THE JOURNAL OF THE AMERICAN PROBATION AND PAROLE ASSOCIATION

PERSPECTIVES

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Indications and Important Safety Information[1]:

VIVITROL is indicated for:

- Prevention of relapse to opioid dependence, following opioid detoxification.
- Treatment of alcohol dependence in patients who are able to abstain from alcohol in an outpatient setting prior to the initiation of treatment with VIVITROL. Patients should not be actively drinking at the time of initial VIVITROL administration.
- VIVITROL should be part of a comprehensive management program that includes psychosocial support.

For additional Important Safety Information, please see Brief Summary of Prescribing Information on adjacent pages.

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Contraindications

VIVITROL is contraindicated in patients:

- Receiving opioid analgesics
- With current physiologic opioid dependence
- In acute opioid withdrawal
- Who have failed the naloxone challenge test or have a positive urine screen for opioids
- Who have exhibited hypersensitivity to naltrexone, polylactide-co-glycolide (PLG), carboxymethylcellulose, or any other components of the diluent

Prior to the initiation of VIVITROL, patients should be opioid-free for a minimum of 7-10 days to avoid precipitation of opioid withdrawal that may be severe enough to require hospitalization.

Reference: 1. VIVITROL [prescribing information]. Waltham, MA: Alkermes, Inc; 2015.

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VIVITROL® (naltrexone for extended-release injectable suspension)
Intramuscular

BRIEF SUMMARY See package insert for full prescribing information (rev. Dec. 2015).

INDICATIONS AND USAGE: VIVITROL is indicated for the treatment of alcohol dependence in patients who are able to abstain from alcohol in an outpatient setting prior to initiation of treatment with VIVITROL. Patients should not be actively drinking at the time of initial VIVITROL administration. In addition, VIVITROL is indicated for the prevention of relapse to opioid dependence, following opioid detoxification. VIVITROL should be part of a comprehensive management program that includes psychosocial support.

CONTRAINDICATIONS: VIVITROL is contraindicated in: patients receiving opioid analgesics, patients with current physiologic opioid dependence, patients in acute opioid withdrawal, any individual who has failed the naloxone challenge test or has a positive urine screen for opioids, and patients who have previously exhibited hypersensitivity to naltrexone, polylactide-co-glycolide (PLG), carboxymethylcellulose, or any other components of the diluent.

WARNINGS AND PRECAUTIONS: Vulnerability to Opioid Overdose: After opioid detoxification, patients are likely to have reduced tolerance to opioids. VIVITROL blocks the effects of exogenous opioids for approximately 28 days after administration. However, as the blockade wanes and eventually dissipates completely, patients who have been treated with VIVITROL may respond to lower doses of opioids than previously used, just as they would have shortly after completing detoxification. This could result in potentially life threatening opioid intoxication (respiratory compromise or arrest, circulatory collapse, etc.) if the patient uses previously tolerated doses of opioids. Cases of opioid overdose with fatal outcomes have been reported in patients who used opioids at the end of a dosing interval, after missing a scheduled dose, or after discontinuing treatment. Patients should be alerted that they may be more sensitive to opioids, even at lower doses, after VIVITROL treatment is discontinued, especially at the end of a dosing interval (i.e., near the end of the month that VIVITROL was administered), or after a dose of VIVITROL is missed. It is important that patients inform family members and the people closest to the patient of this increased sensitivity to opioids and the risk of overdose. There is also the possibility that a patient who is treated with VIVITROL could overcome the opioid blockade effect of VIVITROL. Although VIVITROL is a potent antagonist with a prolonged pharmacological effect, the blockade produced by VIVITROL is surmountable. The plasma concentration of exogenous opioids attained immediately following their acute administration may be sufficient to overcome the competitive receptor blockade. This poses a potential risk to individuals who attempt, on their own, to overcome the blockade by administering large amounts of exogenous opioids. Any attempt by a patient to overcome the antagonism by taking opioids is especially dangerous and may lead to life-threatening opioid intoxication or fatal overdose. Patients should be told of the serious consequences of trying to overcome the opioid blockade. **Injection Site Reactions:** VIVITROL injections may be followed by pain, tenderness, induration, swelling, erythema, bruising, or pruritus; however, in some cases injection site reactions may be very severe. In the clinical trials, one patient developed an area of induration that continued to enlarge after 4 weeks, with subsequent development of necrotic tissue that required surgical excision. In the post marketing period, additional cases of injection site reaction with features including induration, cellulitis, hematoma, abscess, sterile abscess, and necrosis, have been reported. Some cases required surgical intervention, including debridement of necrotic tissue. Some cases resulted in significant scarring. The reported cases occurred primarily in female patients. VIVITROL is administered as an intramuscular gluteal injection, and inadvertent subcutaneous injection of VIVITROL may increase the likelihood of severe injection site reactions. The needles provided in the carton are customized needles. VIVITROL must not be injected using any other needle. The needle lengths (either 1 1/2 inches or 2 inches) may not be adequate in every patient because of body habitus. Body habitus should be assessed prior to each injection for each patient to assure that the proper needle is selected and that the needle length is adequate for intramuscular administration. Healthcare professionals should ensure that the VIVITROL injection is given correctly, and should consider alternate treatment for those patients whose body habitus precludes an intramuscular gluteal injection with one of the provided needles. Patients should be informed that any concerning injection site reactions should be brought to the attention of the healthcare professional. Patients exhibiting signs of abscess, cellulitis, necrosis, or extensive swelling should be evaluated by a physician to determine if referral to a surgeon is warranted. **Precipitation of Opioid Withdrawal:** The symptoms of spontaneous opioid withdrawal (which are associated with the discontinuation of opioid in a dependent individual) are uncomfortable, but they are not generally believed to be severe or necessitate hospitalization. However, when withdrawal is precipitated abruptly by the administration of an opioid antagonist to an opioid-dependent patient, the resulting withdrawal syndrome can be severe enough to require hospitalization. Review of postmarketing cases of precipitated opioid withdrawal in association with naltrexone treatment has identified cases with symptoms of withdrawal severe enough to require hospital admission, and in some cases, management in the intensive care unit. To prevent occurrence of precipitated withdrawal in patients dependent on opioids, or exacerbation of a pre-existing subclinical withdrawal syndrome, opioid-dependent patients, including those being treated for alcohol dependence, should be opioid-free (including tramadol) before starting VIVITROL treatment. An opioid-free interval of a minimum of 7–10 days is recommended for patients previously dependent on short-acting opioids. Patients transitioning from buprenorphine or methadone may be vulnerable to precipitation of withdrawal symptoms for as long as two weeks. If a more rapid transition from agonist to antagonist therapy is deemed necessary and appropriate by the healthcare provider, monitor the patient closely in an appropriate medical setting where precipitated withdrawal can be managed. In every case, healthcare providers should always be prepared to manage withdrawal symptomatically with non-opioid medications because there is no completely reliable method for determining whether a patient has had an adequate opioid-free period. A naloxone challenge test may be helpful; however, a few case reports have indicated that patients may experience precipitated withdrawal despite having a negative urine toxicology screen or tolerating a naloxone challenge test (usually in the setting of transitioning from buprenorphine treatment). Patients should be made aware of the risks associated with precipitated withdrawal and encouraged to give an accurate account of last opioid use. Patients treated for alcohol dependence with VIVITROL should also be assessed for underlying opioid dependence and for any recent use of opioids prior to initiation of treatment with VIVITROL. Precipitated opioid withdrawal has been observed in alcohol-dependent patients in circumstances where the prescriber had been unaware of the additional use of opioids or co-dependence on opioids. **Hepatotoxicity:** Cases of hepatitis and clinically significant liver dysfunction were observed in association with VIVITROL exposure during the clinical development program and in the postmarketing period. Transient, asymptomatic hepatic transaminase elevations were also observed in the clinical trials and postmarketing period. Although patients with clinically significant liver disease were not systematically studied, clinical trials did include patients with asymptomatic viral hepatitis infections. When patients presented with elevated transaminases, there were often other potential causative or contributory etiologies identified, including pre-existing alcoholic liver disease, hepatitis B and/or C infection, and concomitant usage of other potentially hepatotoxic drugs. Although clinically significant liver dysfunction is not typically recognized as a manifestation of opioid withdrawal, opioid withdrawal that is precipitated abruptly may lead to systemic sequelae including acute liver injury. Patients should be warned of the risk of hepatic injury and advised to seek medical attention if they experience symptoms of acute hepatitis. Use of VIVITROL should be discontinued in the event of symptoms and/or signs of acute hepatitis. **Depression and Suicidality:** Alcohol- and opioid-dependent patients, including those taking VIVITROL, should be monitored for the development of depression or suicidal thinking. Families and caregivers of patients being treated with VIVITROL should be alerted to the need to monitor patients for the emergence of symptoms of depression or suicidality, and to report such symptoms to the patient's healthcare provider. Alcohol Dependence: In controlled clinical trials of VIVITROL administered to adults with alcohol dependence, adverse events of a suicidal nature (suicidal ideation, suicide attempts, completed suicides) were infrequent overall, but were more common in patients treated with VIVITROL than in patients treated with placebo (1% vs 0). In some cases, the suicidal thoughts or behavior occurred after study discontinuation, but were in the context of an episode of depression that began while the patient was on study drug. Two completed suicides occurred, both involving patients treated with VIVITROL. Depression-related events associated with premature discontinuation of study drug were also more common in patients treated with VIVITROL (~1%) than in placebo-treated patients (0). In the 24-week, placebo-controlled pivotal trial in 624 alcohol-dependent patients, adverse events involving depressed mood were reported by 10% of patients treated with VIVITROL 380 mg, as compared to 5% of patients treated with placebo injections. Opioid Dependence: In an open-label, long-term safety study conducted in the US, adverse events of a suicidal nature (depressed mood, suicidal ideation, suicide attempt) were reported by 5% of opioid-dependent patients treated

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with VIVITROL 380 mg (n=101) and 10% of opioid-dependent patients treated with oral naltrexone (n=20). In the 24-week, placebo-controlled pivotal trial that was conducted in Russia in 250 opioid-dependent patients, adverse events involving depressed mood or suicidal thinking were not reported by any patient in either treatment group (VIVITROL 380 mg or placebo).

