and resources. APPA has been active in developing resources and providing training and technical assistance.

Another contribution of APPA is highlighted in the Issue Paper on Safe Office Design. Every year, agencies across the country acquire new offices, whether through rental of office space in the community or through construction of new buildings, such as court houses. These provide unique opportunities to build safety into the physical design of the office space. The



APPA Health and Safety Committee, chaired by Bob Thornton, has labored mightily for several years to produce this position paper. We are pleased to publish it and encourage you to read it and pass it along to those involved with the design and or renovation of offices for probation and parole.

Don Evans, one of our globe-trotting International Update editors, once again provides us with a fascinating glimpse into the reform efforts of probation, this time in New Zealand. Joe Russo describes the activities of the Technology Committee in the Technology Update. Stay tuned for exciting work from this group. Bob Thornton explores the power of inter-agency collaboration in this issue's Safety Update. In the Research Update, David Karp pushes the envelope a bit with his discussion of research on circles of support and other volunteer work with high risk sex offenders.

We note with sadness the passing of Herb Simpson of the Traffic Injury Research Foundation. You may not be familiar with Herb's name, but he and the Foundation have been valuable and active partners with APPA on developing models for identifying and supervising the chronic, hard-core drunk drivers.

With this issue, we publish the final President's Message from Barbara Broderick. Her messages always conveyed her passion for this work and her deep respect for those who toil in the vineyards on a daily basis. We thank her for her support of *Perspectives* and wish her well, comforted by the fact that she will continue to serve APPA as Past-President.

We hope you enjoy this issue, and encourage you to let us know what you think of *Perspectives*, your professional journal. We would be particularly interested in your reactions to our new on-line platform. >>>



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**APPA** *We see a fair, just and safe society*

# vision

*where community partnerships are  
 restoring hope by embracing a  
 balance of prevention, intervention  
 and advocacy.*

### We seek to create a system of Community Justice where:

A full range of sanctions and services provides public safety by insuring humane, effective and individualized sentences for offenders and support and protection for victims;

Primary prevention initiatives are cultivated through our leadership and guidance;

Our communities are empowered to own and participate in solutions;

Results are measured and direct our service delivery;

Dignity and respect describe how each person is treated;

Staff are empowered and supported in an environment of honesty, inclusion and respect for differences; and

Partnerships with stakeholders lead to shared ownership of our vision.



The American Probation and Parole Association is an affiliate of and receives its secretariat services from the Council of State Governments (CSG). CSG, the multibranch association of the states and U.S. territories, works with state leaders across the nation and through its regions to put the best ideas and solutions into practice.



# APPA SPECIALIZED TRAINING

If your agency is in need of training, but funds are low...APPA has a plan for you! If you only have a handful of employees who need specialized training in any of the topics APPA offers, we've got a plan for you! If you have a site that will allow training for at least 30 individuals (many of our trainings are limited to 30), and are willing to act as host...BOY, do we have a plan for you!

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Register online or for a complete list of available topics, please visit our website at [www.appa-net.org](http://www.appa-net.org) and click "Specialized Training Opportunities."

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For more information on upcoming NCTI trainings, contact Jeff Koenig at (800) 622-1644 (x.5236) or email at [jkoenig@ncti.org](mailto:jkoenig@ncti.org)

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*Corporations with an interest in the field of probation, parole and community corrections are invited to become APPA corporate members. Corporate members receive benefits such as enhanced visibility among APPA's nationwide network of community corrections professionals, as well as shared information on the latest trends and issues that specifically affect community corrections.*



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## COLLABORATION: THE KEY TO DOING MORE WITH LESS

Recently I had the opportunity to review the safety training programs offered by U.S. Probation and Pretrial Services in the District of Kansas. Federal Probation, like all community corrections agencies, is experiencing increased workload demands while experiencing decreasing funding. To assure that officers continue to receive quality safety training, the agency has sought out various partners in the community with whom they can establish training collaborations. This collaboration allows the probation office to establish a safety training program that provides not only quality training services, but also meets the Court-mandated standards of safety and use-of-force training in that it is *recent, relevant and realistic*.



The agency has partnered with the Sedgwick County Sheriff's Office in Wichita, Kansas, the Topeka, Kansas PD, and the Shawnee County Sheriff's Office and obtained free use of their firearms ranges.



The Shawnee County Sheriff's range is a state-of-the-art range and training facility. This facility was constructed solely through the use of asset forfeiture funds received by the Shawnee County Sheriff's Office.

In exchange for use of the ranges, the probation office offers cost sharing of supplies, gives the agencies their expended brass and offers "clean-up" assistance for the ranges on an on-going basis. When probation sponsors training relevant to the law enforcement agencies, they provide training slots for the law enforcement agency's training staff.

The probation department also conducts a 20-hour safety academy each year, providing scenario-based training incorporating various safety-related situations. To enhance the realism of the scenarios, the Federal Probation department draws their role-players from local community corrections agencies. While serving as role-players, the state officers relate that they also learn valuable safety skills and can experience the "other side" of officer-offender contacts.

The realism of the contacts is also enhanced by the physical location that is used. For a \$175 per day fee, the probation office gets the use of a faith-based retreat location which





provides classroom facilities, plus office and residential settings for the various scenarios. This small fee helps the faith-based organization support the maintenance of their facility.

The probation office purchased a use-of-force judgment simulator (MILO) system but lacked dedicated space to permanently set up the machine and screen.

They entered into an agreement with the Topeka Police Department whereby the police

department established a dedicated training room for the simulator in exchange for the periodic use of the machine.



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# spotlight on safety



Topeka P.D. also allows the probation office use of their indoor scenario facility which provides rooms with movable walls and accommodates the use of non-lethal marking cartridges. There is also an adjacent mat room where control tactics training can be conducted independently or in conjunction with the scenario training. In addition to providing the MILO system, the probation department has provided surplus furniture for use in the scenario rooms.

The probation department has actively sought and provided cross-training opportunities, with the majority of these opportunities being free of charge. The probation staff indicates that not only have their training opportunities increased, their relationship with both community services and law enforcement has been enhanced.

The District of Kansas Federal Probation and Pretrial Services Office has created an exceptionally well-developed and administered safety program. All staff, whether armed or not, receive safety training on a

consistent basis. The amount and quality of training is accomplished by effective collaboration with local agencies.

Nationally, as agencies struggle with shrinking budgets and increased workload demands, the District of Kansas is an example of how safety training can be conducted in a timely and cost-effective manner. As workload demands increase for all community corrections agencies, safety training cannot be overlooked and must continue to be addressed. The Federal Probation and Pretrial Services Office in the District of Kansas recognizes that, both ethically and legally, safety training is not an option. >>>

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Robert Thornton is the Director of Community Corrections Institute in Springdale, WA.

All photos taken by Robert Thornton and Ronald Schweer



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## CURRENT TECHNOLOGY COMMITTEE WORK

One of the primary tasks of the Technology Committee has been to develop issue papers that address important topics related to the tools available to community corrections agencies. In past years the committee has developed and published an issue paper on “Online Learning” and “Substance of Abuse Detection Technology: Alternatives to Utilizing Blood, Breath or Urine Samples”. Currently the committee is working on two papers which are in the review process. The first paper is entitled “Managing the Risks Posed by Offender Computer Use”. This paper discusses the potential threats that are created by offender access to the Internet and computers in general; the need to monitor and manage offender computer use as opposed to an outright ban on use; the value of using cyberspace as an investigative tool and different strategies that agencies can employ to monitor and manage computer use and their advantages and disadvantages. Monitoring the offender in the virtual world is a growing concern. It is hoped that this paper can help agencies better understand the issues and point them to resources for assistance.

The second paper is an update of a previous APPA paper on electronic monitoring. The update will address the general area of supervision with electronic tools to include GPS, RF, Voice

Response Systems, Automated Reporting Kiosks, etc. The paper does not focus on the technology itself, however. Emphasis is placed on the growing use of a variety of tools; what is known or not yet known about the effectiveness of employing electronic tools as part of a supervision strategy; challenges associated with these tools, such as increased workload in some cases; opportunities associated with these tools, such as the ability to use technology on lower-risk cases to free up resources to deal more effectively with higher-risk cases and a discussion on how to use supervision tools in alignment with evidence-based practices.

These papers are steadily moving through the APPA review

A black and white advertisement for SASSI. The background is dark with a bright, starburst-like light effect in the upper left corner. The word "Spark" is written in a large, serif font, with the tagline "a change in someone's life" in a smaller, sans-serif font below it. At the bottom, there is text about substance use measures, a phone number, a website, and the SASSI logo.

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# technology update

process and should be published in the near future.

Another interesting project the committee has been working on is related to advancements in technology and how these changes are reshaping the profession. Many hours have been spent discussing what may not be possible today but is very likely to be on the horizon. As we talked about where we are and what the future might hold we also recognized the importance of perspective and acknowledgement of just how much progress has been made. We are really not that far removed from the days of carbon paper and rolodexes.

The committee decided to use an article written in 1990 to help guide their “forward thinking” work. The article, *Ophelia the CCW*: May 11, 2010 was written by Todd Clear of Rutgers University. In the article Clear describes a day in the life of a Community Control Worker (CCW), Ophelia Edison. Of course, the twist is that the particular day described is 20 years in the future and Clear speculates on how probation and parole work will change based on technological advances as well as changes in the political environment, labor relations, etc. Dr. Clear also made some bold predictions about the overall landscape in community corrections in the future.

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The committee felt that this piece was an excellent backdrop to its current work. Specifically, we are working on an “update” to Ophelia which takes a look at the predictions that Clear made to see which ones panned out and which did not.

As this work progresses, the committee is also interested in working with the larger APPA membership to map out where the profession sees itself 20 years from the present. Which technologies will be most important in the future and how will advances enhance our ability to create positive outcomes? For example, what will information sharing look like in the future and how will that help our profession? Can we anticipate unintended consequences? What about advances in location and tracking technology, wireless communications or methods of identifying and treating addiction? The committee will be working with APPA to set up communication forums so that we can hear from the membership. We’d like to know what direction you see the profession moving in and what technologies you think will be the keys to the future. With this information, the committee hopes to schedule plenary sessions at an upcoming APPA Institute which will bring together technologists, futurists and practitioners to discuss what might be on the horizon and the associated implications.

For further information on the APPA Technology Committee and/or if you would like to join the committee please feel free to contact Joe Russo at 800-416-8086 or [jrusso@du.edu](mailto:jrusso@du.edu). >>>

**Joe Russo** is Director of the Corrections Technology Center of Excellence and is chair of the APPA Technology Committee.

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## RECENT RESEARCH ON SEX OFFENDER MANAGEMENT

"Circles of Support and Accountability: Engaging Community Volunteers in the Management of High-Risk Sexual Offenders" Robin J. Wilson, Andrew McWhinnie, Janice E. Picheca, Michelle Prinzo and Franca Cortoni. *The Howard Journal* (2007) 46:1-15

"Evaluating the Effectiveness of Professionally-Facilitated Volunteerism in the Community-Based Management of High-Risk Sexual Offenders" Robin J. Wilson, Janice E. Picheca and Michelle Prinzo

"Part One – Effects on Participants and Stakeholders" *The Howard Journal* (2007) 46:289–302

"Part Two – A Comparison of Recidivism Rates" *The Howard Journal* (2007) 46:327–337



Locations of COSA Programs in Canada (<http://www.ccjc.ca/cosa.html>)

Like the United States, Canada has imposed greater restrictions on sex offenders in the last two decades. The Corrections and Conditional Release Act of the 1990's led to an increase in sex offenders who were denied parole and served their maximum sentences, eliminating correctional supervision after release. Similar to Megan's Law, Canada passed Christopher's Law creating a sex offender registry in Ontario, which then became federal in 2004. But the authors of this set of studies argue that neither of these legislative trends has provided greater community safety. Instead, their attention is directed



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at a Canadian restorative justice innovation called Circles of Support and Accountability (COSAs).

In 1994, a repeat child molester, Charles Taylor, was released from prison amidst a media frenzy of concern. Prison authorities sought assistance from Reverend Harry Nigh, a pastor in the Mennonite church that Taylor once attended. Taylor was reluctant,

but gathered a group of volunteers from his congregation to assist with Taylor's reintegration and provide a set of watchful eyes.

Until his death eleven years later, Taylor received the assistance of this first COSA and remained offense-free. The model caught on, promoted by the Mennonite Central Committee in collaboration with the Correctional Service of Canada. The authors of these studies examined the mechanics of COSAs and their effectiveness by following 60 offenders referred to COSAs and a matched set of sex offenders who did not participate in this program.

**"Their major concern about the program was not about the offender, but a worry that community volunteers would not maintain sufficient boundaries between themselves and the sex offender."**

According to the authors, "the goal of COSA is to promote successful integration of released men into the community by providing support, advocacy, and a way to be meaningfully accountable in exchange for living safely in the community... COSAs promote safety for victims (past or potential) by validating their needs for healing and continued safety while, at the same time supporting ex-offenders with their daily needs and holding them accountable for behaving responsibly" (p.8).

A COSA includes a group of trained volunteers, usually five to seven, who meet regularly with a released sex offender to offer social support, practical assistance and routine monitoring. The volunteers are in turn supported by a team of professionals that may include law enforcement, sex offender treatment providers and social services. COSAs now operate throughout Canada, in some U.S. locations, and in Great Britain.

Attitudes surveys of COSA sex offenders, volunteers, and professionals demonstrate an enthusiastic response to the program. Although some sex offenders expressed concerns about maintaining confidentiality of their situation, "86 percent believed that the project helped them adjust to the community... 88 percent reported experiencing a sense of support and acceptance by others...and [62 percent] became more realistic about their position in the community" (pp. 295-296).

COSA volunteers also gave positive marks to the program. Ninety-three percent were satisfied with their circle. The vast majority believed that without the circle the

offender would have had a more difficult time adjusting to the community (93 percent) or leading a stable life (82 percent). Most (61 percent) believed the offender would have committed another sex crime.

Of the professional members of the COSA team, 70 percent believed the community was made safer by the program. Their major concern about the program was not about the offender, but a worry that community volunteers would not maintain sufficient boundaries between themselves and the sex offender.

Sex offenders in the COSA program were compared to a matched set of high-risk offenders also recently released from prison, but not provided a circle. Recidivism was considered according to how quickly offenders committed a new offense after release and the kind of offense committed. Results in both categories showed support for the effectiveness of the program.

Of the 60 offenders in the COSA program, three committed a new sex offense compared to ten in the comparison group. In addition to this smaller number, the kinds of sex offenses showed a significant harm reduction for the COSA offenders. For example, the new offense of one COSA offender was making an obscene phone call, while the prior offense was for rape. No such harm reduction was found for the comparison group. The researchers also examined other types of offending, and again the rate of recidivism was lower for the COSA group. Overall, 17 COSA offenders (28 percent)

committed a new offense compared to 26 in the comparison group (43 percent). Finally, the average time to re-offense was longer for the COSA group (22 months) than the comparison group (18 months).

Results of the study are encouraging. Here is an example of a substantive partnership between corrections agencies and the community who share a goal of safely managing sex offender reentry. Rather than hide from the reality of sex offenders in their midst, these community volunteers banded together to form a team that provided both vigilance and support to high-risk sex offenders. Knowing that they could neither keep these offenders in prison forever, nor drive them from their neighborhoods, this program provides community members with a way to keep a close eye on returning offenders, while also assisting them with the daily needs for employment, housing and even friendship.

The authors write that “the goal has been two-fold: to respond to a clear need in the community for coordinated, grassroots risk management and to investigate whether high-risk sexual offenders could be safely returned to the community using a model blending community volunteerism with professional facilitation” (p.13). This is an intriguing set of results for a new model and hopefully will be followed by replications and refine and improve on what works best for sex offender management. >>>

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David R. Karp is Professor of Sociology and Associate Dean of Student Affairs at Skidmore College in Saratoga Springs, New York.

## TRANSFORMING NEW ZEALAND'S COMMUNITY PROBATION SERVICES

Among one of the values of comparative research or program development is the ability to see our programs through the lens of another jurisdiction that is facing similar problems or engaged in implementing similar programs. One of my reasons for examining or exploring what other jurisdictions are doing is to see how policy options and programs transfer from one country to another. When you travel to other countries or attend conferences sponsored by other jurisdictions you are at once struck by the similarity of content titles and presentations and you could be forgiven for thinking you had not left home!

One particular topic seems to have captured the imagination of nearly all correctional systems regardless of country. The subject of evidence-based practice as seen in assessment instruments, cognitive behavioral programming and reduction in re-offending efforts is nearly always on the program of most international conferences as they are on more local conferences. It is indeed interesting to listen to research presentations and program descriptions informed by the 'what works' literature that originated in North America and to hear of customizations that allow for the transfer of these ideas to the host country or to other jurisdictions. However we will do well to keep in mind Susanne Karsedt's comment that: "Notwithstanding the global scale of exchange, criminal justice systems and policies are definitely local and embedded in traditions, cultures and the particular institutional regimes of national states" (2002).







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I first became interested in what was happening in New Zealand when I was working in the cabinet office in the Ontario Government and the Government of the day was facing budget cuts and looking for other measures to deal with the economic recession that was occurring in the mid-eighties. The interest at the time coincided with the reinventing government approaches that were becoming popular. In New Zealand the government had weathered a severe economic downturn and had embarked on a number of public service reforms. Shortly after retiring from Government and attending international correction conferences

I noted that a number of correctional systems were adopting the strategies and tactics of these public service reforms and some were coupling them with the lessons extracted from the 'what works' literature. In 1998 at the Beyond Prisons conference (it was from this gathering that the impetus for the formation of the International Corrections and Prisons Association emerged) held in Kingston, Canada Warwick Duell from the New Zealand Department of Corrections outlined the process of reforming the probation service (Evans, 1999). He outlined the shift from activity to outcomes, the emphasis on performance indicators and the utilization of evidence-based research as in targeting high-risk offenders, pro-social modeling, problem-solving and relationship building as key factors in programming. Two aspects of significance in Duell's presentation was the emphasis on managerial reform and the development of a practice model for probation. It is these aspects that the New Zealand DOC continued to expand and enhance.

The next encounter I had with their efforts was participating with Katrina Casey, General Manager Community Probation Services at the ICPA conference in Beijing, China in 2004. Her presentation centered on their supervision process for high-risk offenders (Evans, 2005). The important elements in the process related to the development of multi-agency cooperative arrangements and legislative authority for the sharing of information between these agencies that included law enforcement, housing and social services. This legislative provision and the subsequent change in practice provided the probation officer with the ability to detect behavior that suggests an increased risk of the offender re-offending. At the same time the probation services expanded the role of the probation officer to offer more assistance coupled with more intensive supervision of this category of offenders. Again it was clear to me that New Zealand probation was continuing to move along a trajectory that would enhance and improve the effectiveness of their service.

In October 2009 the results of an Expert Panel chaired by Paula Rebstock and included Andrew Bridges, Chief Inspector Probation England & Wales, Peter Hughes, Chief Executive Ministry of Social Development, Katrina Casey, General Manager Community Probation Services and Monique Cunningham, Area Manager Dunedin/Invercargill were released.

The New Zealand probation service was faced with significant changes in community based sentences and managing increased volumes of offenders. This growth had an

unwelcomed outcome on the quality of service delivery and on staff's ability to comply with procedures designed to ensure public safety. The report outlined a course of action that would lead to a transformation in the work of the Community Probation Service and was based on five core principles: professionalism, integrated system of practice, effective with Maori (aboriginal) offenders, effective relationships and leadership. The panel laid out a three-year change program that would make clear what they are trying to achieve, how they will achieve it and included a high level work plan.

Last October in Ghent, Belgium at the International Corrections and Prisons Association annual conference a key presentation dealing with probation was given by Jane von Dadelszen, General Manager for Strategy, Policy, and Planning for the New Zealand Department of Corrections. Her presentation focused on the reasons for change in the probation service, the program of change and the key achievements to date. This presentation was a report on progress made since the release of the expert panel report. She outlined the context by describing the Department of Corrections in New Zealand and noting that it is responsible for both prisons and probation services. This responsibility extends to oversight of 20 prisons, 17 for male offenders and three for women offenders, and 140 community probation offices throughout the country. In 2009/10, 74,000 new community sentences and orders commenced and the service found that of that number they were managing 38,000 community sentences and orders.

Dadelszen outlined the challenges facing her department. These challenges were similar to those being faced by many other jurisdictions, namely:

- Despite the fact that in New Zealand imprisonment is meant to be used as a means of last resort, they had a high rate of incarceration compared to similar sized countries;
- Similar to other countries, their prison population has been rising rapidly and continues to grow;
- They need to either increase their capacity or reduce the numbers going to prison; and
- There was, they believed, a small window of opportunity to avail themselves of other strategies before having to commit to a building program.

**“ Again it was clear to me that New Zealand probation was continuing to move along a trajectory that would enhance and improve the effectiveness of their service.”**



# international update

The Government response to these challenges was to adopt both a long term and a short term strategy. In the longer term the Government placed emphasis on developing crime reduction strategies, early intervention polices and rehabilitation/reintegration programs. For the shorter term, they concentrated on the introduction of electronic bail and an array of non-custodial sentences. The non-custodial sentences included community detention, intensive supervision schemes, and house arrest as a stand-alone sentence.

As a result of these measures, there was a dip in the prison population but the forecast was still for a rise above the current prison capacity in the next few years. However, Dadelszen noted the number of community sentences and orders did increase so that the number more than doubled in the ten year period from 1999/2000 to 2009/10 (20,000 to 50,000). As a result, she said, the workforce in probation went from 500 staff to 2,300 staff in the same period. During this period the community offender population rose faster than the prison population thus, she said, creating a challenge and a need to manage offenders differently in the community. The following bullet points summarize what is changing in New Zealand's community probation service:

- Focusing on managing the offender rather than the sentence or order;
- Recognizing all elements of probation's programs and not just compliance to the sentence or order;
- Delivering better outcomes for Maori offenders (who represent 44 percent of the probation population);

- Ensuring resources are used efficiently by targeting higher risk offenders; and
- Developing and implementing a new risk assessment instrument: The Dynamic Risk Assessment of Offender Re-Entry (DRAOR).

The DRAOR is according to Ralph Serin (2011) a preliminary dynamic risk and protective assessment instrument developed to assist parole and probation officers to systematically review changes in an offender's community situation. Serin notes that the three domains reflected in the scale are empirically related to the risk of re-offending (stable and acute) and desistance (protective). The current research on this instrument is primarily in a pilot stage but New Zealand has implemented it nationally and 1500 assessments are ready for analysis. Also the Community Probation Service in New Zealand has invested in an electronic data capture platform to integrate DRAOR data with their Offender Management System (Serin, 2011).

Another interesting piece of evidence was also used by the Expert Panel to inform training efforts geared to assist probation officers in reducing re-offending. The evidence is from James Bonta's work with the Province of Manitoba's, probation staff in using the RNR model more rigorously. In this research project he wanted to explore key issues related to whether probation officers were or were not applying the principles of RNR in their engagement with offenders. The early results indicated that generally probation officers were inconsistent in their application of the RNR principles. He

designed the Strategic Training in Community Supervision (STICS) program and then did a follow up study and found that when probation officers adhered to the principles of RNR they saw reductions in re-offending.

Both Ralph Serin and James Bonta are Canadian researchers and the reach of their work is another example of the global exchange of research and the efforts of receiving jurisdictions in customizing information and program models to meet local needs. Both these projects are in the early stages of analysis or replication and those of us looking for further evidence of what works are thankful for the investment of New Zealand in evidence-based practice and will continue to follow their transformation efforts.

Dadelszen concluded her presentation by noting that there had been a high staff compliance with the new standards, unprecedented levels of positive staff engagement in the change effort and the creation of an online practice center for staff development. It appears that the New Zealand Community Probation Service is on its way to, in Dadelszen's words "doing the right thing, with the right offender, at the right time."

This work in New Zealand underscores the value of probation services and of re-entry programming in providing not only relief to prison population pressures but to the provision of public safety measures. I liked the emphasis I am seeing in their efforts to move beyond mere compliance with sentences and orders and looking for ways to encourage change and improvement in the

offender's life chances. Watching the growth and development of evidence-based practices internationally is, for me a stimulating and exciting activity but more importantly is the opportunity to see how other jurisdictions are coping with similar problems and coming to solutions that work in their varied and sometimes complex environments. Thinking internationally can be a key to solving local issues. >>>

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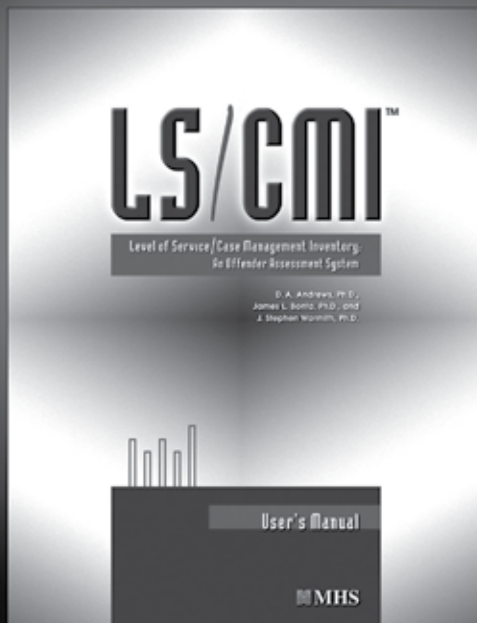
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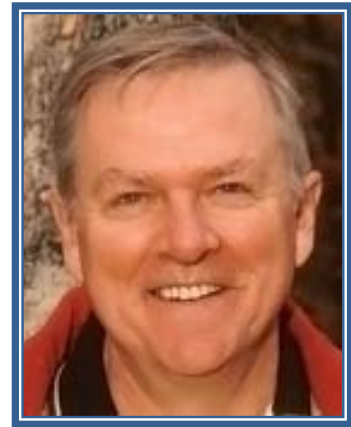


## In Memoriam

### HERBERT M. SIMPSON, Ph.D.

Dr. Herb Simpson, Senior Research and Policy Consultant with the Traffic Injury Research Foundation, died peacefully and surrounded by family on Monday, April 25<sup>th</sup>, following complications from multiple myeloma.

Herb was a deeply cherished friend, mentor and colleague to TIRF staff and to countless researchers, officials and professionals in the road safety field. A well known and highly regarded leader in traffic safety, Herb willingly shared his expertise, energy and enthusiasm to pursue innovative research, encourage collaborative partnerships, and to help develop the careers of many researchers and practitioners throughout his 36 years in the field. He was a role model and inspiration to the many individuals who had the pleasure of knowing him and working with him. His dedication to the field, intellectual curiosity, and positive character were demonstrated by his continuing service to TIRF over the past few years and months in the face of serious health challenges. Herb will be greatly missed by his friends and colleagues around the world.



Herb began his career in 1966 when he received his Ph.D. in Psychology from the University of Western Ontario after completing his undergraduate and Masters degrees at the University of British Columbia. After working as a psychologist in the B.C. Penitentiary Service, Herb became an associate professor at Carleton University from 1970-75.

Herb served as President and CEO of TIRF from 1975 to 2006. During his tenure at TIRF, he successfully transformed the organization from a small secretariat into an internationally recognized road safety research institute, best known for its objectivity and independence and whose expertise is sought after by governments and industries around the world.

Herb Simpson served as the principal investigator or co-principal investigator on over 250 projects and published several hundred reports and journal articles while at TIRF. He made outstanding contributions to the field of traffic safety in relation to hard core drunk drivers and young drivers, and his pioneering research contributed to the development of effective programs, such as graduated driver licensing. His research expertise spanned a broad range of issues including impairment, novice drivers, distracted driving, motorcycles, commercial vehicles, elderly drivers, high risk drivers, relative risk, lifestyle factors, driver licensing, improvement, and assessment, program and policy development, and evaluation. Herb was instrumental in the development of Canada's National Fatality and Serious Injury Databases, and hosted a number of innovative and influential international conferences and expert workshops on emerging traffic safety issues throughout his career.

Herb was the recipient of several awards, including the prestigious "Widmark Award" from the International Council on Alcohol, Drugs and Traffic Safety (1992) for distinguished long

term contributions to the field of alcohol, drugs and traffic safety. Under his leadership and landmark research on impaired driving, TIRF also received the "Widmark Institutional Award". For his contributions to the understanding of crashes involving young drivers, Herb received the "Award of Merit" from the Association for the Advancement of Automotive Medicine (1993). And in 2003, he was awarded the "Humanitarian Award" from the National Commission Against Drunk Driving for his contributions to reduce drunk driving.

Herb was the Past President and a long-standing member of the International Council on Alcohol, Drugs and Traffic Safety. He was also the Canadian delegate to the World Health Organization on Elderly Road Users, and a Scientific Advisor to the Canadian Society of Forensic Sciences Committee on Drugs and Driving. He also served as a Board member of the Alcohol Beverage Medical Research Foundation, and was a member of the National Safety Council, the Association for the Advancement of Automotive Medicine, and the Transportation Research Board. He served on the Editorial Board of several prominent journals as well as serving as a grant referee and journal reviewer.

In lieu of flowers, the family has requested a contribution be made to the Traffic Injury Research Foundation (TIRF) or to the Ottawa Hospital Foundation in support of Dr. Harry Atkins research. Condolences may be forwarded to his wife, Ann, and family at 11 Bellwood Avenue, Ottawa, ON K1S 1S6.

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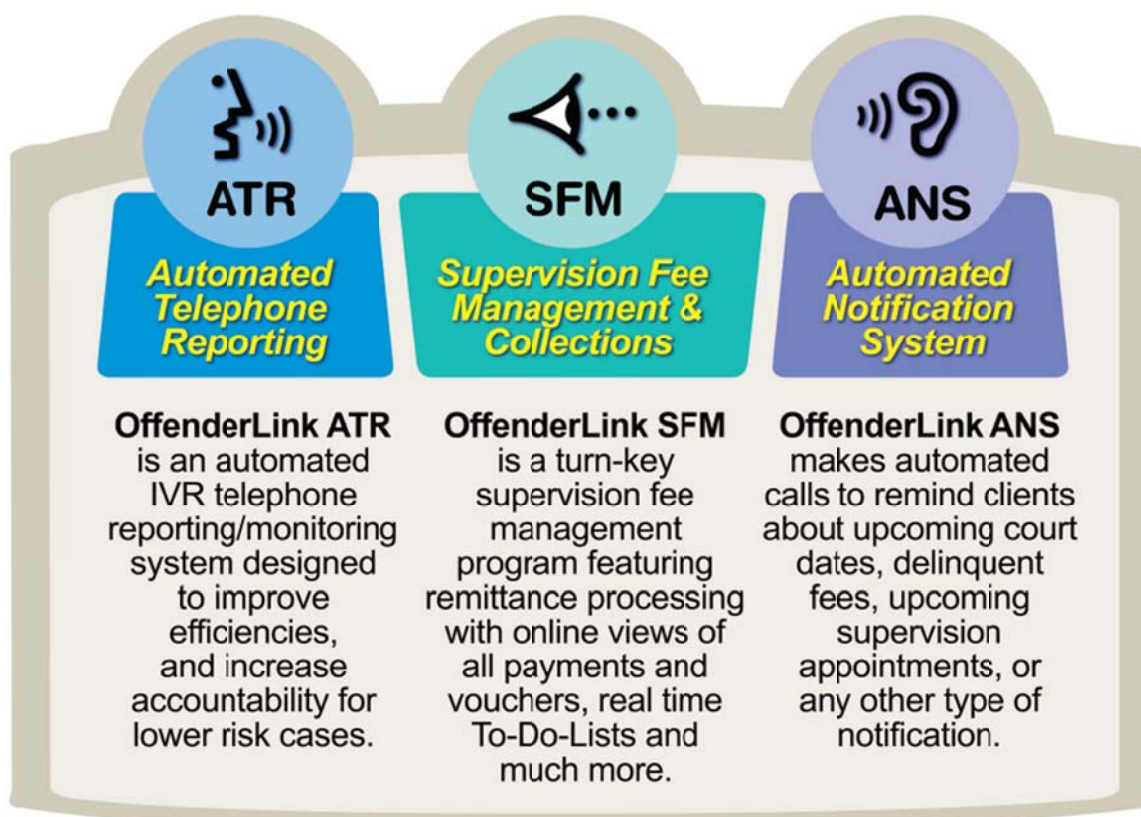
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# REDUCED

## Caseloads in Evidence-Based Practice Settings

Sarah Kuck Jalbert, Leah Staub-DeLong, Michael Kane and William Rhodes

### **INTRODUCTION: OVERVIEW OF STUDIES & RESULTS**

The number of probationers in America has nearly quadrupled in the past 36 years, rising from 1.1 million in 1980 to over 4 million in 2008 (Bonczar and Glaze, 2010). In the face of such growth, probation spending in most jurisdictions has been relatively slow to increase, and probation officer caseloads have grown dramatically (DeMichele and Paparozzi, 2008; Scott-Hayward, 2009; Bonczar and Glaze, 2010). Although the number of probationers and the size of PO caseloads declined somewhat in 2009, larger caseloads are of concern among practitioners and policymakers alike.





Experts are concerned that officers with large caseloads may be less able to detect probation violations and to appropriately support offenders. However, previous studies on the impact of reduced caseloads found that they did not reduce recidivism, and that they resulted in increased revocation rates. One explanation for the failure of reduced caseloads to decrease rearrests is that reduced caseload officers may not have materially changed their supervision practices, meaning their intensity of supervision and/or the quality of their treatment intervention may not have increased due to their reduced caseload. In more recent years, probation agencies have begun developing strategies to improve supervision practices. Our study evaluated the effects of reduced caseloads among officers trained to use these improved supervision strategies—targeted control



## COVER STORY

and correctional/rehabilitative measures (also called “evidence-based practice” or EBP) for medium to high risk offenders.

Our study found that in two probation agencies using EBP in Oklahoma City and Polk County, Iowa, reduced caseloads decreased recidivism. In four districts in Colorado, however, where EBP was not fully implemented at the time of the study<sup>1</sup>, offenders on more intensively supervised caseloads had similar rates of recidivism than their counterparts assigned to less intensive supervision. The findings point to potentially valuable implications for probation policy and practice. As this

article will discuss, results suggest that, in combination with EBP, reduced caseloads can lead to reduced recidivism among high-risk offenders.

### **This study examined probation outcomes during different time periods:**

- **Oklahoma—2007-2010**
- **Polk County (5<sup>th</sup> Judicial District)—2000-2007**
- **Colorado—1997-2007**

Before describing the study and their results in detail, we first review the role of evidence based practices in probation and the evidence to date on the effects of reduced caseloads.

### **BACKGROUND**

Since its early origins in America, probation has aimed to accomplish both control and correctional objectives.

Probation officers control supervised offenders by monitoring to detect restricted behavior and sanctioning violations of release conditions; they offer correctional support by connecting offenders to necessary rehabilitative services to ultimately reduce the likelihood of reoffending. In this way, they are asked to wear two hats—that of the law enforcement officer and that of the social worker. In fact, in its early years probation was seen as the social work arm of local courts. In practice, however, there is a tension between the two primary objectives of control and corrections. This tension has become more pronounced as courts’ demands for probation resources have increased without proportionate increases in probation spending (DeMichele and Paparozzi, 2008; Scott-Hayward, 2009).

### **EVIDENCE BASED PRACTICE AND REDUCED CASELOADS: EVIDENCE AND EVOLUTION**

Placing high-risk offenders on reduced caseloads is a longstanding strategy that was shown to be ineffective when intensive supervision probation (ISP)

supervision followed a surveillance model (Petersilia and Turner, 1993).

Controlling strategies in the surveillance model include drug testing, the threat of reincarceration for rule violations, increased contact frequency, and, more recently, monitoring via electronic devices like Global Positioning Systems.