When Reversal of VIVITROL Blockade Is Required for Pain Management: In an emergency situation in patients receiving VIVITROL, suggestions for pain management include regional analgesia or use of non-opioid analgesics. If opioid therapy is required as part of anesthesia or analgesia, patients should be continuously monitored in an anesthesia care setting by persons not involved in the conduct of the surgical or diagnostic procedure. The opioid therapy must be provided by individuals specifically trained in the use of anesthetic drugs and the management of the respiratory effects of potent opioids, specifically the establishment and maintenance of a patent airway and assisted ventilation. Irrespective of the drug chosen to reverse VIVITROL blockade, the patient should be monitored closely by appropriately trained personnel in a setting equipped and staffed for cardiopulmonary resuscitation. **Eosinophilic Pneumonia:** In clinical trials with VIVITROL, there was one diagnosed case and one suspected case of eosinophilic pneumonia. Both cases required hospitalization, and resolved after treatment with antibiotics and corticosteroids. Similar cases have been reported in postmarketing use. Should a person receiving VIVITROL develop progressive dyspnea and hypoxemia, the diagnosis of eosinophilic pneumonia should be considered. Patients should be warned of the risk of eosinophilic pneumonia, and advised to seek medical attention should they develop symptoms of pneumonia. Clinicians should consider the possibility of eosinophilic pneumonia in patients who do not respond to antibiotics. **Hypersensitivity Reactions Including Anaphylaxis:** Cases of urticaria, angioedema, and anaphylaxis have been observed with use of VIVITROL in the clinical trial setting and in postmarketing use. Patients should be warned of the risk of hypersensitivity reactions, including anaphylaxis. In the event of a hypersensitivity reaction, patients should be advised to seek immediate medical attention in a healthcare setting prepared to treat anaphylaxis. The patient should not receive any further treatment with VIVITROL. **Intramuscular Injections:** As with any intramuscular injection, VIVITROL should be administered with caution to patients with thrombocytopenia or any coagulation disorder (eg, hemophilia and severe hepatic failure). **Alcohol Withdrawal:** Use of VIVITROL does not eliminate nor diminish alcohol withdrawal symptoms. **Interference with Laboratory Tests:** VIVITROL may be cross-reactive with certain immunoassay methods for the detection of drugs of abuse (specifically opioids) in urine. For further information, reference to the specific immunoassay instructions is recommended.

ADVERSE REACTIONS: Serious adverse reactions that may be associated with VIVITROL therapy in clinical use include: severe injection site reactions, eosinophilic pneumonia, serious allergic reactions, unintended precipitation of opioid withdrawal, accidental opioid overdose and depression and suicidality. The adverse events seen most frequently in association with VIVITROL therapy for alcohol dependence (ie, those occurring in ≥5% and at least twice as frequently with VIVITROL than placebo) include nausea, vomiting, injection site reactions (including induration, pruritus, nodules and swelling), muscle cramps, dizziness or syncope, somnolence or sedation, anorexia, decreased appetite or other appetite disorders. The adverse events seen most frequently in association with VIVITROL therapy in opioid dependent patients (ie, those occurring in ≥ 2% and at least twice as frequently with VIVITROL than placebo) were hepatic enzyme abnormalities, injection site pain, nasopharyngitis, insomnia, and toothache. **Clinical Studies Experience**: Because clinical trials are conducted under widely varying conditions, adverse reaction rates observed in the clinical trials of a drug cannot be directly compared to rates in the clinical trials of another drug and may not reflect the rates observed in practice. In all controlled and uncontrolled trials during the premarketing development of VIVITROL, more than 1100 patients with alcohol and/or opioid dependence have been treated with VIVITROL. Approximately 700 patients have been treated for 6 months or more, and more than 400 for 1 year or longer. *Adverse Events Leading to Discontinuation of Treatment:* Alcohol Dependence: In controlled trials of 6 months or less in alcohol-dependent patients, 9% of alcohol-dependent patients treated with VIVITROL discontinued treatment due to an adverse event, as compared to 7% of the alcohol-dependent patients treated with placebo. Adverse events in the VIVITROL 380-mg group that led to more dropouts than in the placebo-treated group were injection site reactions (3%), nausea (2%), pregnancy (1%), headache (1%), and suicide-related events (0.3%). In the placebo group, 1% of patients withdrew due to injection site reactions, and 0% of patients withdrew due to the other adverse events. Opioid Dependence: In a controlled trial of 6 months, 2% of opioid-dependent patients treated with VIVITROL discontinued treatment due to an adverse event, as compared to 2% of the opioid-dependent patients treated with placebo.

DRUG INTERACTIONS: Patients taking VIVITROL may not benefit from opioid-containing medicines. Naltrexone antagonizes the effects of opioid-containing medicines, such as cough and cold remedies, antidiarrheal preparations and opioid analgesics.

USE IN SPECIFIC POPULATIONS: Pregnancy: There are no adequate and well-controlled studies of either naltrexone or VIVITROL in pregnant women. VIVITROL should be used during pregnancy only if the potential benefit justifies the potential risk to the fetus. **Pregnancy Category C:** Reproduction and developmental studies have not been conducted for VIVITROL. Studies with naltrexone administered via the oral route have been conducted in pregnant rats and rabbits. **Teratogenic Effects:** Naltrexone has been shown to increase the incidence of early fetal loss when given to rats at doses ≥30 mg/kg/day (11 times the human exposure based on an AUC(0-28d) comparison) and to rabbits at oral doses ≥60 mg/kg/day (2 times the human exposure based on an AUC(0-28d) comparison). There was no evidence of teratogenicity when naltrexone was administered orally to rats and rabbits during the period of major organogenesis at doses up to 200 mg/kg/day (175- and 14-times the human exposure based on an AUC(0-28d) comparison, respectively). **Labor and Delivery:** The potential effect of VIVITROL on duration of labor and delivery in humans is unknown. **Nursing Mothers:** Transfer of naltrexone and 6-naltrexol into human milk has been reported with oral naltrexone. Because of the potential for tumorigenicity shown for naltrexone in animal studies, and because of the potential for serious adverse reactions in nursing infants from VIVITROL, a decision should be made whether to discontinue nursing or to discontinue the drug, taking into account the importance of the drug to the mother. **Pediatric Use:** The safety and efficacy of VIVITROL have not been established in the pediatric population. The pharmacokinetics of VIVITROL have not been evaluated in a pediatric population. **Geriatric Use:** In trials of alcohol-dependent subjects, 2.6% (n=26) of subjects were >65 years of age, and one patient was >75 years of age. Clinical studies of VIVITROL did not include sufficient numbers of subjects age 65 and over to determine whether they respond differently from younger subjects. No subjects over age 65 were included in studies of opioid-dependent subjects. The pharmacokinetics of VIVITROL have not been evaluated in the geriatric population. **Renal Impairment:** Pharmacokinetics of VIVITROL are not altered in subjects with mild renal insufficiency (creatinine clearance of 50-80 mL/min). Dose adjustment is not required in patients with mild renal impairment. VIVITROL pharmacokinetics have not been evaluated in subjects with moderate and severe renal insufficiency. Because naltrexone and its primary metabolite are excreted primarily in the urine, caution is recommended in administering VIVITROL to patients with moderate to severe renal impairment. **Hepatic Impairment:** The pharmacokinetics of VIVITROL are not altered in subjects with mild to moderate hepatic impairment (Groups A and B of the Child-Pugh classification). Dose adjustment is not required in subjects with mild or moderate hepatic impairment. VIVITROL pharmacokinetics were not evaluated in subjects with severe hepatic impairment.

OVERDOSAGE: There is limited experience with overdose of VIVITROL. Single doses up to 784 mg were administered to 5 healthy subjects. There were no serious or severe adverse events. The most common effects were injection site reactions, nausea, abdominal pain, somnolence, and dizziness. There were no significant increases in hepatic enzymes. In the event of an overdose, appropriate supportive treatment should be initiated.

This brief summary is based on VIVITROL Full Prescribing Information.

Alkermes®

Information (rev. December 2015)

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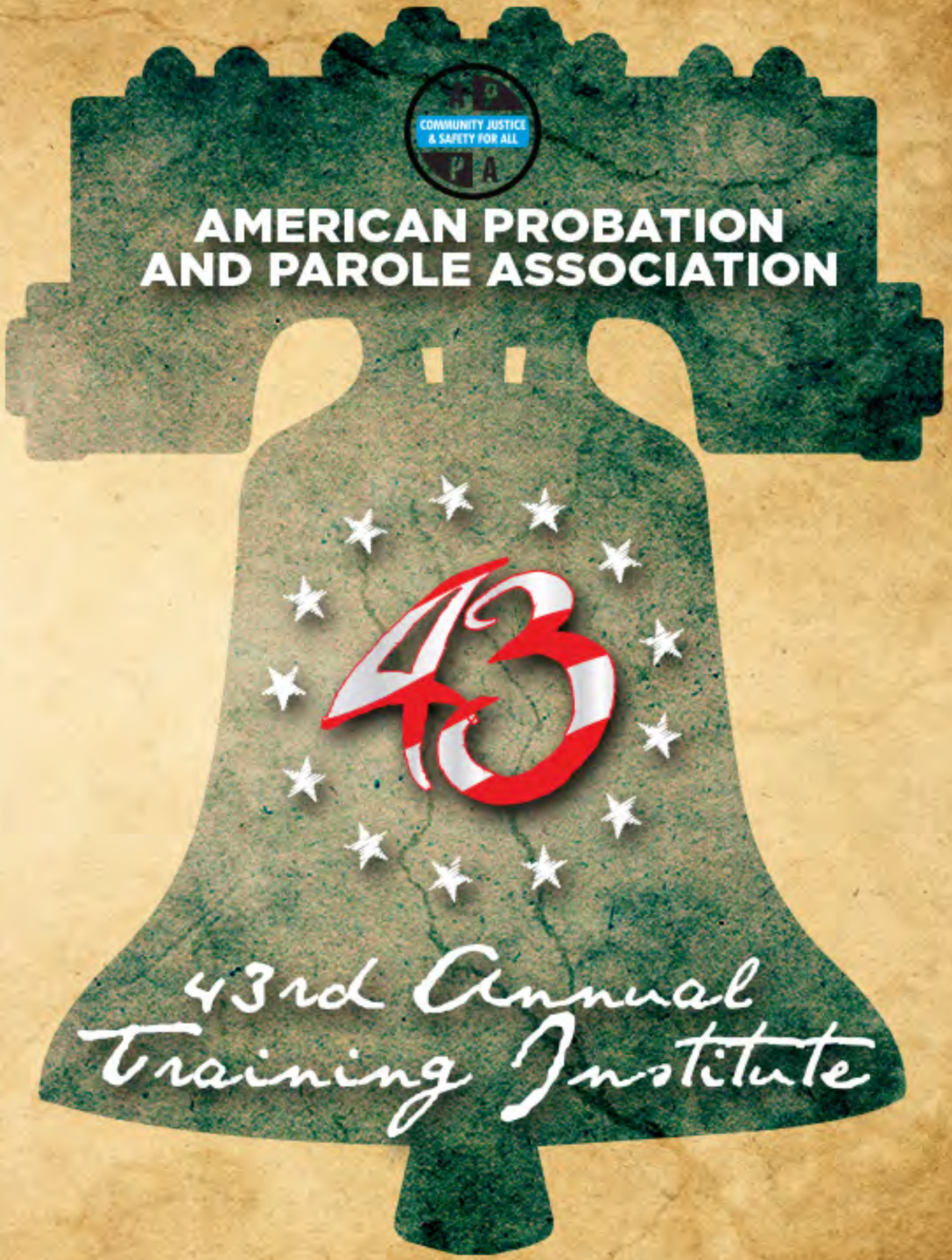
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43rd Annual
Training Institute

president's message

ERIKA PREUITT
PRESIDENT

Summer is a time to think about hanging out with friends, backyard barbecues, and fireworks--and for many graduates it is the time they commence their careers. It was in a summer that I began working as an idealistic young Parole/Probation Officer. Back then, officers in my jurisdiction were just getting the authority to administratively sanction, and criminal justice partners tended to mistrust one another. Thus, that summer I experienced fireworks that were far less pleasant than the July 4th kind. These fireworks were from a judge at a parole violation hearing who learned that I only wanted to impose 15 days as a sanction for a technical violation. Let's just say that the judge let me know he was none too pleased with my "lenient" sanction decision.