Officers are intentionally given smaller caseloads to increase their ability to intensively supervise

their charges. Without

abandoning these

strategies, EBP aims to

incorporate rehabilitative/

correctional strategies

into routine supervision of

high-need probationers. In

practice, many agencies are

in the process of adopting

elements of the therapeutic

model while maintaining

the surveillance model

that has been in place

for decades (Skeem and

Manchak, 2008; Burrell,

2005; Taxman, 2008), a

hybrid that is palatable

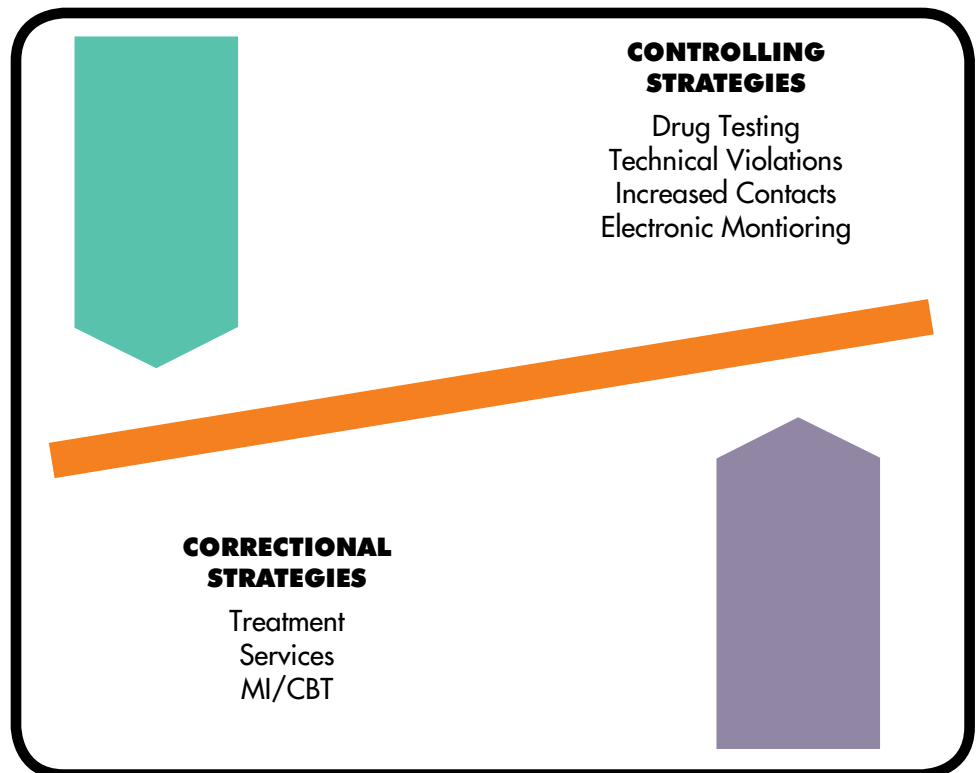
to adherents of both

perspectives. Without a

reduction in the numbers

of probationers they supervise, however, POs often lack the time or discretion to

fully implement EBP into their daily practice.



In theory, reduced caseloads allow probation officers to provide appropriate control and correctional interventions to high-risk offenders who otherwise would not receive adequate supervision and support. Early research in this area was designed to determine ideal caseload sizes for officers supervising higher-level offenders who otherwise would be incarcerated (Clear and Hardyman, 1990). In these studies, less risky offenders (or those less likely to recidivate based on their risk profile) were assigned to POs with regular caseloads.

Expectations were that spending comparatively more resources on those with the highest likelihood of reoffending and fewer resources on those less likely to reoffend would reduce criminal recidivism.





## COVER STORY

**In fact, a review of 47 studies on ISP found that on average, offenders in ISP programs had higher recidivism rates than those under regular supervision.**

For the most part, however, experiments with ISP have been unsuccessful for two primary reasons: some programs were not in fact delivering increased rehabilitative/correctional services despite smaller caseloads (Petersilia, 1999), and in some programs increased supervision intensity led to a jump in technical violations for behaviors that were only considered criminal due to offenders' supervision status (Petersilia, 1999; Paparozzi and Gendreau, 2005; Skeem and Manchak, 2008). Much of the research

has found no relationship between increased supervision and reduced recidivism (Byrne & Kelly, 1989; Noonan, & Latessa, 1987; Taxman, 2002). In fact, a review of 47 studies on ISP found that on average, offenders in ISP programs had higher recidivism rates than those under regular supervision (Gendreau, Goggin and Smith, 2000). A more recent review of studies found that ISP did not increase recidivism, but that it also did not decrease it (Farrington and Welsh, 2005). Furthermore, in some agencies offenders with low and moderate risk of re-offending were placed on ISP caseloads, and the intensive surveillance and control involved in ISP had negative effects on these offenders (Clear and Hardyman, 1990; Lowenkamp and Latessa, 2005).

Amidst the unsuccessful studies, two studies did find positive effects due to ISP. Agencies in New Jersey and Massachusetts were able to significantly reduce recidivism rates through Intensive Supervision Probation programs (Pearson, 1987; Byrne, 1990; Byrne and Kelly, 1989). In New Jersey, the agency integrated a rehabilitative model into its broader law enforcement purpose and achieved a significant reduction in recidivism among high-risk probationers (Pearson, 1987; Pearson and Harper, 1990).

The Massachusetts program showed that, as supervising officers' rating on a "supervision index" (which measured EBP practices and control practices) increased, recidivism decreased (Byrne, 1990). This evidence suggests that intensive control strategies can be effective if they are focused on the correct offenders and if they are balanced with correctional strategies. Indeed, the balance of correctional and control interventions delivered to offenders on such caseloads has evolved to include more balanced use of control and correctional measures (Skeem and Manchak, 2008; Paparozzi and

Geandreau, 2005). Although the older, control-oriented ISP programs did not appear to be effective, newer iterations of small caseload supervision incorporating the therapeutic components of EBP had not been evaluated prior to our study.

The ideal balance of surveillance and rehabilitation measures varies; probationers are diverse in their criminal involvement, vary considerably in their needs for services and other resources, and respond differently to correctional programming. To make the most effective use of increasingly limited supervision resources, many agencies have adopted Evidence Based Practices, or EBP, to target their resources on high-risk probationers who are thought to be most responsive to correctional programming. The core elements of EBP include assessment of each offender's static and dynamic risk factors, use of this assessment to predict who is likely to reoffend, and provision of different levels of supervision and treatments (such as drug treatment or anger management training) according to offenders' risk. Control and correctional resources are concentrated on high-risk offenders. In many jurisdictions, a case plan is designed to directly address factors, such as anti-social thoughts and drug use, that are assumed to contribute to the risk of reoffending.

# EBP

## EVIDENCE BASED PRACTICES

We defined evidence based practices as using:

- Risk/need assessment
- Allocation of resources to the riskiest offenders
- Responsive case planning
- Strategic supervision using social learning therapeutic techniques like motivational interviewing



## COVER STORY

Research has shown that strategies included in the therapeutic model of EBP can reduce recidivism, particularly when targeted to high-risk offenders (Paparozzi and Gendreau, 2005; Lowenkamp and Latessa, 2005). Strategies tested in the literature include skills training, provision of ancillary social services, drug and alcohol treatment and behavior modification.

### TREATMENT MODEL OF EBP

**Risk Principle:** *target the offenders at highest risk of recidivating; offenders most in need of treatment.*

**Need Principle:** *address the specific needs of offenders to identify how to intervene in their lives.*

**Responsivity Principle:** *determine the best method of delivering treatment, generally thought to be through a cognitive behavioral treatment (CBT) orientation (Lipsey and Cullen, 2007).*

Our study showed that probation agencies that both practiced EBP and put high risk offenders on reduced caseloads were able to concentrate correctional programming on those with the most need and reduce recidivism. Given that reduced caseloads were effective in combination with EBP, a further discussion of its application and recent developments is warranted.

EBP develops control and correctional interventions tailored to meet the individual needs of probationers at various levels of supervision (Joplin, Bogue, et al, 2004). The shift to EBP-based therapeutic models has resulted in significant changes to how offenders are assigned to ISPs, and the treatment they receive in such programs. Today many agencies assign levels of supervision based on a variety of factors, with a risk/needs assessment playing a major role. Three principles associated with the treatment model described above have been widely applied to programming in probation.

The broad introduction of these principles in probation departments across the country has influenced day-to-day case management, supervision monitoring, and officer/offender interaction and engagement during supervision contacts. To address the risk principle, many departments have introduced case assessment and triaging (assignment of resources to offenders at higher risk for recidivism). Departments have used third-generation<sup>2</sup>



assessment tools to identify variable or dynamic needs that can be matched with treatment resources. Several studies have demonstrated that programs utilizing the risk principle to assign offenders to correctional programming have lower rates of recidivism (Lowenkamp, Latessa, and Holsinger, 2005; Lowenkamp, Latessa, and Holsinger, 2006).

To achieve responsivity, departments must deliver treatment that can be flexible depending on the offender's needs, abilities and communication preferences. Motivational Interviewing (MI) and cognitive behavioral therapeutic interventions (Bourgon & Armstrong, 2005; Dowden & Andrews, 2004) have been shown to be effective with offenders in general (Lipsey, 1995). However, these interventions have not been rigorously tested in a probation supervision environment and some question whether probation officers and their supervisors have sufficient training and opportunity to effectively use MI and CBT techniques with offenders (Burke, Dunn, Atkins and Phelps, 2004). Further, the fidelity of day-to-day supervision practices with the EBP model is believed to be inconsistent in many probation departments.

In summary, probation supervision models have changed substantially since the implementation of control-focused ISP programs, and these changes may result in different outcomes for probationers supervised on small, intensive caseloads. The question remains, however: what difference does a smaller caseload make in the effectiveness of supervision? Do targeted, responsive, and therapeutic interventions combined with monitoring and sanctioning lead to better outcomes when officers have

fewer offenders to supervise? Does a smaller caseload in fact lead to increased contact frequency, and does that frequency result in better provision of services or better outcomes? Results from studies in Oklahoma City, Polk County, and Colorado point to answers to these questions.

## THE STUDY

Given changes in probation models over the last several years, this study sought to reevaluate the effects of reduced caseloads on probationer outcomes in three separate agencies. More specifically, the study looked at whether reduced caseloads improved probation outcomes in agencies using EBP. In order to answer these questions, the study first established whether or not officers with reduced caseload had increased contact with their charges, and to understand the extent to which agencies had implemented EBP. Once this was established, we sought to answer two primary questions for each agency:

- Was criminal recidivism lower for offenders supervised by officers with lower caseloads?
- Were revocations for technical violations higher for offenders under intensive supervision or under supervision by officers with lower caseloads?

The challenges we encountered during recruitment of agencies highlight general lessons about current use of evidence based practices. Although the popularity and prominence of EBP has increased over the past several years, it was difficult to find agencies for this study that had fully implemented EBP and were willing to



**TABLE 1: PARTICIPATING AGENCIES**

Agencies Selected	Overall Sample Size	Approximate Reduced Caseload Size	EBP Implementation Timeline
Oklahoma City, OK	4931	30	Recent; 1 year prior to study
Polk County, Iowa	3254	30*	Advanced; 5-7 years prior to study
Colorado			
District A	7,276	Undetermined; officers provided more intensive supervision to high-risk probationers	10-12 years prior to study**
District B	8,383		
District C	7,102		
District D	8,349		

\*This is an estimated caseload size if officers supervised only ISP cases. In practice officers supervise a mix of probationers at different supervision intensities.

\*\*The study determined Colorado had not fully implemented some EBP components as of 2007.

participate. Many selectively used EBP, but had not sufficiently implemented it to justify participation in the study. Even among those that reported fully implemented EBP, therapeutic practices varied considerably and in some cases would not have been classified as EBP by study researchers. Of two dozen sites screened, agencies were selected in Polk County, Iowa, Oklahoma City, Oklahoma, and Colorado. Although all agencies were believed to practice EBP, each had been using it for a different amount of time. Table 1 describes the agencies selected to participate.

As noted above, reduced caseloads were successful at reducing recidivism without substantially increasing technical revocations in two locations – Polk County and Oklahoma City – and were not successful in Colorado.

An explanation of the study in each research site follows.

## OKLAHOMA CITY

Results in Oklahoma were generally positive. Of 4,931 offenders included in the study, those supervised under reduced caseloads were less likely to recidivate. Moreover, officers with reduced caseloads were better able to learn and practice supervision techniques that are thought to address offender needs and motivate offenders to change behavior. Offenders supervised under reduced caseloads were also more likely to have a technical revocation compared to those supervised under normal caseloads, although the rate of technical revocation for both groups was low. The probation agency in Oklahoma had

implemented EBP one year prior to the study, so the approach was relatively new for all officers.

## **STUDY DESIGN**

In order to ensure that any effects on recidivism or revocations were due to reduced caseloads and not outside factors, the study was originally designed as a randomized controlled trial. In this design, 27 officers who volunteered for the study were randomly assigned to a reduced caseload or a regular caseload, with the intent of comparing outcomes between the two groups. However, a large proportion of officers assigned to the regular caseload group changed positions within the agency during the study, making it difficult to ensure the final groups were truly random and to ultimately compare outcomes. In response to this change, we retained the randomly assigned groups of probationers but used an alternative analysis strategy to interpret the results. This strategy allowed for comparison of outcomes between probationers under reduced caseloads and those under regular caseloads. Officers with reduced caseloads were responsible for about 50 probationers at a time, while those with regular caseloads were responsible for about 100 offenders. Offenders' outcomes were tracked for a maximum of two years.

## **SAMPLE**

This study applied to medium to high risk probationers who were at higher risk of recidivating than the average probationer in Oklahoma City. Although each group of offenders (those under reduced caseloads and those under normal caseloads) were similar, we controlled for some characteristics (for example, age) to ensure that differences between the two groups were in fact due to reduced caseloads (and not to previously established risk factors for recidivism). The most important control variable was the Level of Service Inventory (LSI-R) risk & need assessment, which is intended to be a direct indicator of offenders' risk of recidivating. Other factors included offenders' gender, level of education, history of alcohol or drug abuse, and prior conviction, incarceration or probation. By including these factors in the analysis, the study ensured that any differences found between the two groups would be due caseload size, not other risk factors.

**Officers with reduced caseloads were responsible for about 50 probationers at a time, while those with regular caseloads were responsible for about 100 offenders.**





## SUPERVISION PRACTICES

As expected, offenders supervised on reduced caseloads received more intensive supervision and more treatment (specifically mental health and substance abuse treatment) than those on regular caseloads. Although an analysis of both groups showed that the reduced caseload group had a higher need for substance abuse treatment in the first place, the rate of receiving treatment was much higher than the rate of needing treatment, suggesting that reduced caseload officers were more likely to refer their charges to substance abuse treatment. 44 percent of offenders on reduced caseloads had received substance abuse and/or mental health treatment, compared to only seventeen percent of offenders on regular caseloads. Table 2 shows the differences between treatments received by offenders on reduced caseloads and those on regular caseloads by type of treatment.

**TABLE 2: OKLAHOMA TREATMENT RECEIPT**

	Regular Caseload	Reduced Caseload
Has any treatment record	17%	44%***
Alcohol treatment- any type	2%	8%***
Drug treatment- any type	11%	27%***
Mental health treatment- any type	4%	10%***
Has treatment need and treatment record	6%	22%***

\*\*\*Denotes a p-value of .00001 or less; \*\*denotes a p-value of <.01; \*denotes a p-value of <.05

Reduced caseload POs also had more supervision contacts with their charges. As Table 3 demonstrates, offenders on reduced caseloads averaged 1.8 more office visits per year than those on regular caseloads. The number of telephone, home, and drug test (UA) contacts per year was also higher for offenders on reduced caseloads.

**TABLE 3: OKLAHOMA PROBATION CONTRACTS PER YEAR**

	Regular Caseload	Reduced Caseload
Office	4.7	6.50***
Telephone	0.79	1.50***
Home	0.55	0.83***
UA	0.007	0.02***

\*\*\*Denotes a p-value of .00001 or less; \*\*denotes a p-value of <.01; \*denotes a p-value of <.05

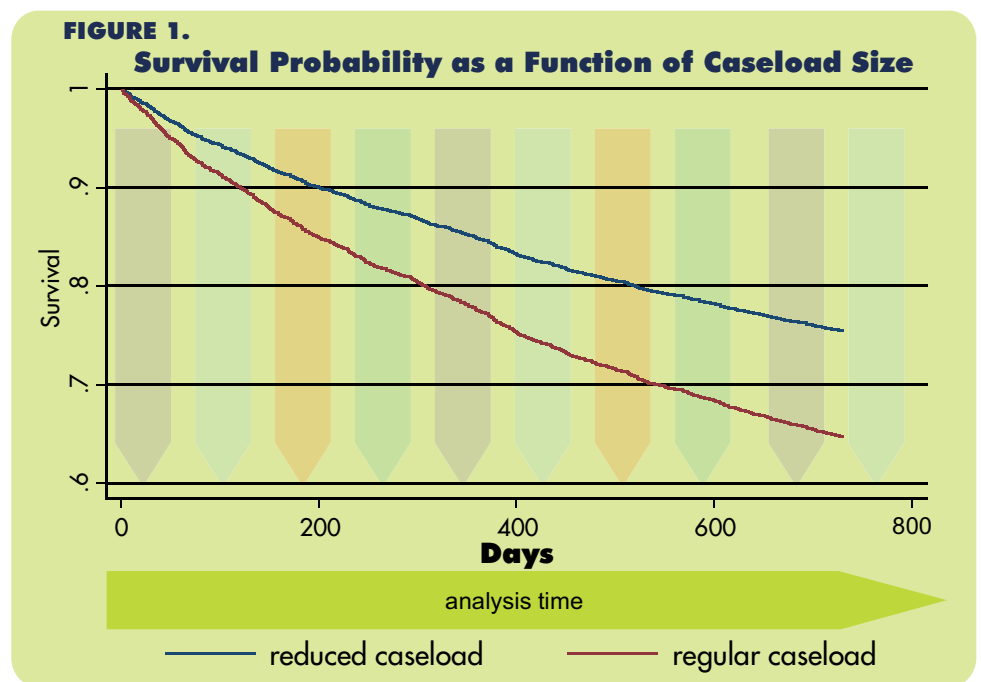
Officers were also evaluated on ten measures to assess their adherence to EBP and their overall supervision quality such as use of motivational interviewing, interactive skills and global skill level. At the start of the study, officers in both groups demonstrated similar skill levels across the ten measures. Officers with reduced caseloads demonstrated only slightly improved skills at a second assessment one year into the study. Officers' baseline skills on several key measures had no effect on offender outcomes, regardless of caseload size.

For more information about officer skill ratings, read the full report at [ncjrs.gov](http://ncjrs.gov).

## RESULTS & DISCUSSION

Over the course of the study, offenders on reduced caseloads had a lower probability of recidivating than those on regular caseloads; however those same offenders were also more likely to have their probation revoked. In spite of mixed outcomes, the findings indicate that reduced caseloads had an overall positive effect on probationer outcomes, suggesting that reduced caseloads combined with EBP is a worthy investment for probation agencies.

The overall drop in recidivism rates for offenders on reduced caseloads compared to those on regular caseloads was about 30 percent; reduced caseload offenders had a probability of less than .25 of recidivating, while regular caseload officers had a probability of roughly .35. Moreover, results were consistent regardless of the type of offense – changes in probability were similar for probationers who had committed minor offenses and those who had committed more serious offenses. Figure 1 shows the survival probability – or probability that offenders will not recidivate – for offenders on reduced caseloads compared to those on regular caseloads over two years. The results are clear; those on reduced caseloads were significantly more likely to avoid arrests for new offenses.



Note: Survival in this context refers to time until recidivism.



## COVER STORY

Although smaller caseloads reduced offenders' likelihood of recidivating, the increased supervision and scrutiny by reduced caseload officers may have increased technical revocation rates. Over two years, officers with reduced caseloads revoked 5.2 percent of probationers, while other officers revoked just 1.3 percent. It is notable, however, that technical revocation rates in Oklahoma City are low compared to national rates, perhaps because Oklahoma City utilizes EBP.

Reduced caseloads had a positive effect on recidivism rates and a negative effect on technical revocation rates. But what accounts for these effects? Why were reduced caseloads beneficial?

"Clients feel that you're taking more time to get to know them, and it builds trust. Offenders...feel that this is the first time someone has listened to them."  
—Regular caseload officer

One explanation is that officers with reduced caseloads were better able to learn and practice supervision techniques thought to address offender needs and to motivate offenders to change their behavior. In spite of formal assessments that indicated minimal improvement in officers' skills, officers reported being able to dedicate additional time for interactions with offenders.

Officers also found it easier to make time for visits and increased supervision contact. As one officer explained, "Clients feel that you're taking more time to get to know them and it builds trust. Offenders...feel that this is the first time someone has listened to them." This stands in contrast with officers managing regular caseloads, who reported feeling overwhelmed with their workloads; one officer compared managing his caseload to treading water, indicating that his workload left him little time for follow-up.

"[Regular] caseloads are crisis management, so you take care of who is in front of you. Follow up on missed contacts takes longer."  
—Regular caseload officer

Considering their higher technical revocation rates, officers with reduced caseloads also may have been able to better utilize revocations to manage high-risk offenders. By investing the time to identify offenders in need of revocation and to execute such revocations, reduced caseload officers may



have prevented increased recidivism in this group. Supervisors observed that officers with reduced caseloads were able to more swiftly impose sanctions on their charges, and that such sanctions were better documented in case notes.

We theorize – and results support – that the outcomes in Oklahoma City were likely a combination of both factors: reduced caseload officers were better able to identify offenders with a need for treatment or sanctions, and were also able to better follow through with appropriate steps to deliver treatment (including revocations).

## **POLK COUNTY, IOWA (5TH JUDICIAL DISTRICT)**

Polk County also saw positive results from reduced caseloads. Among the 3,254 offenders included in the study (all in Des Moines), reduced caseloads tended to reduce both recidivism and revocation. The agency was an early adopter of EBP, implementing components of this approach since 1997, though it did not begin standardized case planning until 2000. In 2002, Polk County began implementing motivational interviewing, responsivity, and general EBP training for management (completed in 2004). The study period began in 2001 (before EBP was fully implemented), so the outcomes of this study may in fact underestimate the full effect of reduced caseloads in an EBP environment.

## **STUDY DESIGN**

The study conducted in Polk County was a regression discontinuity design, which is used to measure the effects of a given treatment in this case, reduced caseloads, on similar groups of probationers. This type of study compares the outcomes of the group that received the treatment to the outcomes of the group that fell just below the requirements for treatment—in other words, those who just missed being categorized as high risk via their Iowa Risk Assessment score. By comparing outcomes for those who qualified for treatment and those who just missed qualifying, we can understand the potential benefit of reducing the threshold for treatment.

Polk County uses the Iowa Risk Assessment tool to assess probationers, assigning offenders to one of four levels of supervision intensity based on their scores (low-normal, high-normal, and intensive supervision or ISP). This study compared outcomes of offenders receiving intensive supervision on reduced caseloads of about 30 offenders with outcomes of offenders under high-normal supervision on regular caseloads of about 50 offenders. We examined recidivism at six months, eighteen months and thirty months following the start of supervision.

## **SAMPLE**

The study sample in Polk County was limited to males because women were ineligible for certain components offered to all males under intensive supervision. Offenders assigned to special caseloads,



## COVER STORY

such as sex offenders and offenders with serious mental illness, were also excluded from the study, as were offenders assigned to jail diversion programs or other similar programs. As noted above, all offenders included in the analysis were under either intensive or high-normal supervision. Offenders with risk scores of 183 and higher were included in the analysis, as these scores encompass almost all offenders assigned to high-normal and intensive supervision. Offenders with risk scores below 18 are often assigned to the low-normal risk category and thus would have weakened the strength of the results.

### **SUPERVISION PRACTICES**

Officers in Polk County often supervise a mix of high risk and lower risk probationers, and their supervision assignments changed over the length of the study period. Computing an average caseload for these officers would be misleading. However, our analysis did determine that officers who supervise the highest risk offenders have more workload time available to them per case than those who supervise lower risk offenders. The reduced caseloads of ISP officers allow them to spend 1.7 hours with their charges for every hour an officer with a high-normal caseload spends. These figures suggest that if officers supervised only ISP probationers, they would supervise about 30 offenders for every 50 offenders supervised by an officer with an exclusively high-normal supervision caseload—a 40 percent reduction in caseload. It is important to note that the officers' caseloads may not in fact be 30 or 50 due to fluctuations in numbers of probationers at any given time and the mix of offenders the officer supervises (as it relates to risk level). In addition to extra time, ISP officers are also provided supplemental support through a special unit (the SMART program) to establish and maintain behavioral management programs for their caseloads.

ISP in Polk County is administered through the SMART program, and includes formalized treatment completion requirements for all offenders. In addition to completing set treatment requirements, offenders on ISP caseloads have 2.92 more contacts per year with their probation office, increased phone contact, increased field contacts, and increased home contacts compared to high-normal offenders.

The type of treatment provided to offenders varies from substance abuse treatment to basic skills training — the two most common forms of treatment. Although offenders assigned to ISP are somewhat more likely to be assigned to treatment (85 percent vs. 80 percent, they are ten percent less likely to complete treatments that have been initiated (63 percent vs. 73 percent). Beyond this general observation, the differences between treatments assigned to ISP and high-normal offenders are complex; for example, ISP offenders are more likely to receive group treatment than individual treatment and have shorter treatment duration than high-normal offenders. The complexity is not surprising given the similarity of treatment needs between ISP offenders and high-normal offenders with higher risk scores; ISP offenders do not have higher needs on average than their high-normal counterparts.

**TABLE 4: POLK COUNTY TREATMENT TYPE**

For probationers with Iowa Risk Scores of 18-23	High- Normal	ISP
Any Substance Treatment	64.0%	45.9%***
Any Mental Health Treatment	5.5%	7.3%
Any Basic Skills Treatment	42.6%	35.3%***
Any Batterer's Treatment	7.7%	25.1%***
Any Behavioral Treatment	18.8%	24.5%**
Any Sex Offender Treatment	1.7%	4.5%***

\*\*\*Denotes a p-value of .00001 or less; \*\*denotes a p-value of <.01; \*denotes a p-value of <.05

## RESULTS & DISCUSSION

At six months following the start of supervision, offenders on reduced caseloads were 25.5 percent less likely to have been arrested for all offenses (public order, drug-law, property or violent crime), 39.4 percent less likely to be arrested for drugs, property and violent offenses and 45 percent less likely to be arrested for property and violent offenses. After 30 months, offenders on reduced caseloads were 37 percent less likely to have been arrested for property and violent crimes. Encouragingly, there was also no strong evidence that ISP increased the probability of revocation.

The study also found that high-normal offenders had lower recidivism rates than moderate-normal offenders; high-normal supervision reduced recidivism by 50 percent compared to moderate normal offenders. Given that officers delivering moderate-normal supervision generally have caseloads that are twice as large as those delivering high-normal supervision, this finding further supports the theory that reduced caseloads, in combination with EBP, can reduce offenders' risk of recidivism for moderate and high-risk offenders.

For more information about the statistical methods we used, read the full report at [ncjrs.gov](http://ncjrs.gov).

## COLORADO

In contrast to Oklahoma City and Polk County, reduced caseloads in Colorado did not positively impact recidivism rates. Of 31,110 offenders over ten years (1997-2007) across four districts, those supervised under reduced caseloads were more likely to be rearrested and to have their probation revoked than their counterparts on larger





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caseloads. Although the Colorado Department of Probation was an early adopter of EBP, some elements had been formally discontinued to lack of resources and a field assessment of agency practices found that other key elements of EBP had not been fully implemented at the time of the study.<sup>4</sup> Combined with findings from Oklahoma City and Polk County, the results from Colorado are suggestive: reduced caseloads decreased recidivism in the agencies using EBP, but did not when EBP was not fully in practice.

### STUDY DESIGN

Colorado underwent the same type of study as Polk County, a regression discontinuity design. As described above, this type of study compared outcomes for offenders under maximum supervision with those under medium level supervision. Analyses were conducted at six months, eighteen months and thirty months following the start of supervision.

### SAMPLE

Colorado classifies its probationers using the Level of Service Inventory (LSI), which is intended to be a direct indicator of offenders' risk of recidivating. Most offenders with LSI scores between 18 and 29 are assigned to medium level supervision, while those with a score of 29 and higher are assigned to high intensity supervision. The study sample included all offenders in the four largest districts in Colorado (besides Denver) with scores of 19 and higher to capture most offenders at medium and high supervision levels.

### SUPERVISION PRACTICES

Our study assessed probation outcomes as of 2007. Given the increased investment in EBP that Colorado has made since that time, it is possible that an analysis done today would yield different results.

Although the State of Colorado implemented many elements of EBP in the mid-1990s, information from interviews with key district-level staff and scoring of POs' interactions with probationers indicate that Colorado was not using some key elements of EBP at the time of the study. Certain elements (for example, motivational interviewing with quality assurance) had been discontinued in the districts due to the resources they required. Other practices, although not officially discontinued, were inconsistently implemented

across the state. For example, according to state level administrators, integration of responsivity into treatment referrals and caseplans is not performed in every district.

**TABLE 5: COLORADO EBP IMPLEMENTATION, 1997-2007**

During the study period, did the district...	Dist A	Dist B	Dist C	Dist D
Do assessment & triage?	Yes (with exceptions)	Yes	Yes	Yes
Perform case planning/treatment with officer training?	No	Only in final year	Yes	Only in final 3-4 years
Train officers in and practice Motivational Interviewing?	No	Only in final year	Only in final year	Only in final year

Moreover, assessments of skills associated with EBP showed that, in general, officers' supervision skills were not fully developed and that officers were not always comfortable applying supervision techniques associated with EBP.

Treatment and rehabilitative services aside, offenders under maximum intensity supervision did receive more attention and increased contacts from their supervising officers than those under medium level supervision. However, no agency fully met supervision standards and the annual rate of face-to-face supervision contacts for maximum intensity supervision cases fell across all four districts between 1997 and 2007. Since 2007, when the study period ended, Colorado has made additional efforts to train officers and add elements of responsivity to their District's operations. It is possible that performing the same analysis in two years would result in improved outcomes.

## RESULTS & DISCUSSION

Overall, sixty percent or more of all offenders in the study cohort had new criminal charges over a three year period. Offenders on maximum intensity supervision were more likely to have new charges than medium level offenders, and maximum intensity offenders who had new charges or technical violations spent less time on probation before their new charges or revocation.

Across the four districts, five to 11 percent more high-intensity offenders were rearrested compared to medium-intensity offenders. Maximum intensity offenders in all four districts were significantly more likely to be rearrested for drug and property offenses than medium intensity offenders. In three of the four districts, maximum level probationers were also more likely to be arrested for violent or sex offenses. Offenders at medium



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level supervision were more likely to be rearrested for less serious offenses, including public order and traffic offenses. Table 6 shows rates of new charges in each district for offenders under medium and maximum levels of supervision by charge type.

**TABLE 6: NEW COURT FILINGS BY CHARGE TYPE<sup>a</sup>**

	Dist A		Dist B		Dist C		Dist D	
	Med	Max	Med	Max	Med	Max	Med	Max
New filing for any offense	69%	76%***	77%	83%***	69%	74%***	63%	74%***
Drug	8%	10%**	10%	13%***	8%	10%**	8%	11%***
Sex/Violent Offenses	9%	12%**	11%	13%**	12%	13%	8%	12%***
Property	13%	17%**	18%	22%***	11%	13%**	12%	16%***
Other	32%	28%**	33%	27%***	32%	27%**	31%	26%**

<sup>a</sup> Multiple charges may appear for each probationer

\*\*\*Denotes a p-value of .00001 or less; \*\*denotes a p-value of <.01; \*denotes a p-value of <.05

Taken at face value, study outcomes in Colorado would suggest that reduced caseloads negatively affect recidivism and revocation rates. However, in light of findings from Oklahoma City and Polk County, where EBP was more fully implemented, it may be that increased recidivism and revocation rates are attributable to other factors such as failure to consistently implement EBP, not to reduced caseload size. Advocates of EBP should take note of the importance of sustained investment in such practices; without continued support agencies may not be able to support EBP over longer periods of time. The state probation agency has recently invested resources in training or retraining officers and adding elements of responsivity to districts' operations, so a similar study conducted in as little as two years from now could produce vastly different findings.

## DISCUSSION AND IMPLICATIONS

Although this study was conducted in just three agencies, the findings point to relevant implications for practitioners and policymakers.



**TABLE 7: OUTCOMES**

Agencies selected	Study methodology	Supervision contact intensity	Treatment Provision	Change in recidivism
Polk County, Iowa	Regression discontinuity design	Increased with smaller caseload	Similar for high intensity supervision and regular caseload probationers*	Likelihood of recidivism significantly reduced for higher intensity supervision probationers
Oklahoma City, OK	Random assignment with difference in difference estimator	Increased with smaller caseload	Increased treatment needs identified and treatment provision with smaller caseload	Likelihood of recidivism significantly reduced for low caseload (56 cases per officer) group
Colorado	Regression discontinuity design	Increased in most districts with smaller caseload	Increased treatment episodes in two districts; two districts similar	No reduction in recidivism for higher intensity supervision probationers

Most meaningful is the potential impact of reduced caseloads on medium and high risk probationers' risk of recidivism. Combined with Evidence Based Practices, reduced caseloads and increased supervision intensity resulted in decreased recidivism for these groups. The lack of positive results in Colorado suggests that EBP was key to the success of reduced caseloads in Oklahoma City and Polk County. Although reducing officer caseloads and implementation of EBP is resource-intensive, this study provides evidence that investment of necessary resources may ultimately be the best choice, both fiscally and in regards to public safety.

The deterioration of the higher caseload control group in Oklahoma City (due mostly to officers leaving for other positions within the agency) suggests that smaller caseloads may also contribute to retention of probation officers. In this way, an additional efficiency may be achieved through reduced caseloads, as resources required to hire and train new probation officers to replace those who have moved on may be diverted elsewhere.



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Another potential benefit of reduced caseloads is that officers responsible for fewer probationers may be better able to identify and treat probationers in need of supplemental services, such as mental health or substance abuse services. In Oklahoma City, treatment needs and treatment provision were higher for probationers on reduced caseloads, suggesting that reduced caseload officers were better able to identify treatment needs among their clientele and thus better able to direct appropriate supports to those who needed them. This is another way in which reduced caseloads may contribute to efficient distribution of resources to probationers.

Finally, the recruitment phase of the study highlights a need for continued research and communication around this type of programming. The difficulty of identifying sites with fully implemented EBP suggests a need for additional research on EBP implementation. In particular, researchers should work to understand the gaps between practitioner understanding of implementation and program planners' intent for EBP programming to ensure that EBP is reaching its maximum potential in the field. ▶▶

### NOTE

The Colorado Division of Probation Services disagrees with our assessment of EBP practices in place at the time of the study. For full information on the nature of their objections and our response to them, please read the full report at [www.ncjrs.gov](http://www.ncjrs.gov).

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## ENDNOTES

<sup>1</sup> Our study examined supervision practices in Colorado using retrospective data from 1997-2007. We used qualitative data collected in 2008 to determine the level of implementation of some components of EBP at that time. Our study was not a formal audit of supervision standards and practices, but an effort to understand how supervision strategies combined with increased supervision intensity impact probation outcomes.