I bring up this story because we work in a much more enlightened criminal justice system now. Imposing 15 days for that specific technical violation would be considered beyond sanctioning thresholds today. Bolstered by research on how to effectively change behavior, community corrections agencies are diligently adopting evidence-based practices to reduce recidivism rates and increase positive outcomes. APPA wants to lead the way in sharing the tools and resources needed to be more and more successful in this work.

In 2017, APPA was a signatory to "Statement on the Future of Community Corrections," an important document written by criminal justice executives at the Harvard Kennedy School, including former APPA President Barbara Broderick. I encourage you to read this statement, as it cogently addresses the scope of community corrections and the part played by parole and probation violations in contributing to mass incarceration. It goes on to state:

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president's message

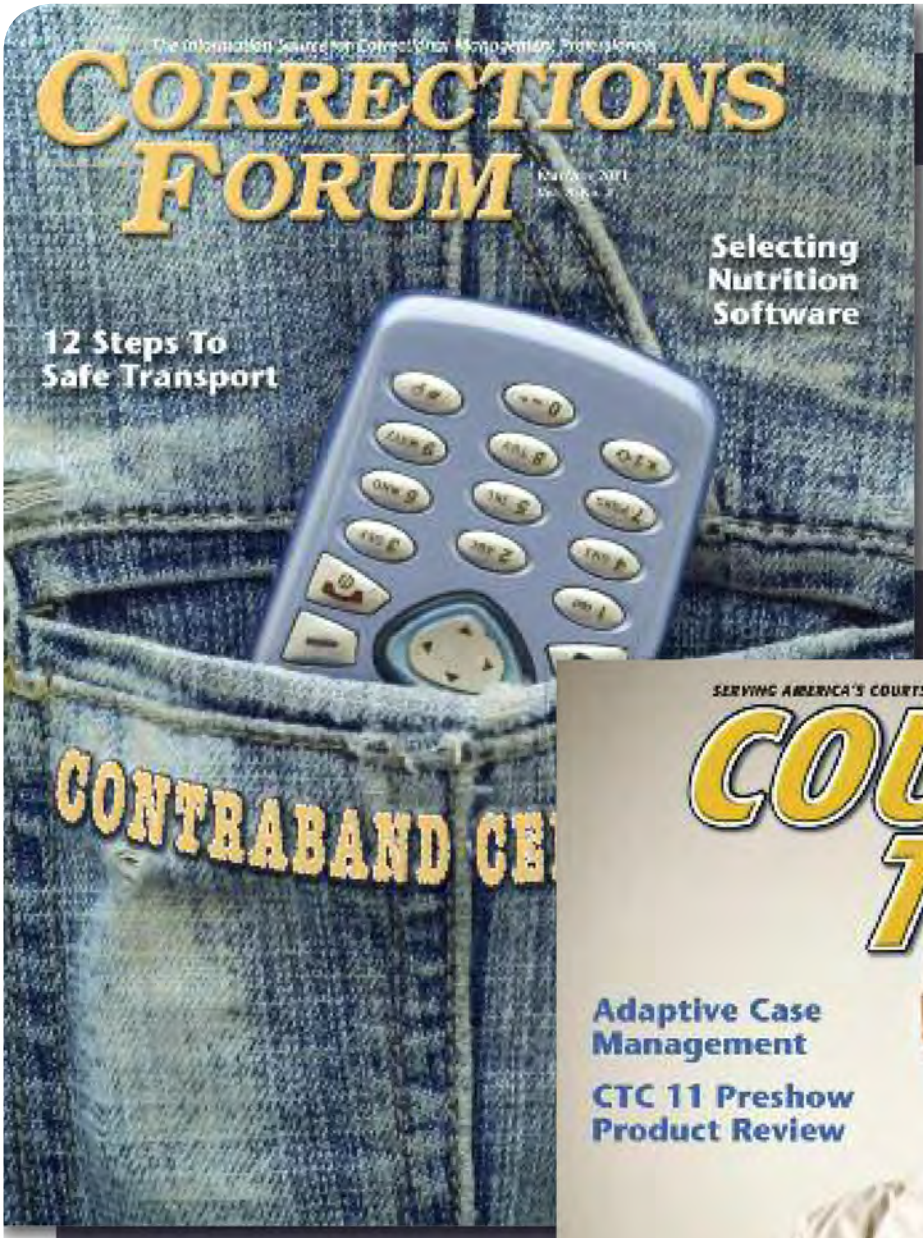
> *…we believe it is possible to* **both** *significantly reduce the footprint of probation and parole* **and** *improve outcomes and public safety. Numerous jurisdictions have reduced the number of people on probation and parole and have instead focused supervision on those most in need of it and only for the time period they require supervision without negatively impacting public safety.*

I am in full support of APPA signing on to this document, because it signals the need for dialogue about the impact of probation and parole on justice-involved individuals and our communities. It also highlights the need for us to commit to refine and transform this work. I have asked APPA' Board of Directors and members what signing the Statement means for them. Many are giving serious thought to the implications of mass probation on our profession and our communities.

I am in full support of APPA signing on to this document, because it signals the need for dialogue about the impact of probation and parole on justice-involved individuals and our communities.

We are already seeing changes, such as earned discharge laws being enacted in many states, allowing probationers to reduce their length of supervision by complying with supervision conditions and successfully achieving case plan goals. I believe this is a step in the right direction. Nonetheless, the idea of reducing probation and changing the community corrections narrative comes with opposing views and concerns that need to be a part of this dialogue. We are fortunate to have *Perspectives* for sharing ideas and engaging in thought leadership.

James Baldwin said "Not everything faced can be changed. But nothing can be changed until it is faced." The important work of facing and improving old paradigms has begun. It is my hope that this issue of *Perspectives* will challenge you, invigorate you, and—most of all—inspire you to be a part of this dialogue.



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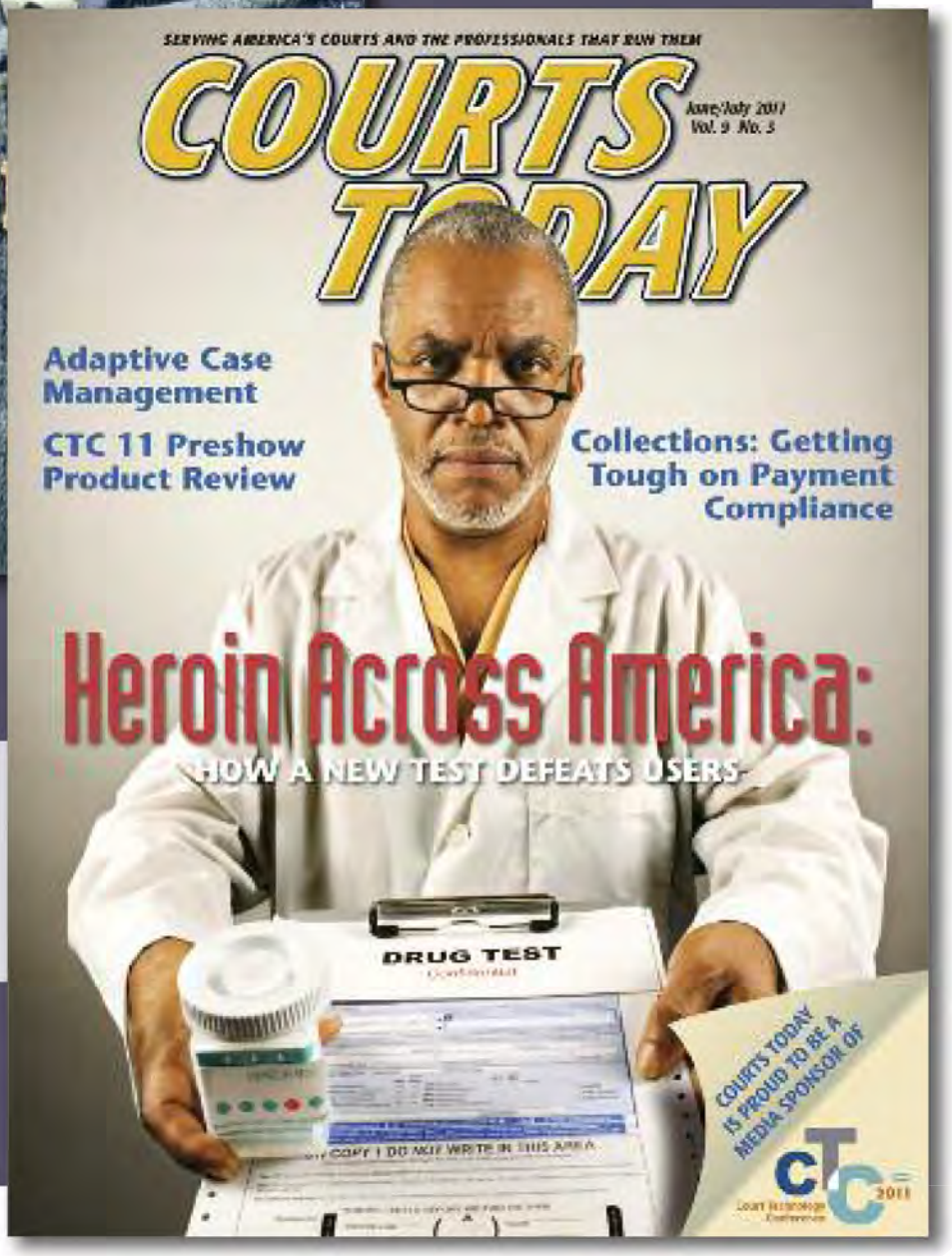

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editor's notes

FAYE S. TAXMAN
EDITORIAL CO-CHAIR FOR *PERSPECTIVES*

BRIAN LOVINS
EDITORIAL CO-CHAIR FOR *PERSPECTIVES*

Spurred in part by the "get tough" movement of the 1980s, the corrections field has grown exponentially over the past 30 years. Prison growth has been well documented, but the large growth in community corrections has remained under the radar. Over the past 20 years, the number of individuals under probation rose from 1.1 million (1981) to 4.3 million (2007) while parole supervision went from 220,000 to 826,000 during the same period. This growth of community supervision has not been without its problems. Increased caseload sizes, underfunded resources, a reliance on probation and parole fees to fund services, along with a set of goals that are incongruent at times (rehabilitation, risk management, retribution, incapacitation, and deterrence) has led to a mismatch of approaches to address the issues facing those justice-involved persons in the system.

In this issue of *Perspectives,* we explore the current trends regarding the size and scope of community supervision and what probation and parole should look like in the future. Starting with the Columbia Justice Lab article, Vincent Schiraldi provides an overview of the growth of community supervision. The article calls for a right-sizing probation to focus resources and efforts on those moderate to high risk individuals who could benefit from supervision and limiting the collateral consequences that come with supervision. The next article written by the Harvard Kennedy School Program in Criminal Justice Policy and Management, in conjunction with 29 criminal justice stakeholders across different areas of the criminal justice system, provides a clear set of principles that they suggest should be used as a guide for "broad and comprehensive paradigm shifts" (Harvard Kennedy School Program in CJ Policy and Management, 2017, p. 3). Furthermore, the Consensus piece provides 10 key areas in which community corrections should focus to reengineer a just and fair system to reduce further penetration into the system.