<sup>2</sup> Third-generation assessment tools take into account both the actuarial risk of offenders recidivating and the dynamic or changeable psycho-social dimensions that theoretically may be improved to positively affect recidivism risk (Taxman, 2006),

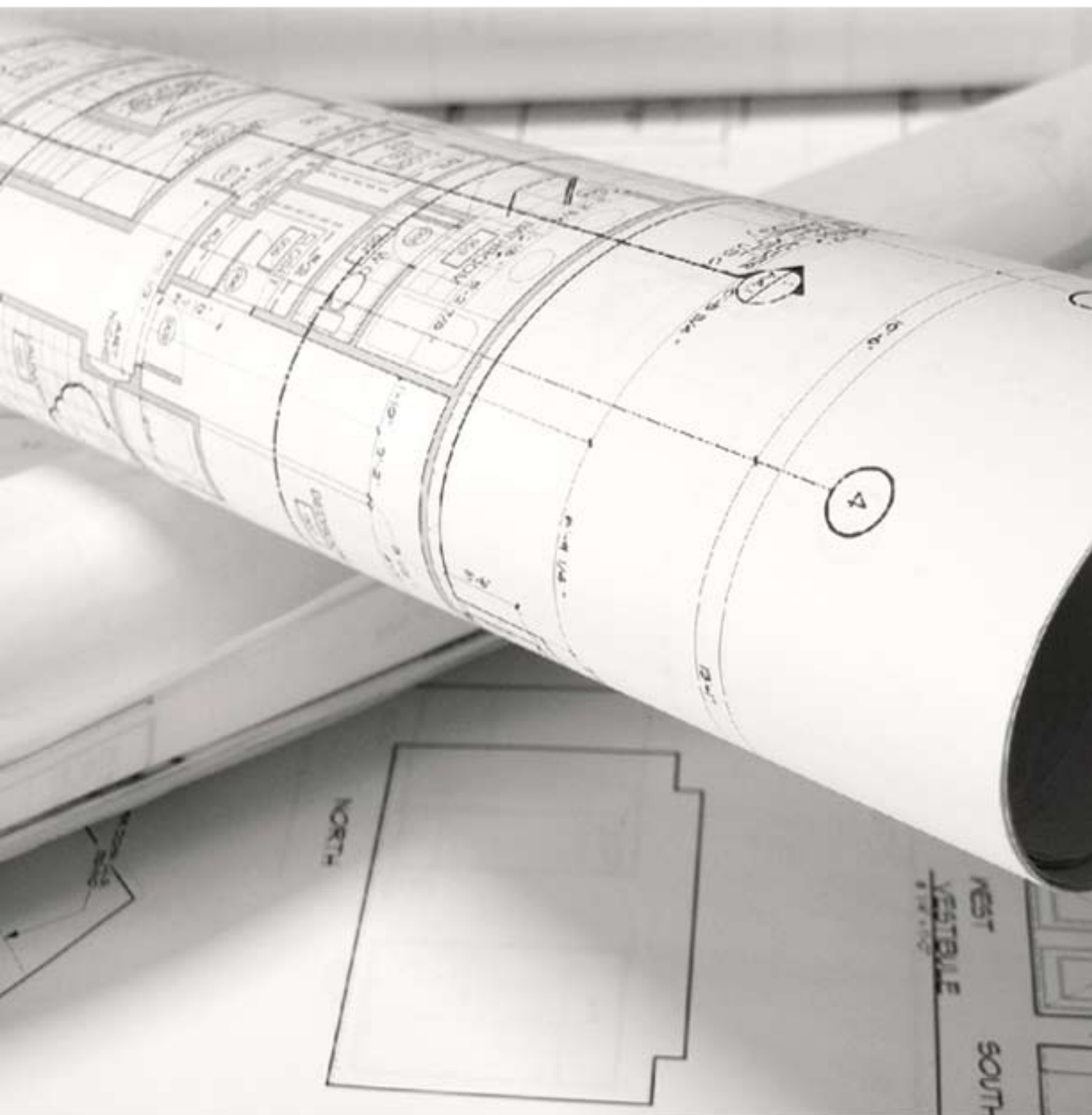
<sup>3</sup> Since the Iowa Risk Assessment scores range from -5 and up, we adjusted them to start at 0 for analysis purposes.

<sup>4</sup> Our study assessed implementation of EBP as of 2007.

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# Guidelines for Safe Off





# Office Design



**T**here are an estimated 100,000 community corrections<sup>1</sup> employees working in the U.S. Many of these dedicated professionals are working in offices that are substandard, both in terms of size and staff safety. Over the years there have been a number of highly-publicized incidents involving shortcomings in office safety and security.

The functions of and the responsibilities carried out in the community corrections offices continue to evolve. The safety and security of staff can be improved if office design is more standardized and makes greater use of safe office design practices. community corrections This position paper has been developed to serve as a planning guide and resource for community corrections administrators, supervisors and their design professionals as they work to enhance safety and operations.

## **POSITION**

The American Probation and Parole Association considers the safety of community corrections staff to be a primary goal of the Association and recommends that community corrections agencies assess the safety design of offices, and design or redesign offices to provide as safe a working environment as is reasonably possible.

## THE MISSION OF COMMUNITY CORRECTIONS

The majority of community corrections agencies perform one or more of the following core activities in their offices. These onsite activities enable staff to accomplish their mission of ensuring public safety through the successful diversion/reintegration of adults and juveniles on their caseloads. This list is illustrative and does not encompass all of the activities of all community corrections agencies.

- Conduct investigations related to criminal/delinquent offenses and violations of probation, parole, or court or releasing authority orders or conditions.
- Supervise both adults and juveniles<sup>2</sup> placed on probation, supervision or supervised release by the court, as well as persons paroled or otherwise conditionally released from prison or juvenile detention or correctional facility.
- Prepare pre-trial and pre-sentence investigations, pre-disposition reports, pre-release and pre-parole reports, prepare violation of probation and/or parole reports and a variety of other types of judicial and correctional reports, to support decision-making by judicial officers and releasing authorities.
- Conduct supervision activities which may include the use of electronic supervision equipment.
- Perform urinalysis and other forms of substance abuse testing.
- Hold meetings, conferences, workshops and counseling activities associated with supervision, group activities, meetings with community-based groups and interoffice or interagency coordination.
- Provide services to victims, including making contact with victims to ensure that they are aware of sentencing and hearing dates and dispositions, conducting financial investigations to support restitution as part of sentencing, and other activities.

## RECOMMENDATIONS

### I. GENERAL OFFICE DESIGN GUIDELINES

- The design of the office areas should be business-like, professional, functional and appropriately designed. The entire facility shall meet all applicable building and fire codes.
- Community corrections Offices should be designed to provide appropriate separation and zoning of areas. Office areas should be designed to create several separate and distinct areas, including:
  1. Staff-only areas -- including support staff workstations, secured computer and records areas, weapons lockers and evidence storage rooms.
  2. Staff/public accessible areas (including officer offices, conference/meeting rooms, and substance abuse testing areas) where justice-involved individuals can meet with staff in individual or group activities and where staff are provided with appropriate functional workstations and safety/security support systems and backup.

3. Separate and discrete public access and waiting areas, protecting the privacy of the office visitors; and
4. General support areas -- for staff and support services access and use.

## II. IMPORTANT CONSIDERATIONS FOR COMMUNITY CORRECTIONS OFFICE DESIGN

- There is an obvious need for security associated with the activities of the community corrections office, including specific requirements associated with the nature of the work, the individuals visiting the office, the nature of the criminal cases, the fact that in many jurisdictions community corrections staff may be armed, the incidence of office arrest of persons in violation their conditions of supervision, and the confidentiality requirements of the court and personal records created and used within the office.
  1. Staff should have quick and direct access to the office and should be able to exit the office areas into staff parking areas for field supervision visits and investigative work with relative ease.
  2. Staff parking should be in close enough proximity to allow for timely and efficient transportation of arrestees.
- Security concerns are high; even when community corrections offices are located in buildings with security screening. Access to staff areas from the public reception area should require passage through a controlled door with an electronic and/or cipher lock.
  1. The perception of the area should not be overly restrictive.
  2. While providing appropriate security, community corrections agencies should try to reduce the sense of “us” and “them” between staff and others, particularly the justice-involved individuals.
- Most offices are designed to allow staff to work on collaborative tasks. Collaborative investigations/casework is an important component in the supervision of offenders justice-involved individuals. As a result, office areas and individual workstations should be designed as multi-tasking workstations, designed to support multiple concurrent activities, multiple visitors, and the possibility of changes in assignment.
  1. Office areas should meet current guidelines for high-performance office areas, with good acoustic privacy in offices, appropriate use of windows, both for natural light where possible and for observation of activities within each office for security purposes. There should be adequate area for specific equipment and functions and appropriate design for power, data/telecommunication, lighting and security systems.
  2. Wherever feasible, exterior windows should be provided for staff areas. Due to security requirements, windows in community corrections offices where offenders, defendants justice-involved individuals or visitors have access should be at least six (6) feet above ground or of a configuration where visual access from outside is not possible. For established construction where exterior windows cannot be

retrofitted, windows should be bullet resistant with tint where appropriate.

- Environmental conditions and controls are important. Care should be taken in the design of mechanical and electrical systems to meet good office design standards for lighting, glare reduction, appropriate ventilation and temperature control.
  1. Office exits should be placed in such a manner as to allow arrangement of desks that provide staff with primary, or at least equal, access to the door, thus not allowing justice-involved individuals offenders, defendants or other visitors to “trap” staff in their office.
  2. All mechanical systems should be designed to provide appropriate ambient sound levels to support privacy and confidentiality, and system design should meet sound attention level requirements between spaces to preserve confidentiality of conversations between rooms.
- Community corrections offices may be located in self-contained, free-standing structures or may be tenants in buildings shared with other governmental or private-sector tenants. “Satellite” offices should meet the same safety standards as established probation/parole offices.
  1. Whether free-standing or shared with other agencies, community corrections offices should be secure and safe, with direct access to both public parking and designated and/or protected staff parking areas. Site and building design, including provisions for access and entry, should incorporate logical Crime Prevention Through Environmental Design (CPTED) features, including:
    - a. Trash bins used for the community corrections offices where offenders or defendants justice-involved individuals report should be placed outside and away from the building. Bins should be constructed or located so as to restrict retrieval of items by the public.
    - b. Large sculptures, planters or other somewhat indestructible objects to act as vehicle barriers should be placed around the building where offenders and defendants justice-involved individuals are reporting. The planters should be well maintained so that items are not easily hidden in the plants or containers.
- Appropriate security measures should be taken in locating public parking.
  1. Staff parking area is an important issue. In many locations, a ratio of parking spaces to total office staff is provided, such as one space for two staff or one space for every government car.
  2. Recent standards recommend that one space should be provided for every staff that spends more than 13 days per month in the field.
  3. Since some offices have designated pre-sentence investigation staff and designated field staff, parking requirements will vary based on the specific



organizational and operational structure in any office.

4. Staff parking should be close to the office, well lit and monitored by security cameras.
  5. Reserved parking spaces should not be identified with individual names.
  6. Ideally, staff cars should be located in a secured area for the protection of government or private vehicles and staff.
- Should juveniles and adults offenders report to the same office, there should be separation of the respective waiting areas.

### III. IMPORTANT CONSIDERATIONS FOR OFFICE SPACE REQUIREMENTS

- Executive and Administrative Support Office Areas
  1. The office areas of community corrections agencies are composed of staff access areas (restricted public access). These office areas usually include private offices and required support areas for senior supervisors and administrators.
  2. In most offices, reception activities are performed by a staff person who may be located in or near the administrative area, with responsibility for answering phones and in-person receptionist functions.
  3. Other functions dedicated to administrative staff include handling mail distribution and sorting, preparation of files and office/officer statistics and schedules and general office support functions.
  4. Access to staff areas should be locked and access controlled. All entry and exit doors should be constructed of solid core materials and always be locked unless under visual control. Community corrections offices should have security cameras and a video recording system in all areas where visitors have access. Staff should have secured storage for duty equipment.
  5. Where staff are working on assignments with no contact with justice-involved individuals (some pre-sentence investigations) their offices may be located within the administrative office areas.
  6. The relationship between the staff working in the offices and support staff is crucial to effective operations. Staff supervising caseloads have cases in different stages of the case management process at all times, leading to a constant pressure to complete assignments. It is critical that the work flow in the office is logical and that the right people have access to appropriate information (hard copies and computerized) at the right times.
- Office Areas Routinely Accessed by Justice-Involved Individuals Offenders and Defendants
  1. Community corrections office areas are routinely accessed by offenders or

defendants justice-involved individuals. These areas, typically house “supervision units” and should be situated to provide direct but controlled access from both the staff area and reception area, and should be furnished in a typical office standard style with some specific variations to accommodate specific security/safety design provisions (CCVE monitoring, appropriate duress alarm buttons, special glazing and wall/door construction requirements).

2. In these areas, both supervisors and staff typically require an office to provide appropriate separation, acoustic privacy and confidentiality.
    - a. The design of these offices should emphasize communication and privacy, but security of the staff is of primary importance and office design should provide for appropriate security systems and appropriate furniture design and placement to enable staff to quickly leave the office if necessary.
  2. Generally, offenders and defendants justice-involved individuals access these areas by coming to the reception area, at which point the receptionist calls the staff and the staff comes to a reception area and escorts the visitor to the office. Justice-involved individuals Offenders and defendants should never be allowed to move within the office unescorted. Interviews are typically individual contacts.
    - c. In many jurisdictions, policy and procedures limit the total number of visitors in the individual offices to not more than three (3), and staff typically have the option of using a meeting/conference room located near the reception/public waiting area. Where conference/meeting rooms are located near a reception area, acoustic separation and privacy between the room and other offices and the reception/waiting areas must be maintained.
    - d. Many agencies are using “Sterile Interview Rooms” in lieu of interviewing people in individual offices. These offices should have access close to the reception area. The offices should contain only items needed for interviews. There should be good visual access via the placement of windows. If computers are integral to the interview process, computer access must be available. As with all offices, staff should have primary access to the door. Duress alarms are to be available to the staff while seated.
  5. Importantly, while most access to the office by visitors is uneventful, periodically staff must take justice-involved individuals into custody in the office setting. Arrested individuals must be escorted from the building in custody, and specific provisions should be made for holding, the path of travel to a designed exit and to a secured transport area.
- Support Areas
    1. General office support areas for community corrections offices include:
      - a. A reception counter with security glass, a pass-through, and a level of security lining in the walls surrounding the glass area, consistent with the

facility threat/risk assessment.

- b. Conference/meeting rooms (general/large for staff and large group counseling, and smaller one(s) for individual meetings).
- c. Urinalysis (UA) toilet.
- d. UA and/or other substance monitoring supplies storage.
- e. UA testing (e.g. EMIT) equipment and secure sample storage.
- f. Electronic monitoring/GPS office.
- g. Electronic monitoring/GPS equipment storage/repair room.
- h. Gun lockers (for those jurisdictions where staff are authorized to carry weapons).
- i. Secure computer terminal/printer room.
- j. Library (training materials, reference materials).
- k. Evidence room.

1. Controlled shipping and receiving areas should be provided for community corrections offices. Policy and procedures should ensure that all deliveries are registered, screened and logged in prior to being accepted.
2. A staff-break/lounge area and staff toilets should be provided in staff-accessible areas only. In facilities where community corrections offices are co-located with judiciary-related offices, these may be shared or designated for separate departments, based on overall policy and procedure.
3. In all cases, these areas should be separate from public restrooms and lounge areas, and located within a restricted area to preserve security, separation of staff from visitors and adequate provisions for weapon control.
4. Calculations of required support areas should be based on anticipated use due to actual community corrections office staffing and size. However, since many community corrections offices report to specific judicial units, it is not uncommon for community corrections offices to share training areas, automation and support services and other support functions with clerk offices, court-related offices or other justice community agencies or services.

- **Total Departmental Areas**

1. The net areas specified in Table 1 (Space Guidelines – Typical Community Corrections Office Areas) do not include the space required to accommodate internal circulation, such as hallways, among the listed spaces. While the amount of internal circulation space required varies with each facility's specific design, an additional factor should be applied during preliminary planning to determine the total usable area of the facility (i.e., the estimated total usable area of the facility

is equal to the sum of all the net programmed spaces plus circulation space).

2. Use of this factor is important, since use of wider-than-normal hallways is important in areas where escorted visitors and staff are moving in both directions on tight schedules.
  - a. Wider-than-normal hallways can allow people to get together for impromptu discussions, and can be very important in providing fast response and good access for staff response in the event of an incident within the office.

#### **IV. ACCESS AND SECURITY**

- Access into a community corrections office should be strictly controlled, although visits are necessary and essential and include a wide range of visitor types (see below).
- Offices require public access to the reception area during the day and often in the evenings. Access for office staff is also required during these times; staff should be able to enter and leave the office without passing through the public reception/waiting area and without using the facility's public circulation system extensively. If the office is not located within a courthouse or other facility with weapons screening at the public entries, the office should be provided with a weapons screening facility of its own.
- Examples of Visitors to the office include:
  1. Justice involved individuals who come to see their supervising officer;
  2. Families of persons under supervision;
  3. Defense attorneys;
  4. Prosecuting attorneys;
  5. Victims and victim advocates,
  6. Law enforcement officers;
  7. Treatment and other service providers,
  8. Vendors, and
  9. Other members of the public.
- Agency staff should assume visitors will come through screening, through public corridors.
  1. The public may enter the community corrections office into a controlled public reception/ waiting area.
  2. After regular business hours, group sessions may be conducted at the community corrections office, in a public conference/meeting room near a public entrance with strict limits between the conference room and the general office. Since some visitors come with a friend or family member(s), waiting areas may be designed to accommodate children, who may be required to wait in the waiting area, but at the discretion of the staff , they may come in with the visitor. Waiting areas should



be easily viewed from the reception station, with no blind spots.

- The security and alarm systems should function as an integral part of the security and alarm systems for the total facility.
  1. Doors to executive offices, senior staff offices and enclosed storage rooms should have key locks, except as otherwise noted.
  2. Secure storage spaces should be provided with heat sensors. Single fixture toilets should have privacy locks.
  3. Doors from public reception/waiting areas to restricted access areas should have electric strike locks. Reception/public counter workstations should be equipped with silent duress alarms connected to the building control/communications room.
  4. In addition, duress alarms should be located in supervisors' offices, each individual office/sterile interview room and general office areas accessible to all community corrections staff. These alarms should be located to allow access from the staff's seated area and include a means to alert responding staff as to which office is requesting assistance.
  5. The public counter in the community corrections office must be break-resistant and equipped with a counter-to-ceiling break-resistant or bullet-resistant (based on threat assessment) glass screen.
- Location of Security and Duress Alarm Systems
  1. Reception/public counter.
  2. Supervisor's office.
  3. Selected inner areas.
  4. Secure storage.
  5. Each staff's office
  6. Sterile interview rooms
  7. UA collection area. Personal body alarms should also be available in areas where staff are with visitors and may need to move about, such as UA collection areas.

## V. POLICY REVIEW AND TRAINING

In order to operate facilities as safely and securely as possible, to protect staff and visitors, and to ensure maintenance of the best practices that support the mission of community corrections, APPA recommends that each jurisdiction:

- Write, or review existing, jurisdiction-specific policies and procedures to ensure that they are consistent with statutes and case law.
- Mandatory office safety training should be provided to each staff member upon hire and during refresher safety training. Training should minimally include:
  1. Safety awareness.

2. Safety issues in approaching and exiting the office.
3. Safe office arrangement.
4. Fire and bomb threat evacuation.
5. Policies on responding to verbal/physical situations within the office.
6. Office arrest procedures. >>>

## ENDNOTES

<sup>1</sup> For the purposes of this paper, the term “community corrections” encompasses adult and juvenile probation, parole (including post-incarceration supervision provided under other terminology), pretrial services and residential facilities located in the community.

<sup>2</sup> The term justice-involved individual will generally be used to encompass the full range of individuals and statuses for which community corrections agencies are responsible.

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**Table 1 SPACE GUIDELINES -- TYPICAL COMMUNITY CORRECTIONS OFFICE AREAS**

OFFICES	
Unit Executive	225 SF - 300 SF, with private toilet (50 SF)
Executive Secretary	100 SF- 120 SF (includes admin. Records)
Reception Area	50 SF (minimum), or 15 SF per person at typical peak period
Chief Deputy, Deputy-In-Charge, Manager	200 SF - 225 SF
Professional First Line Supervisor -- Large office	150 SF -180 SF
Professional Administrative	100 SF - 150 SF
Professional Line Positions (Reporting Office)	120 SF - 150 SF
OPEN WORKSTATIONS	
Operational and Administrative	80 SF - 120 SF
Support First Line Supervisor	80 SF - 100 SF
Secretary	64 SF -- 100 SF
Operational and Administrative Support Positions	48 SF -- 64 SF
Counter and Cashier Workstations	45 SF
GENERAL OFFICE SPACES	
Counter/Screening	5 LF / Staff Position
- built-in / stand-up station with break-resistant design and glazing	
Records Storage	10-15 SF / File Cabinet
Secured Records Storage	8 SF/ 10 LF per file cabinet
Active Records Storage	9 SF/ 21 LF per file cabinet
Inactive Records Storage	9 SF/ 21 LF per file cabinet
Transfer Box Storage	50 SF
Work Table	90 SF
Supplies Storage -- Large Office	100 SF
Supplies Storage -- Small Office	50 SF
Equipment Storage -- Large Office	150 SF
Library	9 SF / 21 LF of shelving (7 shelf / 36" unit)
Small Office	50 SF
Work Area	15 / Staff, min. 105 SF
Copier Area (per copier, low/med/high respectively)	50 SF / 80 SF / 120 SF
Conference Rooms - Small Office	300 SF for up to 20 persons
Conference Room - Large Office	400 SF for 21 or more persons
-- general requirements: 25 SF / person + 70 / CALR station	
Fax Work Station	10 SF
Shared CRT/Printer Area	50 SF
Vault/Safe	20 SF - 80 SF
Microform Reader/Printer	35 SF
Microform Storage Cabinet	12 SF / cabinet
Shredder	25 SF
SPECIAL OFFICE SPACES	
Toilet for Urinalysis / Substance Sample Collection	80 SF
Urinalysis / Substance Supplies Storage	40 SF
Urinalysis / Substance Testing/EMIT Lab & Sample Storage	175 SF
Electronic Monitoring Equipment Storage / Repair	95 SF
Storage/Repair Room	150 SF
Secure Computer Terminal/ Printer Room	150 SF
Gun locker	10 SF
Law Enforcement Processing	200 SF -- 250 SF




# RE-DISCOVERING THE BENEFITS OF COMMUNITY SUPERVISION IN INDIAN COUNTRY

by Kimberly A. Cobb, Adam Matz and Tracy G. Mullins







**T**ribal communities have long had methods in place for working with individuals who violate tribal law. The methods, while often times not standardized or formalized, were based on today's concept of peacemaking, whereby "a respected member of the tribe brought individuals together and assisted in restoring harmony between them and working out a suitable remedy to victimization, often restorative in nature" (Meyer, 2009, pg. 176). Historically, Indian culture has embraced and exalted the idea of the community being responsible for imposing and restoring social order. Elders or individuals who were specifically selected either through hereditary right or custom, played a significant role in redirecting tribal members who were acting out. Today, in many tribes, this process is more formalized and supported through the use of tribal police and probation; both of which are relatively new systems in tribal communities.<sup>1</sup>

Today, there are 565 federally recognized American Indian tribes (Toensing, 2010). More than 4.1 million individuals across the United States report belonging to a federally recognized tribe and approximately 44 percent of all American Indians report residing on reservations which encompass over 56 million acres of tribal lands in the lower 48 states (National Congress of American Indians). Some of the largest American Indian tribes include the Cherokee, Navajo, Chippewa, Sioux, Choctaw, Pueblo, and Apache (Perry, 2004, p. 1). Each tribe, regardless of its population, features a unique history, culture, language and governance structure.

The diversity which exists among tribal nations is reflected in the various components of each tribe's justice system, including their legal codes, organizational structure and operating policies. This article will provide a brief overview of justice systems in Indian Country, explore the use of probation as a correctional alternative in Indian country, the challenges tribes face in implementing probation programs and practices and look at what the future may hold for tribal justice and probation.

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## CRIME ISSUES PREVALENT IN INDIAN COUNTRY

### SUBSTANCE ABUSE

Alcoholism is a common problem in Indian country. Alcohol abuse has been associated with numerous negative consequences including crime, domestic violence, sexual assault and rape, suicide, morbidity and ultimately mortality (Aguirre & Watts, 2010; Kovas, McFarland, Landen, Lopez, & May, 2008). However, alcohol is far from the only substance abused on tribal land. Marijuana, methamphetamine, cocaine, heroin and various pharmaceutical drugs are also regularly abused (NDIC, 2008). Most of the illegal drugs appear to be imported to Indian country through gang networks expanding into tribal regions; few are physically produced in Indian country. The lack of law enforcement coverage in some areas as well as jurisdictional confusion makes tribal jurisdictions easy targets for gang and drug infiltration.

### DOMESTIC VIOLENCE

Rates of domestic violence for American Indian women far exceeds that of other racial groups, more than twice the rate of African American women for example (Oetzel & Duran, 2004; Dugan & Apel, 2002; as cited in Tehee & Esqueda, 2008).

### SEXUAL ASSAULT AND RAPE

Thirty-four percent of Native American women have been raped in their lifetime (Yuan, Koss, Polacca, & Goldman, 2006). Summarily, one-in-three Native American women are the victims of sexual assault and rape on Indian reservations. It is estimated 54 percent of rapes occur when women are very young, often before the age of 12 (Tjaden & Thoennes, 2000). Some caution such figures are actually lower as most rapes are not reported to law enforcement (Bubar, 2010).

### CHILD MALTREATMENT

Tribal leaders and advocates agree child maltreatment is a problem within the tribal community (DeBruyn et al., 2001). Abuse and neglect is particularly prominent with smaller single-parent families whom lack the support and means to care for their child or children. Alcoholism and depression are common risk factors for child abuse, though alcoholism is not necessarily prevalent in neglect cases. More transient families are also associated with greater risk of abuse to children.

### STREET GANGS

Overall there is believed to be over 400 gangs and 4,500 gang members who consider a reservation or nearby location to be their home. The Navajo reservation is believed to be home to 55 gangs and 900 members alone (Joseph & Taylor, 2003).

## TRIBAL JUSTICE SYSTEMS

Tribal justice systems are constantly evolving in many tribal communities. Typically, only the basic justice personnel are planned for (i.e., judge, prosecutor, clerk) during the planning of these systems. Community supervision/probation positions are often an afterthought. In fact, many tribal community supervision/probation officer positions are often initiated from grant funds. For some tribes, if the grant money is not renewed then the position simply fades away leaving offenders in the community with no systemic supervision. Other tribes attempt to find ways to write the position into their new tribal budgets once they see the value and benefit the position provides to the community.

Crime in Indian Country is a hot topic for justice professionals today. Most tribal communities are seeing increases in violent crimes, such as domestic violence and sexual assault (Bubar, 2010; Luna-Firebaugh, 2006; & Wahab & Olsen, 2004). It is asserted that the increasing numbers of violent crime being committed is a gross underestimation of the actual amount of crime being committed on reservations because of issues related to reporting and data collection. In fact, a statement in the National Institute of Justice publication *Policing on American Indian Reservations* (2001), reveals that "even when it is possible to get accurate tribal-level data, the character and prevalence of crime vary widely from reservation to reservation" (p. vii). Many tribes are quick to admit that many of their crime issues are "either directly or indirectly related to alcohol abuse" (National Institute of Justice, 2001, p. vii). Regardless of crime issues a particular tribe faces, they must have a system in place to hold offenders accountable and repair the harm done to victims.

Justice systems in Indian Country vary greatly in the services they have available to not only enforce laws but also deal with those charged with violating the law. For example, less than half of all tribes feature one or more full-time sworn police officers with arrest powers (Perry, 2005; Wakeling, Jorgensen, & Michaelson, 2001) and of the 315 federally recognized tribes that responded to the Census of Tribal Justice Agencies in Indian Country survey in 2002, only 175 reported having operating tribal courts (Perry, 2005). Further, it is reported that only 82 correctional facilities including jails, confinement facilities and detention centers (Minton, 2009) are operational in tribal communities and thirty-six of these facilities have exceeded capacity (Martin, 2005). Finally, 70 percent of the 315 tribes responding to the *Census of Tribal Justice Agencies in Indian Country* survey in 2002 indicated they offer probation for adults and 66 percent indicated they offer probation for juveniles (Perry, 2005).<sup>2</sup>

The tribal justice systems of today take on many different forms and vary considerably among tribes. Some tribal courts have adopted some of the philosophies and processes established in state and federal courts; while other tribes have enacted their own laws and justice systems incorporating tribal customs and traditions (National Tribal Justice Resource Center, n.d.). Recently, federal funds have become available for tribal jurisdictions to develop new and/or enhance existing justice system operations including peacemaking courts, drug courts, community supervision programs and correctional facility construction/revitalization. Through these funding streams, tribal jurisdictions have an opportunity to develop comprehensive justice systems which

incorporate recognized justice principles into their criminal procedures while ensuring their unique tribal customs and traditions are preserved and reflected.

For most tribes, tradition and culture play an important role in the operation of their tribal justice systems (Melton, 1995). As such, the interventions used often involve spiritual and holistic services rather than punitive methods. For some tribes, the use of peacemaking processes have been lost throughout the years and replaced with traditional adversarial approaches. However, many tribes are attempting to recreate peacemaking programs that will allow them to develop justice responses that bridge their cultural traditions with the current crime issues faced by their tribes (Meyer, 2009). Peacemaking is attractive to tribal communities as it is effective in reducing conflict and crime, is more cost effective than more traditional methods of dealing with crime, incorporates traditional tribal practices (Meyer, 2009), and helps to restore or maintain an individual's tribal identity (Porter, 1997). Other processes utilized by tribal justice systems in lieu of the adversarial Anglo-approach include talking circles, family or community gatherings and traditional mediation (Melton, 1995).

## **USE OF PROBATION IN INDIAN COUNTRY**

Every jurisdiction, whether federal, state, local or tribal, has been charged with reducing prison populations by finding alternatives to incarceration. One of the most utilized alternatives to incarceration is community corrections, claiming more than five million offenders under the umbrella of community supervision (PEW,

2009). The administration of probation at federal, state, and county levels is quite diverse<sup>3</sup> and can sometimes be a tangled web to unweave. Similarly, there is great variation found among the types of probation services offered in Indian Country. Some tribal probation officers carry a caseload of either adult or juvenile offenders (and sometimes a mix of adult and juveniles). Anecdotal reports from some tribal probation officers indicate the caseloads for some probation officers are quite large; some exceeding 400 probationers per officer. The background of tribal probation officers also varies depending on the location. Some may have formal degrees and experience in criminal justice or a related field, while others may not. Some may have received some training in probation—either through the state or county academies or through the Tribal Probation Academy offered by Fox Valley Technical College, while others have no training provided on their roles and very little guidance and direction from the court on what to do. There are also some tribes that may order probation as a condition of release; however, their conditions (which may consist of only a fine) are overseen by the judge or other court personnel (such as the clerk). In a case like this, the person pays the fine and no other formal conditions are applied. Other tribes may ask an elder or some other respected community member to “watch” the offender and help mentor that person along. Finally, there are tribes that have designated personnel in place to serve as probation officers—ranging from tribes that have one individual overseeing all probationers to tribes that have multiple individuals in place forming a probation department. Whatever probation service they offer, tribal justice agencies are beginning to fully recognize and appreciate the benefits

of having community supervision protocols in place and are taking necessary steps to formalize that role as an essential component to their tribal justice system.

## CHALLENGES TO IMPLEMENTING COMMUNITY SUPERVISION PROGRAMS IN INDIAN COUNTRY

Tribal probation officers face many of the same challenges that federal, state and county probation officers face. For example, “they schedule and manage a growing caseload, tackle complex and often ill-defined legal problems, must appease all parties involved, and, through it all, conduct a fair and efficient dispensation of justice” (Wahwassuck, 2008, p. 736). For many Native Americans, maintaining self-governance includes “the ability to operate a justice system that takes into account the goals and traditions of tribal societies” (p. 734). However, tribal jurisdictions do face unique challenges in implementing community supervision programs which maintain public safety through offender compliance, but also incorporate unique, individual tribal customs and traditions aimed at offender restoration and rehabilitation. The following topics briefly discuss struggles which some tribes may experience.

## POLICIES AND PROCEDURES

One challenge cited by tribal probation officers is a lack of formal policies and procedures guiding their job duties and responsibilities. Many tribal probation officers are initially hired with grant funds. Therefore, in addition to immediately receiving offenders on a supervision caseload, tribal probation officers must develop operational and administrative policies and procedures for their agencies.



Additionally, tribal governments have begun to contemporize their tribal codes. Some Nation's codes may not recognize the unique criminal behaviors and justice system responses necessary to hold tribal offenders accountable. For example, procedures concerning interrogations and confessions must also comply with the provisions of the applicable tribal code and/or constitution. The unique provisions of such a code could also impact how probation operates. Another unique challenge is that probation is not even included in some tribal codes; therefore, legally, probation has no authority to provide monitoring or enforcement of sentencing conditions. For this reason, it is imperative that tribal probation officers carefully review their tribal codes and if probation is not included, advocate for needed revisions.

#### **ACCESS TO RESOURCES/SERVICES/INTERVENTIONS**

Many tribes face challenges pertaining to the resources (such as services and interventions) they have available either on the reservation or through access to federal, state and/or county services to address needs identified by tribal offenders. The status of many tribes as sovereign<sup>4</sup> nations limits their access to many federal and state initiatives which could assist them in providing services to tribal offenders. Indian Health Services<sup>5</sup> is available to provide an array of services for tribal offenders, including those related to substance use/abuse, but in many jurisdictions, these services are overburdened and limited in scope.

#### **DESOLATE AND VAST GEOGRAPHICAL JURISDICTION**

Another major challenge faced by some tribal probation officers is geography.

Many reservations span hundreds of miles of often desolate land. For example, the Navajo Reservation comprises 18.5 million acres of land (Kraus, 2001). There have been instances cited by tribal probation officers when simply completing a home visit may constitute an eight-hour drive to an offender's home, one way, making regular home visits challenging if not impossible.

Officer safety is a related issue to tribal probation officers supervising offenders in desolate areas. Many tribal probation departments do not have marked vehicles or two-way radios or safety equipment such as bullet-proof vests and handcuffs, which could prove dangerous when making home visits in troublesome areas. Additionally, cell phone service can also be problematic in areas where service becomes unavailable, leaving probation officers vulnerable.

#### **TRAINING AND ON-GOING PROFESSIONAL DEVELOPMENT**

Many tribal probation officers have cited a lack of basic training and ongoing professional development available for tribal probation officers as a challenge to implementing effective probation programs. Training opportunities in the tribal justice realm has traditionally focused on tribal judges and tribal law enforcement. To perform their roles and responsibilities effectively, tribal probation officers need training in areas such as how to interview offenders and use appropriate assessment tools; how to use information gained through the assessment process to develop individualized case plans; how to effectively use sanctions/incentives to support and enforce community supervision plans; the purpose and use of electronic supervision

tools; how to effectively supervise and manage specialized offender populations and officer safety precautions. Many tribal probation officers report facing power struggles with tribal law enforcement over areas such as conducting searches and arresting individuals in violation of probation orders. Tribal probation officers indicate that tribal law enforcement feel these duties reside with them and not with probation. Many feel that the professionalization of tribal probation would help cure some of this dissension between these two justice partners.

## OFFICE AND FIELD-CHALLENGES

As mentioned earlier, probation is typically not originally planned for in the establishment of tribal justice systems. Consequently, when probation offices are established, they often operate on bare-minimums. Many tribal probation officers

report working out of office space not conducive to their duties (such as not having areas to conduct urinalysis testing or interviews in a safe setting) (Rogers, 2010). Further, many report not having basic office equipment such as computers or appropriate software for offender supervision management (many develop their own paper-file system which inhibits their ability to quickly pull data or share information with other agencies).