As we digest these two articles, we asked several key stakeholders across the country to weigh in on the discussion. In the first article, Faye Taxman agrees that the system is bloated, especially on the front end, and that something must be done to right size probation. She offers four key options that could be used in the United States, based on experiences in some jurisdictions in the U.S. and abroad, to reduce the burden on those individuals who are justice-involved without risking public safety. The second article written by Greg Dillon takes a slightly different view. While he acknowledges the problems associated with the expansion of community supervision, he also recognizes that over the past eight years community corrections has begun to make significant inroads into modernizing. He suggests that changing course now

would have detrimental effects for the future of community corrections. Adam Gelb and Barbara Broderick, in an article reprinted from The Hill, argues about the importance of rewards and reinforcing positive behaviors to achieve better outcomes from probation. They reiterate that rewards are an underused tool of behavioral change.

The fourth article written by Ron Corbett, Cecelia Klingele, Edward Dolan, and Brian Mirasolo discusses a conditions of probation pilot in Massachusetts. Massachusetts tested an effort where probation uses a parsimonious approach to conditions which is designed to ensure the conditions are appropriate to the individual and linked to the risk-need assessment tool. A fifth article written by Ebony Ruhland and Edward Rhine article provides important insight into the impact that paroling authorities have on prison and parole populations. They offer several recommendations to improve the parole decision making process including developing structured decision matrices and managing risk aversive policies. Lastly, Brian Lovins challenges us to rethink the function of probation and parole. Historically designed to monitor and report non-compliant individuals, community supervision is now being asked to impact behavioral change. Brian suggests that to meet this goal, probation and parole will need to move away from a "referee" type system and embrace more of a coaching model in which probation and parole "coaches" offer support, encouragement, and teach new skills while focused on winning (reduction of reoffending).

Ultimately, this conversation will not end here; it is only the start.

Ultimately, this conversation will not end here; it is only the start. Over the course of the next decade, we need to take a tough look at what we do, how we do it, and why. It will be important for community corrections stakeholders to develop a comprehensive plan to address the barriers that justice involved individuals face in successfully (re) integrating into the community at large.

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instructions to authors

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FALL 2018 ISSUE: AUGUST 1, 2018
WINTER 2019 ISSUE: NOVEMBER 1, 2018
SPRING 2019 ISSUE: FEBRUARY 1, 2019
SUMMER 2019 ISSUE: MAY 1, 2019

Unless previously discussed with the editors, submissions should not exceed 12 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 and in American Psychological Association (APA) Style. 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., to (Mattson, 2015, p. 73). Alphabetize each reference at the end of the text using the following format:

Mattson, B. (2015). Technology supports decision making in health and justice. *Perspectives*, *39*(4), 70-79.

Hanser, R. D. (2014). *Community corrections* (2nd ed.). Thousand Oaks, CA: Sage.

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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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;

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Partnerships with stakeholders lead to shared ownership of our vision.

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"We see a fair, just, and safe society where community partnerships are restoring hope by embracing a balance of prevention, intervention, and advocacy."

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Too big to succeed: The impact of the growth of community corrections and what should be done about it[1]

January 2018

Introduction

The recent sentencing of Philadelphia rap artist Meek Mill to two to four years in prison for probation violations committed a decade after his original offense has brought the subject of America's expansive community supervision apparatus and its contribution to mass incarceration into the public spotlight (NBC News 2017; Jay-Z 2017).

Founded as either an up-front diversion from incarceration (probation) or a back-end release valve to prison crowding (parole), community corrections in America has grown far beyond what its founders could have imagined with a profound, unintended impact on incarceration. With nearly five million adults under community corrections supervision in America (more than double the number in prison and jail), probation and parole have become a substantial contributor to our nation's mass incarceration dilemma as well as a deprivation of liberty in their own right (Kaeble and Bonczar 2016; Kaeble and Glaze 2016). The almost four-fold expansion of community corrections since 1980 without a concomitant increase in resources has strained many of the nation's thousands of community supervision departments, rendering some of them too big to succeed, often unnecessarily depriving clients of their liberty without improving public safety (Bureau of Justice Statistics 1995; Kaeble and Bonczar 2016; Pew Center on the States 2009; Klingele 2013; Doherty 2016).

This paper offers a way out of "mass supervision." Authored by leading representatives of our nation's community corrections field, our conclusion is that the number of people on probation and parole nationally can be cut in half over the next decade and returns to incarceration curbed, with savings focused on providing services for those remaining under supervision. This would reduce unnecessary incarceration and supervision, increase the system's legitimacy, and enhance public safety by allowing probation, parole and community programming to be focused on those more in need of supervision and support.

How we got here

When probation (1841) and parole (1876) were created in the U.S. in the 19th Century, they were more focused on rehabilitation, seeking to either steer individuals away from harsher punishments into community supervision, in the case of probation, or to shorten imprisonment in exchange for rehabilitative efforts, in the case of parole (Klingele 2013).

[1] Appendix A contains a list of signatories and their affiliations.

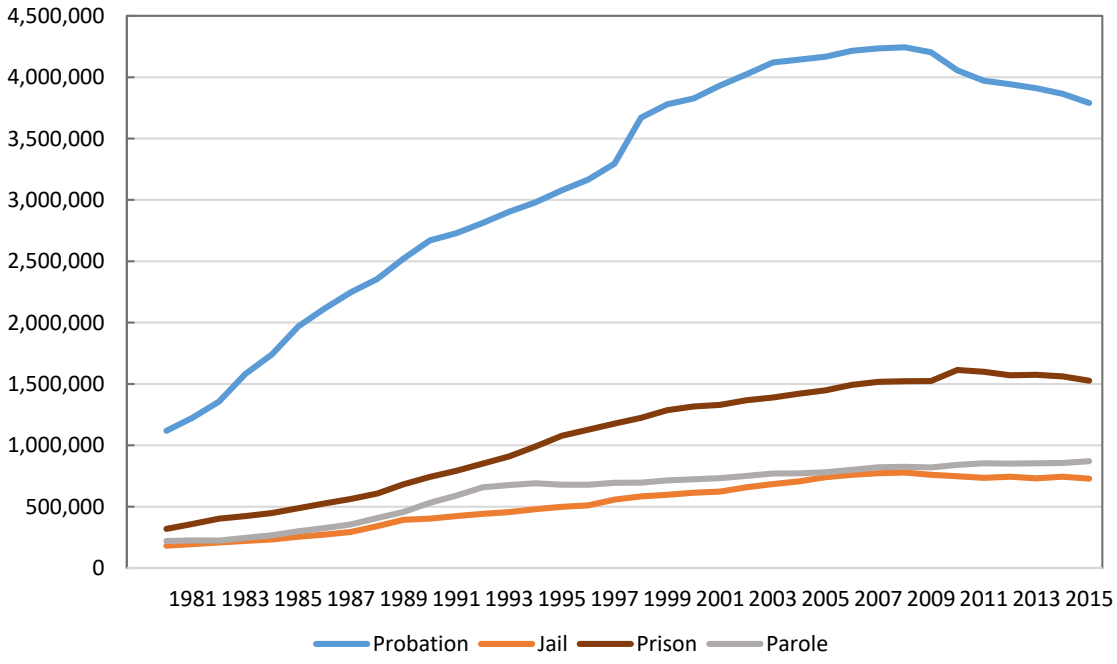
As early as the 1960s, researchers began to question whether community supervision was serving as a true alternative to incarceration or was widening the net of social control.

The advent of mass incarceration in the United States answered that question. Probation and parole populations mushroomed alongside prison and jail populations, signaling that, with some exceptions, community corrections was serving as an add-on, rather than an alternative to, incarceration. From 1980 to its peak in 2007, the number of people under probation (1.1 million to 4.3 million) and parole (220,400 to 826,100) grew almost four-fold (Bureau of Justice Statistics 1995; Kaeble and Bonczar 2016). At the same time, the number of people in prison and jail in the U.S. grew nearly five-fold, from 474,368 to 2.3 million (Kaeble and Glaze 2016).

The number of adults under community supervision has declined from its historic peak by 10% from 2007 to 2015, during which time there was a 14% decline in victimization nationally (Rand 2008; Truman and Morgan 2016). While we do not intend to imply causality in the complex relationship between community supervision and crime, this at least means that it is possible for crime to decline even as the number of those under supervision declines. Also, as arrests have dropped more precipitously (-24%) than the number of adults on probation and parole (-10%), it means that the "probationer-per-arrest" ratio has actually increased (FBI Crime Reports, 2007 and 2015). In the final analysis, an astonishing one out of every 53 adults in America was on probation or parole in 2015 (Kaeble and Bonczar 2016).

Figure 1 shows how prison and jail populations mushroomed alongside probation and parole and that, as probation and parole populations have declined, so have prison and jail populations.

Figure 1: National trends in U.S. correctional populations (1980-2015)



Source: Bureau of Justice Statistics. Correctional Populations in the United States Series (1980-2015). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available online: www.bjs.gov/index.cfm?ty=pbse&sid=5.
Note: Data are not available for 2002.

Data like these led University of Minnesota researcher Michelle Phelps (2017b) to conclude, "Rather than choosing probation *or* prison, we have increasingly chosen all of the above, despite sustained declines in crime rates since the 1990s." Rutgers' Todd Clear adds, "When we built this large prison system, we bracketed it with enormous…community surveillance activities on each end. On the probation side, we built a surveillance and rule structure that almost really nobody could abide by satisfactorily 100% of the time" (Childress 2014).

Workloads increase faster than resources

Despite the system's enthusiasm for expanding supervision alongside incarceration, policy makers have been reticent to provide concomitant financial support for their community supervision agencies, further stretching already-underfunded parole and probation resources across a growing population.

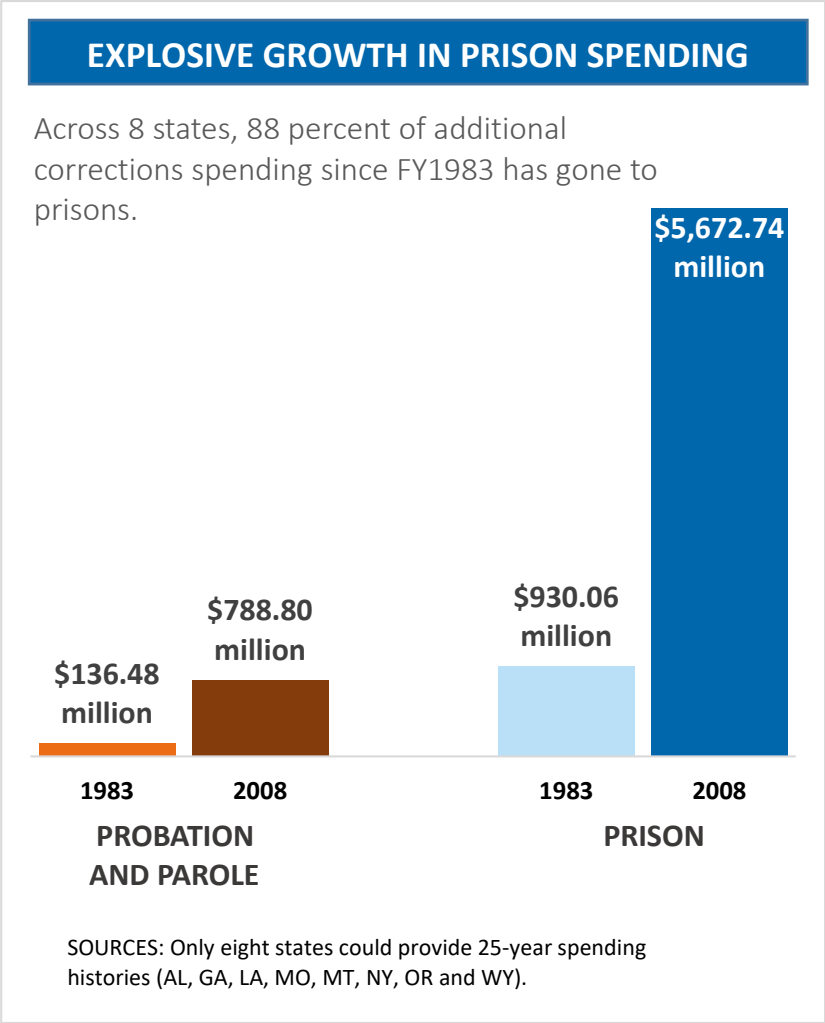
In 2009, the Pew Charitable Trusts surveyed state corrections and community corrections agencies to discern spending on probation, parole and prisons. Pew found that the cost to incarcerate someone in prison in 2008 was $79 per day, compared to $7.47 for a person on parole and $3.42 for an individual on probation. As Figure 2 shows, although there were more than twice as many people on probation and parole as in prison, prisons consumed nearly nine out of every 10 correctional dollars.