Additionally, tribal probation officers struggle with having the necessary equipment to conduct adequate field supervision of offenders. As mentioned earlier, they often are not equipped with marked vehicles and two-way radios which help to promote officer safety when conducting field supervision (Rogers, 2010). Likewise, most tribal probation officers lack the provision of bullet-proof vests and protective weapons (such as TASER's, OC spray, handcuffs, or guns) or items typically contained in a field-officer bag, such as drug testing kits, safety gloves and masks, evidence kits and field books (Rogers, 2010). The lack of these tools make it potentially dangerous for tribal probation officers to conduct field visits of offenders on their caseloads, thus limiting contact to only office visits for officer safety reasons.

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### JURISDICTIONAL CHART:

#### Indian Perpetrator & Indian Victim:

- Felony = Federal Court
- Misdemeanor = Tribal Court

#### Indian Perpetrator & Non-Indian Victim:

- Felony = Federal Court
- Misdemeanor = Tribal Court

#### Indian Perpetrator Of Victimless Crime:

- Felony = Federal Court
- Misdemeanor = Tribal Court

#### Non-Indian Perpetrator & Non-Indian Victim:

- State Court

#### Non-Indian Perpetrator & Indian Victim:

- Federal Court

#### Non-Indian Perpetrator Of Victimless Crime:

- State Court

(Rogers, 2010)

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## JURISDICTIONAL LABYRINTH

American Indians live in a world of jurisdictional "checkerboards" in which the Federal government holds jurisdiction over violent felony crimes while local tribal governance is tasked with prosecuting misdemeanor and lesser violations (Tweeten,

2000).<sup>6</sup> The borders of tribal land are accompanied by state jurisdiction. Further, tribal jurisdiction is limited to tribal members on tribal land, nontribal members (even if on tribal land) become the jurisdictional responsibility of the state and/or federal government. Such jurisdictional nuances tend to convolute the justice process and the local tribal justice system's responsiveness to crime on the reservation. It is well known that many crimes that fall under federal jurisdiction on Native American reservations go unprosecuted, contributing to a state of lawlessness on tribal land (Jalonick, 2008). Though some efforts, such as the signing of the Tribal Law and Order Act of 2010 and increased cooperation between state and tribal courts (Stenzel, 2009), show potential for change, the jurisdictional labyrinth continues to be a common issue.

## INFORMATION SHARING

Information sharing between tribal and federal, state and county jurisdictions is also a challenge. The sharing of information among justice agencies is essential for the effective monitoring of released offenders, as well as for the apprehension of suspected offenders. Information sharing among justice agencies not only enhances investigations and prevention/deterrent strategies it also assists in the proper allocation of resources (Steber, n. d.). Tribes communicate a fear of how information shared with outside justice agencies will be used and whether information sharing will be reciprocated. While some tribes have embarked on information sharing agreements with neighboring jurisdictions, holistically there has been a lack of strategies identified and disseminated to the field that provide direction to jurisdictions on how local

tribes, state and the federal agencies can collaborate more effectively.

## THE FUTURE FOR TRIBAL JUSTICE & TRIBAL PROBATION

Tribal justice systems are discovering, or perhaps rediscovering, ways to effectively address the crime issues plaguing their communities. Tribal leaders as well as federal, state and local agencies are becoming more and more committed to doing whatever it takes to provide for the safety of individuals residing on reservations by working together in innovative ways. There are several factors that are indicative of the positive changes taking place in Indian Country to address the challenges tribal justice and tribal probation personnel face in working with tribal offenders.

One sign of commitment to reducing crime in Indian Country is the *Tribal Law and Order Act of 2010*, which was passed on July 21, 2010. This Act signals a commitment to the safety of tribal members by increasing the commitment to interagency information sharing and transparency across jurisdictions, increased sexual assault training for criminal justice professionals, enhanced sentencing options, and the deputization of tribal criminal justice professionals thereby allowing the tribe to prosecute cases under federal jurisdiction. While the passage of the Act is a step in the right direction, it will take persistent efforts on the part of all parties involved to ensure that it is implemented effectively.

Another sign of dedication to tribal justice systems enhancement is the \$127 million recently awarded by The U.S. Department of Justice to tribes seeking to improve or

enhance components of the tribal justice system through the Coordinated Tribal Assistance Solicitation (CTAS), which combined ten different Department of Justice program opportunities for funding (Department of Justice, 2010). This funding provides tribes a unique opportunity to develop comprehensive justice systems which will mesh correctional philosophies with their individual tribal philosophies and hopefully through that, reduction in crime on their land.

Finally, the good news is that amidst all of the struggles identified in this article, tribal probation is forging ahead and making great strides in becoming a welcome and essential component of many tribal justice systems. While it is difficult to accurately ascertain the number of individuals serving in a tribal probation capacity, it is surely a field that is growing as evidenced by the inclusion of probation in the Tribal Law & Order Act of 2010 (Section 405) and the growing number of individuals seeking training and technical assistance in the field of probation from tribal nations.

### STEPS IN THE RIGHT DIRECTION

Many of the challenges identified in this article faced by tribal probation can be addressed through the development and dissemination of informational material and guides, the provision of training and targeted technical assistance and through the forging of partnerships designed to provide tribal probation personnel with a network of colleagues to reach out to when questions or struggles arise. As tribes recognize the value of and take on the task of implementing probation programs, the Department of Justice is responding by supporting the development of informational materials and,

training curricula, sponsorship of training events and availability to technical assistance opportunities to equip tribal probation officers with the tools they need to be successful.

One significant way tribal probation officers can equip themselves to develop or enhance their probation program is by receiving training through the Tribal Probation Academy (TPA). Recognizing the lack of basic training tribal probation officers are afforded, Fox Valley Technical College's Criminal Justice Center for Innovation developed the Tribal Probation Academy to offer tribal probation officers basic skill sets necessary to effectively provide community supervision. The Washington State Patrol Academy in Shelton, Washington has opened their doors to the TPA and provides the classroom, lodging for students, meals and staff, as requested. The basic training curriculum provides new and current tribal probation officers with four weeks of structured training on topics such as gathering case information, conducting interviews, interpreting court documents, making referrals, participating in court proceedings, and safety precautions, to name a few topics.<sup>7</sup> To date, this Academy has graduated 126 tribal probation officers and plans to continue this training with funding from the Bureau of Justice Assistance.

The American Probation & Parole Association (APPA) has been working for several years on various projects focused on enhancing probation practices in Indian Country. This past June, APPA partnered with the Tribal Judicial Institute to conduct a *Training Symposium on Improving Supervision Outcomes with Substance Abusing Tribal Offenders* in San Diego, California. This symposium targeted tribal probation officers with training on topics designed to enhance



probation supervision practices including the use of risk and need assessment, supervision and case management strategies, best practices for working with domestic violence offenders, and using the Family Support Approach in community supervision. Over 40 tribal probation officers attended this symposium.

APPA is also working on a Desktop Guide for tribal probation on the use of risk and need assessment as a strategy to more effectively manage their caseloads and maximize limited resources. Assessment tools are used to help guide decision making in almost every part of community supervision including pre-trial, pre-sentence investigation, supervision classification, supervision case management, reclassification, violations of probation and early discharge decisions (NYS Division of Probation and Correctional Alternatives). Specifically, risk assessment has been deemed “the single most important decision made by probation and parole officers today” (Byrne, 2006). Given the large, diverse caseloads that many tribal probation officers are charged with supervising, the use of risk and need assessments will help them prioritize and manage their caseloads more effectively, help them place offenders in services and interventions to address identified criminogenic needs to more appropriately utilize the resources available to them and possibly identify areas where more resources are needed. The Desktop Guide will provide tribal probation officers with an overview of the benefits and use of risk and need assessment in a probation setting, tips for choosing tools to meet the needs of their individual jurisdictions and a catalog of available assessment tools predominately utilized by the field. Ideally, this Guide will be used by tribal probation officers as a resource.

Building upon the innovative work done by Fox Valley Technical College through the Tribal Probation Academy, APPA is working with the Center for Strength Based Strategies, the Vera Institute of Justice and Fox Valley Technical College to build upon the basic training tribal probation officers receive at the academy to provide intermediate training on the use of risk and need assessment, motivational interviewing and the Family Support Approach. This intermediate training will provide more in-depth, hands on training on these topics. The training will utilize a blended-learning approach whereby participants will be asked to complete an online or CD-ROM lesson as a precursor to on-site training. Utilizing this approach will allow the on-site training to focus on skill building and skill practicing so that tribal probation officers become comfortable using the skills acquired at the training once they return to the office.

Finally, APPA is working to help tribal justice systems develop/enhance correctional options utilized in their justice system. APPA anticipates providing on-site technical assistance for up to 20, as well as limited, office-based technical assistance as requested. This project, funded by the Bureau of Justice Assistance, enables APPA to work with selected tribes to explore the use of programs such as day reporting centers, which have the potential benefit of freeing up correctional resources (Pennsylvania Department of Corrections, 2003), residential reentry centers (halfway houses) which provide transitional services such as employment counseling and job placement, financial management and substance abuse treatment (Federal Bureau of Prisons), and intensive supervision programs which allow chronic offenders to remain in the community under rigorous restrictions.

Other technical assistance may focus on the review and/or development of policies and procedures which will help provide direction to tribal probation officers, focus groups to explore the options desired and reasonable for a particular tribe to implement or assistance networking tribes with consultants that can help address their needs. Through this technical assistance, it is hoped that sentencing options will be increased and tribal judges and probation officers will have more resources at their disposal to help manage growing caseloads.

## CONCLUSION

There are many more initiatives to help tribal justice agencies further develop and enhance tribal justice systems strategies for dealing with crime on their reservations more effectively. There is great momentum right now to facilitate the development and enhancement of tribal justice systems which provides a unique opportunity for tribal, local, state and federal governments to work together on initiatives that will, hopefully, positively impact tribal nations for generations.

If you would like more information on any of the APPA projects discussed here, please contact Kim Cobb via phone at (859) 244-8015 or via email at [kcobb@csg.org](mailto:kcobb@csg.org). <sup>DDA</sup>

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## ENDNOTES

<sup>1</sup> The existence of formal police personnel/agencies in Indian Country began around the 1950's to 1960's. The addition of tribal probation to tribal justice systems is more recent, within the past 10 years.

<sup>2</sup> It should be noted that it is unclear from the BJS Census report how, when responding to the question, tribal courts defined and carried out the function of probation within their tribes. For some tribal courts, probation may entail merely paying a fine with little or no other compliance monitoring; it may be unsupervised or be overseen by the tribal court judge, court clerk, or elder in the community rather than being monitored by a designated probation officer; or it may be monitored by a designated probation officer.

<sup>3</sup> Probation is administered in various ways by various types of agencies across the states of the U.S. About 32 of the 50 states administer probation primarily through their Department of Corrections. The other states administer probation as a function of the judiciary. Of these, several are county-level and feature intra-state variations in administration.

<sup>4</sup> The power of Indian tribes to govern themselves.

<sup>5</sup> "The Indian Health Service (IHS), an agency within the Department of Health and Human Services, is responsible for providing federal health services to American Indians and Alaska Natives. The IHS provides a comprehensive health service delivery system for approximately 1.9 million American Indians and Alaska Natives who belong to 564 federally recognized tribes in 35 states". Retrieved from [http://www.ihs.gov/PublicInfo/PublicAffairs/Wel-come\\_Info/IHSintro.asp](http://www.ihs.gov/PublicInfo/PublicAffairs/Wel-come_Info/IHSintro.asp)

<sup>6</sup> It should be noted; however, that in reality, many tribes are handling serious tribal offenders. In instances where the Federal Government does not pick up prosecution of serious offenders, the tribe will plead them down to misdemeanor offenses so that the offender is held accountable.

<sup>7</sup> See <http://www.fvtc.edu/public/content.aspx?ID=1240&PID=3> for more information on the Tribal Probation Academy.

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# Increasing Probation and Parole Compliance through Behavioral Interventions

by Eric J. Wodahl, Brett Garland, Scott E. Culhane and William P. McCarty





**P**robation and parole officers have one of the most demanding and difficult jobs in the criminal justice system. Why then do people choose this profession? It is certainly not for the money or the recognition; rather, a common response to this question would likely be that community corrections professionals view their work as being important. More specifically, community supervision has the potential to provide a variety of benefits to both the offender and society. Assisting and motivating offenders to address underlying criminogenic needs, for example, not only has the potential to improve the well-being of the offender and those close to him, but it also has the potential to enhance public safety and save taxpayer money by reducing the likelihood of reoffending.

Supervision conditions serve as the conduit through which the benefits or goals of community supervision are achieved. The goal of promoting community safety, for example, may be met through requirements that offenders abstain from drug and alcohol use. Similarly, the goal of rehabilitation may be achieved through requirements of treatment participation. Thus, when offenders fail to adhere to these conditions of supervision in a consistent manner, the capacity of community corrections to achieve its goals is severely curtailed.

There is good reason to believe that a substantial portion of offenders under community supervision do not consistently comply with the conditions of supervision (Clear, Harris, & Baird, 1992; Langan & Cuniff, 1992; Taxman, 1995). One study completed in Michigan, for example, revealed that approximately 76 percent of probationers committed at least one violation during the course of their supervision (Gray, Fields, & Maxwell, 2001). Probably the most glaring evidence of offenders' failure to adhere to supervision conditions is the high revocation rates that

have plagued community corrections over the last several decades. Since the 1980s, revocation rates in community corrections have grown substantially (Wodahl, Ogle, & Heck, 2011). Given that noncompliance is a necessary precursor to revocation, it stands to reason that the growth in revocation rates can be attributed in large part to the increased failure of probationers and parolees to follow their conditions of supervision.

Finding strategies to increase offender compliance with release conditions is a paramount concern that deserves serious attention. Behavioral strategies are one approach that has been advocated to improve levels of compliance. However, little research has been conducted on the effectiveness of behavioral strategies within the context of community supervision. This article reviews the findings of one recent study completed in the state of Wyoming.<sup>1</sup> Study findings suggest that behavioral strategies are an effective tool to improve supervision outcomes. This paper begins with a discussion of behavioral theory and its application to community-based corrections. Next, an overview of the study and its major findings are discussed. Finally, this article concludes by discussing the policy implications which emerge from these findings.

## **BEHAVIORAL STRATEGIES TO INCREASE OFFENDER COMPLIANCE WITH RELEASE CONDITIONS**

Behavioral strategies utilize a comprehensive approach to encourage offender compliance based upon the principles of operant-learning theory. Operant learning theory represents a

psychological approach to human behavior and is most closely associated with the work of behavioral psychologists such as Thorndike and Skinner (Lester, Braswell, & Van Voorhis, 2004). This theory is based on the underlying belief that behavior is learned. More specifically, it is learned through the consequences that result from one's actions (Skinner, 1966). Operant learning theory asserts that behaviors which result in positive or pleasurable changes will be continued, while those which produce negative or unpleasant changes will be discontinued (Jeffrey, 1965).

Understanding of behavior as the byproduct of a learning process implies that behavior is not beyond external control. Operant learning theory asserts that behavior can be modified or conditioned by altering the consequences of one's behavior (Jeffery, 1965; Lester et al., 2004). Two types of manipulations can be employed to bring about the desired change in behavior, *reinforcements* and *punishments*:

- *Reinforcements* are meant to increase the likelihood or frequency of a desired behavior through the use of rewards. Reinforcements can be characterized as either positive or negative. Positive reinforcement refers to the application of a pleasurable stimulus (i.e. praise or a monetary reward), while negative reinforcement involves the removal of an unpleasant stimulus (i.e. removing a child from timeout) (Jeffrey, 1965; Lester et al., 2004).
- *Punishments* can be "defined as any consequence of a specific behavior that reduces the likelihood that the behavior will be repeated, or repeated at the same rate, in the future"

(Marlowe & Kirby, 1999, p. 4). As with reinforcements, punishments can be both positive – the presentation of an undesirable stimulus (i.e. pain or verbal admonishment) – and negative – the elimination of a desirable stimulus (i.e. taking away a child’s favorite toy) (Jeffrey, 1965; Swenson, 1980).

Applying operant learning theory to the management of offenders suggests that offender compliance can be enhanced by manipulating the environmental consequences of their behavior. This can be accomplished in two ways. First, reinforcements can be utilized to increase the likelihood that conforming behavior will be continued. Verbal praise, removal of electronic monitoring equipment or shortening the length of supervision are examples of rewards that might be employed as a reinforcement for desired behavior. Second, punishments can be used as a response to misconduct to lessen the probability of reoccurrence. Examples of punishments include days in jail, written assignments, verbal reprimands and/or fines. Noncompliant offenders who receive sanctions for their transgressions will be less inclined to continue the behavior because of the unpleasant changes in their environment resulting from their actions.

Behavioral research suggests that programs which are able to incorporate sanctions in concert with the use of rewards to reinforce conforming behavior will be more effective than those that rely on sanctions alone (Andrews & Bonta, 1998; Marlowe & Kirby, 1999). More specifically, Gendreau (1996) advises that effective behavioral intervention strategies with offenders require reinforcements to outnumber punishments

by at least a four-to-one ratio. It is clear however that most correctional programs have failed to incorporate the use of rewards in any meaningful way. Instead, these programs focus almost exclusively on punishments as the primary means to alter offender behavior (Gendreau, 1996).

## THE NEED FOR RESEARCH ON BEHAVIORAL STRATEGIES IN COMMUNITY CORRECTIONS

A substantial amount of research has been undertaken which supports the efficacy of behavioral interventions in a variety of contexts with diverse populations. Behavioral strategies, for example, have been found to improve learning and classroom behavior in school children (Cavell, 2001), enhance treatment outcomes with persons with severe mental illness (Farmer & Chapman, 2008), and improve success rates in smoker cessation programs (Lichtenstein & Glasgow, 1992). To date, however, little research has been undertaken to support the use of behavioral interventions to increase compliance rates in community corrections.

This is not to say that behavioral interventions are necessarily uncommon in correctional settings. Two popular interventions that employ the principles of operant conditioning in the criminal justice system are drug courts<sup>2</sup> and therapeutic communities.<sup>3</sup> Furthermore, research on the effectiveness of drug courts (see Shaffer, 2006; Wilson, Mitchell, & Mackenzie, 2006), and therapeutic communities (see Inciardi, Martin, & Butzin, 2004; Prendergast, Hall, Wexler, Melnick, & Cao, 2004; Welsh, 2007) have produced promising findings both in increasing abstinence and reducing recidivism. There have been few attempts however to examine the *specific* influence

of rewards and sanctions on program outcomes. In other words, it is unknown how much operant conditioning techniques are contributing to the success of drug courts and therapeutic communities. Thus, there is a need to better understand the capacity of behavioral strategies to improve outcomes in community corrections populations.

THE STUDY

The current study examines the impact of rewards and sanctions on supervision outcomes of offenders in an Intensive Supervision Program (ISP). Three research questions guided this inquiry:

- Does the application of punishments for offenders who violate the terms of their community supervision influence the likelihood of program completion?
- Does the application of rewards for compliant behavior influence the likelihood of program completion?
- Does the ratio of rewards to punishments influence the likelihood of program completion?

THE WYOMING DEPARTMENT OF CORRECTIONS INTENSIVE SUPERVISION PROGRAM

Data for this study were collected on offenders supervised under the Wyoming Department of Corrections Intensive Supervision Program (WDOC ISP). The WDOC ISP is an adult felony-level program providing high intensity supervision to both probationers and parolees.<sup>4</sup> The program supervises both male and female offenders. The WDOC ISP is designed to last approximately one year, during which time offenders progress through a series of three levels varying in supervision intensity. Participants are expected to abide by a broad array of supervision conditions, including abstinence from drugs and alcohol, curfews, restrictions on visitors and adherence to a weekly schedule. Enforcement of these conditions is monitored

through a variety of supervision practices such as frequent home visits, random drug testing and electronic monitoring.

A unique feature of the WDOC ISP is the incorporation of behavioral interventions into the supervision of offenders. More specifically, the program allows supervision agents to impose sanctions as a punishment for noncompliant behavior, as well as rewards to

TABLE 1. PARTIAL LIST OF WDOC ISP SANCTIONS AND REWARDS

Sanctions	Rewards
Verbal reprimand	Verbal praise/reinforcement
Written assignment	Good time
Modify curfew hours	Remove from electronic monitoring
Community service hours	Level advancement
Restrict visitation	Increased personal maintenance time
Program extension/regression	Approve special activity
Electronic monitoring	ISP fees reduced
Inpatient/Outpatient treatment	Approve/Extend special visitation
County Jail time	



encourage compliant behavior. A partial list of the available sanctions and rewards is provided in Table 1.

The application of the behavioral interventions is determined by both departmental policy and officer/district supervisor discretion. Departmental policy, for example, requires agents to fully investigate and impose sanctions on all transgressions. However, the type and intensity of the sanction is left primarily to officer and district supervisor discretion. For instance, if an offender tests positive for marijuana or other illegal substance, department policy dictates that the offender must be sanctioned for the transgression, but the exact nature of the sanction (e.g., jail time, community service or program regression) is determined by the offender's supervising agent in consultation with the district supervisor.

The application of rewards is also guided by a combination of department policy and officer discretion. Certain reinforcements are dictated by program policy. For instance, it is required that offenders earn ten days of good time for each violation free month on the program. Most applications of rewards however remain at the supervising officer's discretion. The program structure allows agents broad freedom in the evaluation of "good behavior" that is deserving of recognition, as well as the appropriate incentive to be awarded. For example, an agent may choose to verbally praise as often or infrequently as deemed appropriate given an offender's behavior under supervision.

## STUDY SAMPLE

The study sample consisted of 283 offenders who were randomly selected from all offenders who participated in ISP between the years 2000 and 2003. Select descriptive statistics on the study sample are provided in Table 2.

As illustrated in Table 2, the average age of offenders in the study sample is 31 with actual ages ranging from 18 to 78. Just over 68 percent of offenders are male, and the vast majority are white (82.3 percent). Over 79 percent of offenders have obtained their high school diploma or GED. Thus, the profile of the average offender in the study sample is a high school educated, white male in his late 20s.

Focusing on criminal history and substance abuse characteristics reveals that only 36 percent of the sample had a prior felony conviction. Approximately half (49.1 percent) have been revoked from community supervision in the past. The most common offense type is property, making up over 35 percent of the study sample, followed by drug (30 percent), violent (14.8 percent), sex (14.5 percent), and other (3.2 percent). The majority of

**TABLE 2. DESCRIPTION OF SURVEY SAMPLE**

<b>Demographic Characteristics</b>			
<b>Age</b>	<b>Mean: 31</b>	<b>Median: 28</b>	<b>Range: 18 - 78</b>
Gender	N		%
Male	194		68.6
Female	89		31.4
<b>Race/Ethnicity</b>			
White	233		82.3
Non-white	50		17.7
<b>Education</b>			
< H.S. Grad	59		20.8
≥H.S. Grad/GED	224		79.2
<b>Criminal History/Substance Abuse Characteristics</b>			
<b>Prior Felony Conviction</b>			
Yes	102		36.0
No	181		64.0
<b>Prior Revocation</b>			
Yes	139		49.1
No	144		50.9
<b>Current Offense Type</b>			
Property	106		37.5
Drug	85		30.0
Violent	42		14.8
Sex	41		14.5
Other	9		3.2
<b>Release Type</b>			
Probation	192		67.8
Parole	91		32.2
<b>WDOC ISP Behavior Characteristics</b>			
<b>ISP Violation</b>			
Yes	230		81.3
No	53		18.7
<b>New Crime</b>			
Yes	46		16.3
No	237		83.7
<b>Absconded Supervision</b>			
Yes	28		9.9
No	255		90.1
<b>Type of Discharge</b>			
Successful	180		63.6
Failure	103		36.4
<b>Total Sample Size</b>		<b>283</b>	

offenders (68 percent) were under probation supervision, while the rest were under the jurisdiction of the parole board.

While under WDOC ISP supervision, over 80 percent of offenders experienced at least one violation. However, only a small proportion (16.3 percent) was involved in the commission of a new offense. Further information not reported in Table 2 reveals that the vast majority (83 percent) of those who committed a new crime while under supervision were involved with relatively minor misdemeanor or traffic-related offense. Approximately ten percent of offenders' absconded supervision and over 63 percent of the sample successfully completed the WDOC ISP.

## METHODOLOGY

This research employed a retrospective research design. Agency records, including supervision notes, violation reports and other offender-related correspondence, were utilized to track offenders' sanction and reward histories during their participation in the program. In addition, a variety of background information (i.e. demographic, criminal history, and substance abuse history) was collected on study participants from their supervision files. These data sources enabled the calculation of the total number of sanctions and rewards and ratio of rewards to sanctions per offender as well as whether the ISP program was completed, all of which was necessary to answer the three main research questions driving the study. Multivariate logistic regression was utilized to analyze the data.

## KEY FINDINGS

This section presents the main findings from the study. Rather than focusing on the statistical models, this discussion presents the key findings resulting from these analyses.

Readers who are interested in these models should refer to the full version of this article.<sup>5</sup> Five key findings emerged from this study. These include:

- The use of punishments for offenders who violate the term of their community supervision is associated with improved supervision outcomes.
- The use of rewards to reinforce compliant behavior is associated with improved supervision outcomes.
- Sanctions and rewards are most effective when used in tandem.
- Administering rewards in proportionally higher numbers than sanctions produced the best results.

There is no evidence to suggest that the effectiveness of rewards and sanctions is diminished by characteristics of the offender.

### KEY FINDING #1: THE USE OF PUNISHMENTS FOR OFFENDERS WHO VIOLATE THE TERMS OF THEIR COMMUNITY SUPERVISION IS ASSOCIATED WITH IMPROVED SUPERVISION OUTCOMES

Study findings revealed a positive relationship between the frequency of sanctions and program success, which suggests that offenders who received regular sanctions for violating supervision conditions were more likely to complete their supervision than those who were not consistently held accountable for their transgressions. This finding is consistent with prior behavioral research showing that punishments are most effective in controlling unwanted behavior when administered for every infraction (Arzin & Holz, 1966; Lester et al., 2004; Marlowe & Kirby, 1999).

## **KEY FINDING #2: THE USE OF REWARDS TO REINFORCE COMPLIANT BEHAVIOR IS ASSOCIATED WITH IMPROVED SUPERVISION OUTCOMES**

The likelihood of program success was enhanced as the number of reinforcements increased. The statistical analyses further revealed that the frequency of rewards was a stronger predictor of program success than the frequency of punishments. These findings reinforce prior studies on behavioral strategies showing that reinforcements are more effective than punishments in bringing about behavioral change (Marlowe & Kirby, 1999).

## **KEY FINDING #3: SANCTIONS AND REWARDS ARE MOST EFFECTIVE WHEN USED IN TANDEM**

While both sanctions and rewards were individually found to be associated with improved supervision outcomes, the most robust findings were observed when sanctions and rewards were utilized together. In other words, study findings suggest that behavioral interventions generate the greatest improvement in success rates when offenders are both sanctioned consistently for violating program rules and rewarded consistently for exhibiting compliant behavior. This is in accordance with previous studies showing that punishments and rewards are most effective when used in tandem (Arzin & Holz, 1966; Marlowe & Kirby, 1999).

## **KEY FINDING #4: ADMINISTERING REWARDS IN PROPORTIONALLY HIGHER NUMBERS THAN SANCTIONS PRODUCED THE BEST RESULTS**

Study findings further revealed that as the proportion of reinforcers to punishers widens, the likelihood of program success improves.

To better illustrate this finding, predicted probabilities of program completion were calculated utilizing the logistic regression results. A visual representation of these probabilities is presented in Figure 1.

Figure 1 reveals that individuals who experience a greater amount of punishments in relationship to incentives have a low likelihood of completing the WDOC ISP. For instance, the probability of an offender completing ISP with a 1:4 reward to punishment ratio is approximately 11 percent. The probability of success however is substantially enhanced when the ratio of rewards to punishments increases. Individuals who experience a 4:1 reward to punishment ratio have over a 71 percent probability of completing the program.

The s-shaped curve observed in Figure 1 also indicates the most substantial increases in the probability of program completion occur as the ratio shifts from a majority of punishments approach to a majority of rewards approach. For example, those individuals with a 1:2 reward to punishment ratio have an approximate 19 percent predicted probability of successful program completion. This probability of success increases substantially to approximately 36 percent with a 1:1 ratio and shows another substantial increase to almost 57 percent when rewards outnumber punishments at a 2:1 ratio. Once the proportion of rewards to punishments reaches the 4:1 ratio, the growth in the probability of success begins to stabilize.



Figure 1. Ratio of Rewards to Sanctions and the Predicted Probability of Program Success



**KEY FINDING #5: THERE IS NO EVIDENCE TO SUGGEST THAT THE EFFECTIVENESS OF REWARDS AND SANCTIONS IS DIMINISHED BY THE CHARACTERISTICS OF THE OFFENDER.**

A number of variables were utilized in the study to control for the potential effects of offender characteristics that have been shown in previous research to be associated with community supervision outcomes (Morgan, 1994). These control variables included age, gender, race, marital status, educational attainment, offense type, prior record, revocation history and drug abuse history. These variables did not emerge as significant in the analyses.<sup>6</sup> Thus, there is no evidence from the current study to suggest that effectiveness of behavioral strategies is diminished by the characteristics of the offender.

**IMPLICATIONS**

The results found in this study have a number of clear applications for every day practice in probation and parole. Ultimate

failure on community supervision typically means imprisonment, which has proved costly and burdensome, especially during the recent economic downturn. In this section, we discuss some specific policies and practices that can be integrated into parole and probation to improve client outcomes:

*The need to increase the capacity of line staff and supervisors to administer sanctions*

Study findings support the need to consistently hold offenders accountable for their transgressions. Traditionally, the role of the community supervision officer has been to monitor and enforce compliance with release conditions, while the task of imposing punishments has been reserved for the court or other release granting authority. Effective behavioral strategies, however, will require that supervision officers have the capacity to impose meaningful sanctions on recalcitrant offenders. In some cases that may be accomplished through simple changes in department policy, while in other

cases it may require more complex legislative efforts to pass laws increasing the authority of supervision staff to impose sanctions. In Wyoming, for example, laws were passed giving community supervision officers the capacity to impose short jail sanctions on offenders who violate conditions of supervision.

While the incorporation of punishments holds promise for improving supervision outcomes, they also can have detrimental effects if utilized in a reckless manner. Behavioral research has shown, for example, that punishments which are excessively punitive or applied inconsistently can create undesirable results, such as the learning of aggression or the triggering of escape behavior (Marlowe & Kirby, 1999; Myers, 2001). Thus, it is imperative that the use of sanctions be accompanied by well written policies and proper training to guide staff in administering sanctions in an effective manner. It may also require changes in policy to limit the discretion of supervision personnel in making sanctioning decisions to limit variation when handling violations. A number of jurisdictions have addressed these concerns through the incorporation of sanctioning guidelines to structure responses to offender noncompliance (Burke, 1997; 2004).

*The need to increase the capacity of line staff and supervisors to administer reinforcements*

While holding offenders accountable for their transgressions is important, research results suggest that the application of rewards holds more promise for improving compliance with release conditions than the use of sanctions. Given this finding, it is essential for agencies to provide supervision staff with the tools necessary to reinforce prosocial behavior. In many respects, this should prove to be a less arduous task

than increasing the sanctioning authority of community supervision officers. For example, it will likely not require any statutory changes to give agents the ability to extend a curfew or relax certain conditions of supervision as a reward for compliant behavior. These types of reinforcements, if not already in place, can be accomplished through simple changes in agency policy.

Incorporating the use of reinforcements into the management of offenders in the community in a meaningful way will likely require more than policy changes but will necessitate a shift in supervision philosophy. Contemporary supervision practices often emphasize surveillance and control over more traditional objectives of assisting offenders in their rehabilitation (Feeley & Simon, 1992; Garland, 2001). Within this surveillance oriented approach, attention is focused on detecting and punishing offender misconduct rather than recognizing and rewarding prosocial accomplishments. Actions at the individual officer level will be heavily influenced by values, customs and beliefs promoted within the larger organizational culture. Each correctional staff member is subject to the influence of his or her own work environment, which makes active top-level support of the behavioral approach indispensable to maximizing success. Thus, organizational efforts to integrate rewards into community supervision without first addressing ideological impediments will be superficial at best.

*The need to maintain a high ratio of rewards to punishments*

Study outcomes reveal that behavioral interventions are most effective when a high ratio of reinforcements to sanctions is achieved. This suggests that simply increasing the capacity of supervision

personnel to administer reinforcements and punishments will likely not be enough to bring about the desired outcomes. Instead, it will be necessary to structure the use of behavioral interventions in such a way to promote the appropriate balance between the use of sanctions and reinforcements.

Proper and thorough training of line staff on best practices in the use of behavior strategies will be an essential component to achieving the desired ratio of rewards to sanctions. Agencies may also consider implementing a tracking system that provides supervision officers with information on the amount and types of behavioral interventions being used with specific offenders. This would allow agents and supervisors the ability to quickly assess patterns in their use of reinforcements and punishments and make changes if necessary.

It must also be recognized that the capacity to achieve a high ratio of reinforcements to punishments may not be attainable in all situations. The distribution of rewards and punishments will ultimately be determined by the behavior of the offender. However, it is also important to acknowledge that even the most recalcitrant offenders make good decisions at times. The difficult part will be recognizing achievements in certain areas in the face of willful noncompliance in others. One potential strategy to overcome this hurdle is through structured policies that limit discretion in the administering of rewards. The Wyoming Department of Corrections, for example, has implemented a reinforcement guideline system to improve consistency in the reinforcement of prosocial behavior.

*The need to continue research into the use of behavioral interventions in community-based corrections*

While the current study provides reason to be optimistic, there is still much to learn about the capacity of behavioral interventions to improve supervision outcomes. Little is known, for example, about the types of rewards and sanctions that will generate the best outcomes. This is critically important as research has found that behavioral interventions are subjective in nature, meaning that what might be rewarding to one might be punishing to another (Marlowe & Kirby, 1999). Thus, agencies are encouraged to carefully monitor and collect data on the use of behavioral interventions and build partnerships with researchers to facilitate on-going assessment and analysis to better understand how to maximize their effectiveness. ►►

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## ENDNOTES

<sup>1</sup> The study findings were first published in *Criminal Justice and Behavior*, and can be found through the following citation:

<sup>2</sup> Drug courts are intense court-based treatment and supervision programs for substance abusing offenders. These programs are directed by a court judge who approves treatment plans and routinely reviews progress reports and drug screen information compiled by the drug court staff (e.g., case managers, supervision officers, and treatment providers). Drug court participants are motivated to complete treatment program requirements and abstain from drug abuse and criminal behavior through the application of rewards and sanctions (Burdon, Roll, Prendergast, & Rawson, 2001; Marlowe, 2007).

<sup>3</sup> Therapeutic communities use a hierarchical model where participants receive elevated roles and responsibilities as they demonstrate positive social norms and skills. These desirable norms and skills are encouraged through individual and group therapy, communal peer influence, and the application of reinforcements and punishments (National Institute on Drug Abuse, 2002; Welsh, 2007).

<sup>4</sup> WDOC ISP Agents supervise a mixed caseload of both probationers and parolees. Thus, both groups of offenders receive the same level of supervision and are subject to the same conditions and restrictions regardless of the nature of their release granting authority.

<sup>5</sup> See End Note 1.

<sup>6</sup> The only control variable to achieve statistical significance in any of the models was the revocation variable, which was only significant in the sanction model.

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Universal City, CA. For more information, go to [www.cppca.org](http://www.cppca.org)

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