Figure 2. State Correctional Spending, FY2008

Source: The Pew Center on the States. 2009. "One in 31: The Long Reach of America Corrections." Washington, D.C.: The Pew Charitable Trusts. Available: www.pewtrusts.org/~/media/assets/2009/03/02/pspp_1in31_report_final_web_32609.pdf

The eight states that provided Pew with fiscal data over 25 years showed that the gap between community corrections funding and prisons has dramatically grown over time, at least in those jurisdictions. While twice as many people were added to community corrections from 1983 to 2008, 88% of additional correctional dollars went to prisons compared to only 12% for probation and parole (See Figure 3).

Figure 3. State correctional spending on prisons versus probation and parole, FY1983 and FY2008



Source: Pew Center on the States. 2009. "One in 31: The Long Reach of America Corrections." Washington, D.C.: The Pew Charitable Trusts. Available: www.pewtrusts.org/~/media/assets/2009/03/02/pspp_1in31_report_final_web_32609.pdf

These fiscal realities have led policy makers from coast to coast to rely on fees paid by people on probation and parole to bail out shrinking community corrections budgets. The White House Council of Economic Advisers (2015, 4) has cautioned against such practices:

> "Fines and fees create large financial and human costs, all of which are disproportionately borne by the poor. High fines and fee payments may force the indigent formerly incarcerated to make difficult trade-offs between paying court debt and other necessary purchases. Unsustainable debt coupled with the threat of incarceration may even encourage some formerly incarcerated individuals to return to criminal activity to pay off their debts, perversely increasing recidivism."

Ron Corbett (2015, 1712), former probation commissioner for Massachusetts, notes:

> "As the financial penalties incurred by probationers grow, one wonders what those who impose them imagine the financial standing of probationers to be. If it were the case that the average probationer could afford to pay all the costs, fines, and fees that are imposed, there would not have been a crime in the first place, quite possibly."

Get-tough policies impact community corrections

These fiscal shifts occurred simultaneously with a more punitive approach to crime and justice. Probation and parole were swept up in the explosive national growth of imprisonment, the passage of mandatory sentencing and "three strikes" laws, and the increase in sentence lengths. As Corbett (2015, 1707) describes, "…no probation administrator could afford to ignore the shifting political winds. Accordingly, probation departments around the country raced to take on the look and feel and accoutrements of a "get tough" agency."

These accoutrements included increasing numbers of conditions of community supervision, which are estimated at between 10 to 20 conditions per person (Corbett 2015). These can range from fines, fees and restitution; to requirements to abstain from drugs and alcohol; to prohibitions from moving or associating with others with criminal convictions; to work and community service requirements (Doherty 2016). Violations can result in further restrictions, up to and including incarceration.

The growth in the number of conditions has been accompanied by improved technology to surveil people on probation and parole, from electronic monitoring to increased urinalysis testing to negatively impacting credit ratings for failure to pay fines and fees (Corbett 2015; Klingele 2013).

Dan Beto, former director of probation for four counties in Texas and former executive director of the Sam Houston State University Correctional Management Institute, stated:

> "When I became a probation officer in 1968, offenders placed on probation typically had to adhere to relatively few standard conditions of probation. Over the years we have witnessed the growth in the number of special conditions of probation, and now it is not uncommon for offenders to be saddled with up to a couple of dozen" (Corbett 2015, 1708).

Impact of the unfunded growth of community corrections – a perfect storm

Shrinking funds. Mushrooming populations. Better surveillance technology. A more punitive national climate.

These conditions have created a perfect storm for the community corrections field.

Stretched to an average workload of 100 (but often much larger), and charged with improving the lot in life of a population that is frequently poor, homeless, substance abusing, mentally ill and/or unemployed, probation and parole officers are often faced with an impossible task (Phelps and Curry 2017). Charged with assuring public safety in a political environment with low risk tolerance, community corrections personnel have too often resorted to probation and parole revocations and incarceration.

Michael Jacobson, former commissioner of New York City Probation, and his colleagues (2017, 7) wrote:

> "Few probation agencies have the ability to "step up" people on probation who technically violate (or are at risk of violating) to drug treatment, cognitive behavioral therapy, or employment programs. As a result, probation officers with little to no resources, eager to manage risk and their large caseloads,

default to the most available option they have — the most expensive and punitive option — the formal violation process which often results in jail or prison."

From 1990 to 2004, the number of people on probation who were revoked for non-compliance grew by 50%, increasing from 220,000 to 330,000 (Corbett 2015).

According to research by Phelps (2017a), 33% of people in jail and 23% of people in prison in the mid-2000s were on probation at the time of their arrest, a quarter of whom were reincarcerated for nothing more than a technical violation (excluding new arrests). Likewise, 12% of the jail population is comprised of those who were on parole at the time of arrest, as is 18% of the prison population. About one in five of those are incarcerated for technical violations of parole.

Research published by the National Academies of Sciences reports that being under parole supervision may actually be causally related to reincarceration (Harding et al. 2017). Using the random assignment of judges as a natural experiment, the researchers found that post-prison parole supervision increases imprisonment through the detection and punishment of low-level offending or violation behavior.

These punishments fall more heavily on young African American men than on any other population. While one in 53 adults in America is under probation or parole supervision, one in 12 African American males is under community supervision as is nearly one in five young African American males without a high school education (19%) (Phelps 2017a; Phelps and Curry 2017).

In 2014, the Urban Institute researched probation violations by race in four diverse jurisdictions (Dallas County, Texas; Iowa's Sixth Judicial District (Cedar Rapids); Multnomah County (Portland), Oregon; and New York City) (Jannetta et al. 2014). They found that revocation rates for African American people on probation were higher in all four jurisdictions, even when controlling for relevant characteristics of those on probation.

What to do?

From 2013 to 2016, the Harvard Kennedy School Program in Criminal Justice Policy and Management convened 29 individuals from community corrections, prison and jail administration, prosecution, academia, advocacy, philanthropy, elected officials and formerly incarcerated communities to examine the state of community corrections in America. In an extremely unusual move due to the high degree of agreement among the participants, this Executive Session on Community Corrections issued a consensus paper on the future of community corrections, describing five principles that should guide the future of probation and parole:

1. **To promote the well-being and safety of communities;**
2. **To use the capacity to arrest, discipline, and incarcerate parsimoniously;**
3. **To recognize the worth of justice-involved individuals;**
4. **To promote the rule of law, respecting the human dignity of people under supervision and treating them as citizens in a democratic society; and**
5. **To infuse justice and fairness into the system.**

In August 2017, the release of another Executive Session paper, *Less is More: How Reducing Probation Populations Can Improve Outcomes* was accompanied by a *Statement on the Future of Community Corrections*. That statement was signed on to by 35 current and former community corrections administrators as well as every major national community corrections organization – the American Probation and Parole Association, the Association of

Paroling Authorities International, the Association of State Correctional Administrators, the International Community Corrections Association, the National Association of Pretrial Services Agencies and the National Association of Probation Executives. The group emphasized that, as efforts are made to appropriately size the probation and parole populations, a concurrent effort should be made to match funding to the complexity of the populations that are remaining.

The Statement noted that "community corrections has become a significant contributor to mass incarceration" but that "increasingly sophisticated research has shown that we can responsibly reduce probation and parole populations" and that "it is possible to *both* significantly reduce the footprint of probation and parole *and* improve outcomes and public safety."

Jurisdictions throughout the country have begun to experiment with shrinking the size and negative outcomes of probation and parole, reducing conditions, incentivizing good behavior and curbing revocations.

The Pew Charitable Trusts reports that in 18 of the states (AK, AR, AZ, DE, GA, ID, KS, KY, LA, MD, MO, MS, MT,NH, OR, SC, SD, UT) that have participated in the Justice Reinvestment Initiative (JRI)[2], supervision periods can be shortened by 30 days for 30 days of compliance, while eight JRI states have shortened probation terms (AK, AL, GA, HI, LA, MT, TX, VT) (Gelb and Utada 2017). Twenty-two JRI states require the use of graduated sanctions and incentives in lieu of revocation and incarceration (AK, AL, AR, DE, GA, ID, KS, KY, LA, MD, MS, MT, NC, ND, NE, NV, PA, SC, SD, TX, UT, WV); while 16 JRI states have put caps on how long individuals can serve for a technical violation of supervision conditions (AK, AL, AR, GA, HI, ID, KS, LA, MD, MO, MS, MT,NC, OK, PA, UT).

In 2012, policy makers in Missouri granted 30 days of earned compliance credit for every 30 days of compliance while under supervision for certain people on probation and parole. From 2012 to 2015, 36,000 people on community supervision were able to reduce their terms by 14 months, reducing caseloads from 70 to 59. There was a 20% reduction in the number of people under supervision, from 73,555 to 58,765, and reconviction rates for those released early were the same as those discharged from supervision before the policy went into effect.

Prior to Arizona policy makers passing the Safe Communities Act, a third of persons admitted to Arizona's prisons had violated conditions of probation. The Act granted earned credits for success on probation, required that judges receive presentence reports using risk and needs assessments and led to evidence based training and hiring practices. From 2008 to 2016, there was a 29% decline in probation violations, a 21% decline in arrests of people on probation, and the state realized $392 million in averted costs.

From 1996 to 2014, New York City reduced the number of people on probation by about two-thirds (69%) (Jacobson et al 2017; New York State Division of Criminal Justice Services n.d.). Further, the Probation Department enrolled its low-risk clients – around two-thirds of those on probation – in less intrusive supervision that entailed reporting in to an electronic kiosk monthly (Wilson, Naro, and Austin 2007). Finally, city judges, at the department's suggestion, granted early discharge to almost six times as many clients in 2013 as in 2007 (New York City Department of Probation 2013).

During this time period, both crime and incarceration plummeted in the city. Violent crime dropped in New York City by 57% from 1996 to 2014, and the city's jail and prison incarceration rate declined by an equally

[2] NB: this is not meant to be a comprehensive list of states with these provisions, but rather a list of *JRI states* with these provisions.

impressive 55% (New York State Division of Criminal Justice Services n.d.; Holloway and Weinstein 2013; Roche and Deacy 1997; U.S. Census Bureau 2000, 2014; see also Greene and Schiraldi 2016). The low-risk clients checking in at kiosks experienced lower re-arrest rates; so did the higher risk clients who were more closely supervised by probation officers with lower caseloads (Wilson, Naro, and Austin 2007). And those discharged early from probation were less likely to be arrested for a new felony in their first unsupervised year (3%) than those who were on probation for their full term (4.3%) (New York City Department of Probation 2013).

Further, while the Probation Department's budget declined from $97 million in 2002 to $73 million in 2016, its expenditures per person on probation actually doubled (controlling for inflation) because so many fewer people were under supervision. This has allowed the department to reduce caseload sizes, increase contracts with non-profit organizations to provide needed services for its clients, and open neighborhood offices to support and supervise people on probation throughout the city.

Michigan's Community Corrections Act has fiscally incentivized counties since 1988 to improve probation services through a local planning process and reduce the number of people convicted of felonies to state prison (Phelps and Curry 2017). From 1989 to 2010, the commitment rate to prison for new felony offenses in Michigan declined from 35% to 21%, even more remarkable considering the increase in the national commitment rates during that time period.

The California legislature passed and the governor signed into law AB 109 which went into effect on October 1, 2011 (California Department of Corrections and Rehabilitation 2013a). Known as Criminal Justice Realignment, AB 109 and other clean up legislation made the following three major changes in criminal justice practice in California:

- People in state prison on non-violent, non-serious, non-sex offense felonies, who would usually be released on state parole, would now be released under the supervision of the county probation department. That supervision could end as early as six months after release, must end after a year if there are no new offenses or violations, and can never be longer than three years.
- People convicted of new non-serious offenses can no longer go to state prison, but can be sent to county jail to serve their sentence.
- People on probation or parole who violate the terms of their supervision can no longer be sent to state prison for that violation but can only go to county jail for a maximum of 180 days which, with a mandatory day-for-day good time credit, normally results in a 90 day maximum stay (there is an exception for the small number of people released on parole who had an original life sentence, a violation of the their parole can result in a return to state prison).

The reforms enacted pursuant to AB 109 have resulted in fewer individuals in state prison and far fewer people under state parole supervision. Overall, according to the California Department of Corrections and Rehabilitation (CDCR) (2013b), realignment has reduced prison populations in California by 25,000. From the savings generated by this prison population reduction, more than $1 billion was provided to California counties in 2013-2014.

CDCR found that there was very little difference between the one-year arrest and conviction rates of individuals released pre- and post-realignment, with a slightly lower arrest rate (59% compared to 62%) for the post-realignment group. However, the one-year return-to-prison rate was substantially less post-realignment

(7% compared to 42%), which makes sense since realignment significantly limits the circumstances by which someone can be returned to prison on a parole violation.

In 2007, the National Institute of Corrections and the JEHT Foundation asked the Urban Institute to convene two meetings of national community corrections experts to articulate best practices in probation and parole, supervision and revocation (Solomon, Jannetta, et al. 2008; Solomon, Osborne, et al. 2008). The 13 recommendations those experts proffered ranged from frontloading resources and focusing them on the highest risk clients; to incentivizing good behavior through early discharge and using graduated sanctions in lieu of incarceration; to supervising clients in their home communities and engaging informal social controls; to individually tailoring client services.

Buoyed by examples such as these, *The Statement on the Future of Community Corrections* (Program in Criminal Justice Policy and Management 2017), concluded by recommending that the number of people on probation and parole supervision in America be significantly reduced by:

- **Reserving the use of community corrections for only those who truly require supervision;**
- **Reducing lengths of stay under community supervision to only as long as necessary to accomplish the goals of sentencing;**
- **Exercising parsimony in the use of supervision conditions to no more conditions than required to achieve the objectives of supervision;**
- **Incentivizing progress on probation and parole by granting early discharge for those who exhibit significant progress;**
- **Eliminating or significantly curtailing charging supervision fees; and**
- **Preserving most or all of the savings from reducing probation and parole populations and focusing those resources on improving community based services and supports for people under supervision.**

It is now mainstream thought – endorsed by the field's leading practitioners – that an important aspect of improving community corrections, increasing public safety, and restoring legitimacy will be to substantially downsize the grasp of community corrections by at least half and reduce violations to incarceration so that it can retool itself to focus on helping those most in need of community supports to become the kinds of citizens we all want them to become.

Appendix A: Signatories to "Too Big to Succeed"

Ana Bermudez, Commissioner, New York City Probation

Dan Richard Beto, retired founding Executive Director, Correctional Management Institute of Texas; former Chief Probation Officer for Brazos, Grimes, Madison and Walker Counties, TX; past-President, National Association of Probation Executives

Barbara Broderick, Chief Probation Officer, Maricopa County (Phoenix) Adult Probation, AZ; former state Director, Adult Probation Office, Arizona Supreme Court; former Director, New York State Department of Probation and Correctional Alternatives; past-President, American Probation and Parole Association

Ronald Corbett, former Commissioner, Massachusetts Probation Department; former Executive Director, Massachusetts Supreme Judicial Court; past-President, National Association of Probation Executives

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Papers from the Executive Session on Community Corrections

JULY 2017

HARVARD Kennedy School
Program in Criminal Justice
Policy and Management

Toward an Approach to Community Corrections for the 21st Century:

Consensus Document of the Executive Session on Community Corrections

Executive Session on Community Corrections and This Consensus Document

This consensus document[1] is unique among the papers that will be published as a result of the Executive Session on Community Corrections. To our knowledge, this report represents the first time that a Harvard Executive Session relating to criminal justice has published a consensus document on its subject of focus. Members of the Executive Session on Community Corrections have come together over the past three years with the aim of developing a new paradigm for correctional policy at a historic time for criminal justice reform. Executive Session members have worked during that time to explore the role of community corrections and communities in the interest of justice and public safety. During our deliberations and research, it was apparent that there was strong consensus developing over principles and practices that should guide the reform of community corrections going forward. This report is the result of that consensus.

The Executive Sessions at Harvard Kennedy School bring together individuals of independent standing who take joint responsibility for rethinking and improving society's responses to an issue. Members are selected based on their experiences, their reputation for thoughtfulness, and their potential for helping to disseminate the work of the Session.

Learn more about the Executive Session on Community Corrections at:

http://www.hks.harvard.edu/criminaljustice/communitycorrections

Guiding Values

The values of life, liberty, and equality before the law are fundamental to American citizenship and democracy. From our Constitution to the Civil Rights Act, due process revolution, and beyond, our core American principles center on individual autonomy and liberty, the ability of Americans to contribute meaningfully to the institutions that govern them, and to be treated equally by the law and their government. These are democratic imperatives to which all Americans bear witness. It follows that democratic institutions are those that are fair and transparent in their procedures and decisions, embody channels for transmitting citizens' preferences to authorities and officials, and contain checks on arbitrary abuse of power. Justice-involved Americans do not surrender their constitutional protections or citizenship, and the institutions through which they travel must uphold these principles. Our motivating idea, therefore, is this: America's community corrections systems must reflect and embody the normative values of the wider democracy in which they reside.

With these fundamental premises in view, we articulate a basic vision of the values that should guide community corrections specifically. Changing practices will only make

our system more just and enhance the safety of our communities if such reforms rest on a foundation of core values embedded within the larger democratic society. Values affirm the basic mission of justice and establish standards of behavior to which agencies (and the people within them) should aspire and be held. What are the core values and principles to establish justice within community corrections? What should we aim toward as a system within a broader democratic system of government?

First, the fundamental mission of community corrections as well as the broader system of criminal justice is the well-being and safety of American communities. Community well-being describes stability in everyday life, rooted in the social bonds of neighborhoods and families that allow individuals to flourish.

Second, the capacity to arrest, discipline, and incarcerate is an awesome state power that is legitimately used to promote public safety, accountability for violations of the law, and justice for all those affected, directly or indirectly, by crime. But that authority must be used parsimoniously and justly to prevent the possibility of harm to individuals, their families, communities, and the foundational principles of our democracy.

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Third, community corrections agents must recognize the worth of justice-involved individuals. Community corrections should be geared toward facilitating individuals' success and effective integration into community life and helping them repair any harm caused to their fellow citizens. Doing so restores human agency and dignity, a sense of control over one's destiny, and helps individuals promote the sustained well-being of their families and communities, over time and across generations.

Fourth, community corrections agencies must be pillars of the rule of law, respecting the human dignity of people under supervision and treating them as citizens in a democratic society, free of arbitrary treatment, disrespect, and abuses of power. Building genuine community trust and establishing fairness and legitimacy are critical to the mission of community corrections. To advance this mission, community residents should be mobilized and engaged as co-producers of justice who have a stake in realizing the goals of safety and justice.

Finally, our collective aspiration for community corrections is not guided simply by the goals of harm reduction, maintenance of order, or minimizing the size of the system and the numbers of Americans processed through it. We aspire to infuse justice and fairness into a broader criminal justice system that so often runs afoul of it, compromising the trust between citizens and authorities. We aspire to help people become better parents and siblings, neighbors, and citizens than when they entered the penal realm.

We aspire to operate community corrections so that our nation's ideals can be seen and felt within this system by those whom it serves.

We will not achieve these ideals through piecemeal tweaks to the current system, no matter how rigorous the science or how well intentioned the reformers. For our system of community corrections to embody these values, it is our view that the following broad and comprehensive paradigm shifts are necessary. [2]

Community Corrections Paradigm Shifts

From punishing failure to promoting success. For much of its history, community corrections aimed to assist people who had broken the law to resume their lives and responsibilities in the community. It also sought to relieve growth in prison populations, providing an alternative to incarceration at sentencing (probation) and a safety valve when prisons became too crowded (parole). But as our nation grew increasingly punitive over the last four decades, the ethic of community corrections too often shifted from its original mission to one of "trail 'em, nail 'em, and jail 'em." Parole and probation populations rose to behemoth levels, peaking at 5.2 million people in 2009.

We reject this approach. "Trail 'em, nail 'em, and jail 'em" destabilizes communities, undermines the legitimacy of correctional agencies, erodes trust between communities and authorities, and increases recidivism among those under supervision. We call instead for a system of community corrections that promotes an individual's chances of success. All people under community supervision should be viewed as having the potential to succeed. In many cases, they face an array of factors that limit their prospects, and these factors can only be overcome with significant support. Individuals under supervision should be rewarded for improved behavior with a variety of incentives, including reduced time under supervision and reduced or eliminated supervision fees. Moreover, agency practice should eschew needlessly depriving people on probation and parole of their liberty through frivolous violations, instead emphasizing behavior change by providing robust opportunities for, and rewarding, progress.

From mass supervision to focused supervision. Instead of serving as a check on the unbridled growth of jails and prisons, community corrections has followed and surpassed corrections growth, often widening the net of social control and compounding the damage of "mass incarceration" with "mass supervision." At its peak, when the U.S. incarceration rate had grown fourfold, reaching 1 in 100 adults behind bars, the proportion of adults under the supervision of parole and probation rose to 1 in every 45 adults. Taken together, by 2008, the combined rate of correctional control was 1 in 31, or more than 3 percent of American adults.

Too many people who are low-risk or have committed low-level offenses are drawn into our criminal justice system, negatively impacting their lives and their families, tagging them with criminal records that inhibit later prospects, and clogging the system. While a limited number of

individuals require the supports and supervision afforded through parole, probation, and community organizations, there is no evidence that this extraordinary level of supervision has enhanced public safety. Instead, research reveals that supervising individuals who present a low risk of future offending enhances, rather than reduces, the risk of recidivism, while providing tripwires to unnecessary violations and incarceration and distracting community corrections agencies from focusing on those most in need of supervision and support. Supervision should instead focus on only those who pose a high risk of reoffending, and it should last for periods no longer than are necessary or just, generally not more than one to two years. These modest changes, which comport with both research findings and the principle of parsimony, would serve to substantially shrink the number of people under supervision, allow community corrections agencies to focus limited resources on those in greatest need of supervision, and create a less bloated system.

Jurisdictions around the country have initiated "light-touch" diversion, providing such individuals with either pre- or post-arraignment opportunities to avoid deeper system involvement. Such diversionary tactics may involve merely a time period in which individuals must avoid further violations of the law, participate in programming, or perform community service, after which their cases are dismissed. While caution is warranted here (such pre-conviction conditions can either skirt due process protections or unnecessarily widen the net of social control), we are convinced that, if well-designed, diversionary schemes can address accountability, avoid unnecessary system penetration, improve safety and individual outcomes, and lighten community corrections caseloads.

From time-based to goal-based. Too many people under community supervision in America are simply marking time until their term of supervision ends. This is not only ineffective and costly, but it conveys the wrong message to both staff and people under supervision — that the purpose of supervision is just to "make it to the end," rather than to successfully adopt prosocial behaviors and improve outcomes in educational attainment, job training, successful family roles, and so on.

Since most reoffending occurs within the first year or two of supervision, resources should be "frontloaded" to that period to maximize public safety impact. Beyond then, when rearrest rates drop, continued supervision has less potential to depress criminality, and it partially deprives people of their full liberty unnecessarily while stretching community corrections resources. Supervision periods should have a relatively short maximum term limit — generally not exceeding two years — but should be able to terminate short of that cap when people under supervision have achieved the specific goals mapped out in their individualized case plans, a milestone often marked by a special ceremony to highlight the significance of the event. The supervision period should focus on positive outcomes rather than mere compliance, and it should motivate both

staff and people on probation to concentrate on important, mutually agreed-upon objectives.

From deficit-based to strengths-based. Currently, too many of the activities during community supervision are focused on merely extinguishing bad behavior, as if the absence of bad behavior equals good, productive behavior. But research and practical experience show that a change in behavior (e.g., obtaining employment, graduating from school, completing a program or community service, and/or switching to a more positive peer group and/or more prosocial activities) is more readily achieved when community corrections staff partner with those under supervision to bolster their strengths, including protective factors and positive influences that help reduce reoffending and improve life outcomes. People under supervision also need a substantial say in creating their own asset-based plans to increase buy-in to their plan and improve short- and long-term success.

From delayed/arbitrary to swift/certain. Responses to supervision violations are too often unpredictable, inconsistent, and administered long after the behaviors occur; in short, they are arbitrary, which diminishes trust and effectiveness. There are too few protocols for responding to compliance or progress, and even when there are such protocols, they are too often ignored in practice.

Reponses to both negative and positive behavior should follow rational guidelines that are scaled to severity, transparent to people under supervision, and applied as quickly (and fairly) as possible following detection of the behavior. Rewards for positive behavior should be frequent and calibrated to the behavior. When responding to violations, sanctions should be swift and certain, but mild — no greater than are needed to modify the behavior. Returns to prison for lengthy periods, for example, should be eliminated for technical violations.

From offender-focused to victim-centered. Currently, collection of restitution, performance of community service, victim-offender reconciliation, and other measures that hold people accountable and make victims and communities whole are too often a low priority. This can leave victims frustrated by their treatment at the hands of the system, and it can leave persons under supervision cynical about the need to repay their debt to society or their victims. Greater emphasis is warranted on acknowledging and repaying one's debt to individuals and communities. This includes not only the need for persons under supervision to repay the harm they have committed, but for community corrections agencies to become more responsive to the needs of victims. This should not be confused with assessing fines designed to financially support community corrections budgets, a practice that we find too often tithes the poor, warps the reintegrative role of community corrections, and results in failure under supervision and unnecessary incarceration.

Victimization and offending are often concentrated in communities and social networks. Research clearly establishes that people convicted of crimes are often themselves victims, but current practices ignore this important overlap. Thus, community corrections agencies should do more to recognize that many of those under supervision have themselves been victims of crime, often violent crime, and may need victim services and supports.

From individual-focused to family-inclusive. Individuals under supervision are too often the sole subject of the intervention of services and supports, whereas the behavior of individuals under community supervision occurs in the context of, and is influenced by, family systems. By focusing overly on individual behavior at the expense of family and community dynamics and networks, community corrections workers often miss key opportunities to improve outcomes for both the individual under supervision and their family networks.

Family members should be viewed as critical partners in the process of social integration. They should be involved from the beginning in the development of case plans and the provision of services and supports. Being careful to adhere to important confidentiality protections, community case workers from multiple agencies serving family members (e.g., probation, parole, child welfare, mental health, entitlements) should coordinate with one another and family members so that there is family-member support for case plans and those plans do not mandate conflicting goals or become so extensive that they are impossible to achieve.

From isolated to integrated. The "community" is often absent from "community corrections," describing merely the location of the person under supervision, rather than the meaningful engagement of community resources by agencies. Regardless of improvements in community corrections agencies, they can never replace the informal supports and social controls provided by families, neighbors, and community organizations. Community corrections has the potential to engage communities and garner their trust. In doing so, community corrections can enhance its own legitimacy.

Changing individual behaviors and choices is an important goal, but a focus on individual behaviors cannot be divorced from underlying contexts within communities. Individual behavior change is not likely to occur if we ignore the social context that residents inhabit and fail to engage communities. We must recognize that justice involvement is fundamentally linked to underlying unequal distributions of poverty and power. High levels of criminal justice exposure occur in the same neighborhoods as inadequate housing, failing schools, food insecurity, lead poisoning, and other ills — often for generations. At the same time, communities have many indigenous resources, such as kinship networks, community safety and other neighborhood groups, and relationships with church and school institutions that can serve justice-oriented goals.

Community corrections agencies should thus empower community leaders to take an active role in supporting persons under community supervision and seek input from community members on how they do their jobs. Community corrections should recruit staff who value community participation in their work, preferably from communities highly impacted by the justice system, who are adept at accessing formal and informal community supports. Staff should be trained in skills needed to engage with community stakeholders. Agencies should locate themselves in neighborhood settings in a way that is respectful of community leaders and that heightens partnerships with housing, employment, health/mental health, faith-based, and law enforcement organizations, advocates, and other stakeholders.

From fortress to community-based. Most interactions between people under supervision and community corrections staff occur across a desk in a central office building. These locations and the nature of these interactions send the wrong message — that behavior is to be either "punished" or "cured" in a fortress-like environment, divorced from the atmosphere in which it took place.

Community corrections workers should spend their time in the neighborhoods where people under supervision live their lives. Whenever possible, staff should no longer have offices in centralized locations or at least spend minimal time in those offices. Instead, staff should be located and/or spend most of their time in the community, conducting home and job site visits, organizing job and health fairs or community-improvement projects, and meeting with key community leaders and family members in a way that provides a more genuine sense of the lived experience of those under supervision and generates opportunities to strengthen supports and neighborhood ties. People under supervision, other community members, and community corrections staff should work in tandem to improve the neighborhoods in which crime occurs, bolstering informal social controls and supports, and giving those under supervision a voice and heightened stake in their communities.

From low-profile to high-profile. Even though the number of people under community supervision is more than double the number of those in prison and jail combined, and an estimated half of prison commitments annually are the result of violations of community supervision, community corrections flies below the radar of policymakers, advocates, the media, and the public, except when a case goes awry. Agency policies and practices are not transparent to those under supervision, victims, or the public. Little attention is paid by advocates and researchers to this important part of the criminal justice system.

Probation, parole, and pretrial supervision should become more visible and be viewed as a critical part of public safety and public health machinery. Policymakers should view

community corrections agencies as a key part of their public safety plans and should focus on using those agencies as ingredients in their efforts to combat crime, substance abuse, and mental illness, and to improve neighborhoods.

From caseload-driven funding to performance-based funding. Agency budgets and treatment/service-provider contracts are pegged loosely to the number of those under supervision or care, with little regard to performance. In many respects, this rewards those entities for keeping people in greater numbers and for longer time periods than necessary. Conversely, there is little or no reward for individual supervision staff or community organizations that produce exceptional or desired results. Too often, this is also true of people under supervision who spend the same time under supervision, whether they are high or mediocre performers.

State agencies and contracted providers should receive a portion of the savings they generate when they improve success rates and reduce returns to prison. Counties and local units of government should be fiscally incentivized for successfully and safely keeping individuals in the community and not overusing scarce prison and jail resources. Providers should work under performance-based contracts with fair and transparent outcome measures. Community corrections agencies should experiment with incentive structures for staff, using merit pay, bonuses, or other public or private compensation.

From "gut-based" to evidence-based. For too many community supervision professionals, important decisions about the human beings in their caseload are rendered based on gut instinct. This opens vital liberty-interest decisions to influence by individuals' beliefs and prejudices, and fails to benefit from growing research into what works to improve outcomes for people under community supervision.

Supervision practices should, of course, be informed by experience, but they should also be driven by scientific evidence about what is effective at reducing reoffending and improving life outcomes. This would serve to reduce disparate decisions and arbitrary recommendations, improve uniformity and outcomes, and garner trust.

From low-tech to high-tech. The community corrections field needs to enter the 21st century, technologically. Staff too often rely on pen and paper or antiquated mainframe computer systems in doing their jobs, allowing tasks that could be automated to take time away from important job functions that could improve outcomes.

Instead, agencies should exploit the full range of integrated information systems and monitoring and incentive-based technologies to enhance effectiveness. This can range from gaming that provides electronic incentives and rewards to people on probation; to distance reporting systems for individuals who do not need to come in for office-based meetings; to electronically sharing positive work and outcomes by staff and

people on probation; to regularly notifying people under supervision of employment, education, housing, treatment, and volunteer opportunities; to electronic monitoring in lieu of confinement for serious violations.

Conclusion

America's community corrections systems do not live up to the core principles of providing well-being and safety, parsimony and justice, successful community integration, victim restoration, and respect for human dignity. Rather than serving as an alternative to, or release valve from, imprisonment, community corrections has become a contributing factor to incarceration's growth. To achieve the core principles outlined in this paper, major changes are needed to make our system smaller and more focused, less punitive, more humane, and more widely guided by best practices. It will be impossible to meaningfully reduce mass incarceration in America without solving the challenges of community corrections and fulfilling its initial purpose and promise.

Endnotes

1. This paper reflects the opinions of most members of the Executive Session Committee on Community Corrections.

Honorable Sharon Keller felt prohibited by the Canon of Judicial Ethics from voicing a consensual position one way or the other on this document.

2. There is increasing consensus in the community corrections field that watershed reforms are needed in probation and parole if they are to achieve the goals of community reintegration and serve as alternatives to incarceration. See, for example, Amy L. Solomon, Jesse Jannetta, Laura Winterfield, Brian Elderbroom, Jenny Osbourne, Peggy Burke, Richard P. Stroker, Edward E. Rhine, and William D. Burrell, *Putting Public Safety First: 13 Strategies for Successful Supervision and Reentry,* The Pew Charitable Trusts (2008); see also Wendy Still, Barbara Broderick, and Steven Raphael, *Building Trust and Legitimacy Within Community Corrections,* National Institute of Justice (2016). This consensus in the field motivated the Executive Session members to publish this consensus document.

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MAKING PROBATION ROLLS SMALLER:

REDUCED CRIMINALIZATION, DAY PENALTIES, THERAPEUTIC CENTERS

BY FAYE S. TAXMAN

Given the nearly 5,000,000 adults and 350,000 youth on probation, advocates have called for reducing the number of individuals under supervision. Two recent publications that echo this sentiment are "Too Big to Succeed: The Impact of the Growth of Community Corrections and What Should Be Done About It" (Columbia University Justice Laboratory (2018) and "Transforming Juvenile Probation: A Vision for Getting It Right" (Annie E. Casey Foundation, 2018). Both papers take the position that the current size and scope of probation is unwieldy to the point that it can create over-burdened and dysfunctional probation agencies as well as unintended consequences such as excessive technical violations, back-end sentencing, increased use of prison for adults/residential placement for youth, and overall increased involvement of individuals in the criminal justice system. The probation process too often falls short in its attempts to meet its objectives. Instead, probation can end up increasing rather than reducing an individual's justice system involvement.

We all want to maximize social justice, adopt sound punishment policies, and enhance the ability of individuals to be productive, contributing citizens. Given that, those working in the area of probation—and criminal justice as a whole—do need to take a hard look to ensure that the consequences of our policies are not unproductive or, even worse, harmful. The authors of the above-mentioned articles and others are issuing a call to action—a call that at its core requires rethinking how we use punishment in our society. Is it true that we have grown too accustomed to use of probation as either a front-end or back-end sentencing tool? Is the best remedy for our current systemic problems to limit the number of people who are exposed to probation and to shorten the length of time that they are under supervision? At the very least, these questions are worth asking.

The task of reducing the size of the population under probation supervision will not be easy. It will mean paying more attention throughout the entire arc of the criminal justice process to two core concepts: parsimony and proportionality. In both areas, we have failed over the past half century. Specifically, we have failed to prevent a steep increase in the criminalization of behaviors—particularly quality of life and other nuisance behaviors that are often difficult to address. And we have failed to place checks on the excessive use of punishment tools. If we look at our history, we see that the tools of punishment used for those under supervision have expanded to include those that affect the spatial, financial, and psychological liberties of an individual. Such liberty restrictions include but are not limited to the imposition of curfews, area restrictions (i.e., drug-free zones and housing restrictions), fines and fees attached to being on supervision, drug testing, and treatments. These are key components of conditions of supervision, and the number of conditions of supervision has proliferated. While their use varies, some agencies may

have standard conditions that include 12 or even 25 requirements. Often, it does not matter whether an individual is on unsupervised supervision, and it matters little what level of risk the person presents (low, medium, high): the standard conditions are the standard conditions. Moreover, courts can impose additional special conditions.

We built this system to be "tough" in response to the 1980s, a time period when probation was characterized as being lightweight—a slap on the wrist. Adding conditions and requirements was seen as a means to create a prison without walls. What was not realized until later was that limiting the liberties of individuals came with the consequence of back-end sentencing through administrative sanctions or revocations—actions that often resulted in periods of incarceration, new penalties, and imposition of even more onerous conditions. Individuals under supervision have too often been held to standards of behavior that are difficult for most human beings to achieve. It is impressive that that nearly 62% of probationers successfully complete probation according to the Bureau of Justice Statistics surveys (Kaeble & Bonczar, 2016), but it is actually remarkable that they have done so. We know from many studies that the life of an individual under supervision is fraught with the risk of failure, of falling short of meeting each and every requirement, and it is thus not surprising when we encounter evidence of non-compliance in one area or another. Then the dominos begin to fall. In the context of supervision, failing to comply with conditions is a major problem and affects the integrity of the process. Probation agencies have to uphold public safety, after all, and the spring is set for a rapid response to the non-compliance. Arguably, the end result is a system where non-compliance tends to drive probation policies and practices,

One part of the call to action in regard to probation is that we are being asked to have the political will to address a difficult issue—the issue of how a society can handle behaviors regarded as "disorderly" without overutilizing the coercive power of the state. Such behaviors may be public nuisances (loitering, public urination, pandering, sleeping in public areas, shoplifting under $50), driving with a suspended license, and not having identification, but the list can go on and on depending on the jurisdiction. These behaviors have crept into criminal statutes. Added to the problem is that the people who are arrested and convicted of such offenses may have records of committing previous similar offenses. Since more and more probation agencies are using risk-and-needs assessment instruments, each of these relatively minor infractions that goes on record becomes part of the collective record that our risk-and-needs instruments utilize to calculate a risk level. At the same time, we must recognize the troubling interface with mental health

issues and/or substance abuse in this population as a major complicating factor (although it is out of the scope for this essay to discuss these issues in detail). The fact remains that a process for reducing the criminalization of many behaviors is necessary but will be challenging to implement.

Besides reducing criminalization, efforts need to be focused on developing an alternative set of punishments proportional to the behaviors being addressed. During the years where a tough sentencing and "just deserts" orientation prevailed—an orientation that has perhaps not entirely disappeared—even misdemeanor offenders received relatively long periods of probation with more and more conditions. Fixing the problem of excessive sentencing lengths will be challenging, but the greater challenge will be developing fair and effective alternatives to probation and incarceration. The case can be made that simply curtailing the amount of punishment (shorter terms of probation/incarceration and less onerous probation) but still relying solely on these same tools of punishment may not result in drastic changes in probation rolls. We need more and *different* options in our punishment toolkit.

What are some of these options? A few are presented below for your consideration.

Day Penalties. During the 1990s Sally Hillsman, then at the Vera Institute, offered up day fines as an alternative penalty modeled after a practice seen in many European countries. The concept is a punishment where the number of days imposed is proportional to the offense, but the fine amount is adjusted based on the income of the individual. For example, a person convicted of driving without a license could get a five-day penalty, which would be a fine of $49 for a person making $20,000 or $248 for a person making $100,000 a year. This approach can be taken in responding to many offenses ranging all the way from misdemeanors and nuisance behaviors to certain felony offenses are handled through day fines.

A modified version of day fines is day penalties. These would be work assignments where an individual would be required to do community service on a project for a set number of days adjusted to the severity of the offense. The number of days could be capped at 15 days, which might be carried out during a work week or weekends to minimize intrusion into jobs. Individuals getting day penalties would not be placed on supervision and thus would not need to undergo an intake process. Instead the goal would be to impose a punishment that repaid the community for the crime.

Do Not Classify Nuisance Behaviors as Criminal Offenses. Nuisance and disorder offenses are now considered criminal offenses in many jurisdictions and can even be considered so serious that they are classified as felonies. Some states have opted instead to handle certain traffic arrests and/or convictions in a separate system so that they are not considered criminal offenses even if incarceration is attached to the conviction. Taking this approach may prevent some of the add-on penalties for prior convictions. Some consideration should be given as to whether these behaviors, if given a day penalty, should be considered as a criminal conviction.

Therapeutic Centers. Communities need alternatives for individuals who create disorder in the community due to either mental illness or substance abuse. Police are often confronted with addressing these behaviors, and one of the barriers to advancing policies is the lack of places other than police stations and jails for the police to take these individuals. Therapeutic drop-in centers are being advanced as a community tool to expand the capacity of the community to deal with issues that are not really criminal behavior but nonetheless affect the well-being of the community. Expanding such centers gives options for police, courts, and community members.

Neighborhood Justice Centers. Another factor affecting probation rolls is the number of people who are convicted due to conflicts between neighbors or community members. When police are summoned to handle such situations, their hands are often tied when deciding how to intervene and whether to proceed with a citation or arrest. The expansion of community justice centers that can provide mediation for neighbor disputes and disruptive behaviors may offer solutions without ending up in an arrest or criminal conviction.

While we are addressing the need for reforms, the time might also be right to begin the discussion of a public health approach to mental health and addiction disorders. It has been estimated that 30-50% of the justice-involved population, including probationers, have some type of behavioral health disorder that affects their involvement in criminal behavior. Expansion of community-based treatment services could reduce the tendency to utilize justice system resources for addressing behavioral health disorders. An example is the open access treatment system in Portugal, which provides resources for individuals and their families who need assistance with behavioral health issues. Funding for behavioral health services would need to be addressed, of course—though perhaps the call for funding would meet less resistance with increased awareness of the extent to which funds are already being expended on this population.

There are considerable costs incurred due to their involvement in the justice system and recycling through probation, courts, and short periods of incarceration. Dealing with them involves prosecutors, judges, defense attorneys, probation officers, and other resources. In any case, it is clear that behavioral health services would be better equipped to address the needs of these individuals than the justice system, as we have learned over the last several decades.

In conclusion, reform advocates have issued a call to action, making the case that reengineering of probation is critical. They take the position that reducing bloat allows us to pay more attention to those who truly need to be on probation and, in particular, to those who require more supervision, intervention, and services. Reengineering should focus on reducing how many individuals are placed on supervision, determining the optimal length of time on supervision, and rethinking what and how many conditions of supervision are imposed. Conditions of supervision cannot be allowed to remain excessively numerous and onerous, and our well-intentioned supervision system cannot continue to have the unintended negative impact of driving individuals into the servitude of the justice system for longer periods of time. We have an opportunity to use swift and certain options for proportionate, parsimonious responses, and, as a profession, we need to keep on with our efforts at improvement. The end result will be a smaller probation system with hopefully better outcomes that reduce the justice career ladder our mass supervision policies have fostered.

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BIO

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REACTION ESSAY TO THE *PAPERS FROM THE EXECUTIVE SESSION ON COMMUNITY CORRECTIONS*

BY GREGORY DILLON, ED.D

Crime and Punishment is not uncommonly assigned in undergraduate courses as a means to open up a discussion of theories of justice. Forgiveness and retribution, deterrence and rational choice, and the utilitarianism that is highlighted in Dostoevsky's masterpiece have all been taken into consideration in attempts to develop the best system for responding to criminal behavior. The essence of utilitarian philosophy is that it holds "an action is right if it tends to promote happiness and wrong if it tends to produce the reverse of happiness—not just the happiness of the performer of the action but also that of everyone affected by it" (Duignan & West, 2017). Utilitarianism is grounded in the belief that a moral judgment for an act should be based on the utmost benefit for the greatest number of people. It is often interwoven into concepts of criminal justice and, interestingly, can be seen to feature in the continuing debate on this issue as the centuries go past.

And the debate is certainly continuing in regard to all aspects of criminal justice—both its philosophical underpinnings and its concrete policies and practices. This debate has continued through a rise in crime and incarceration rates. This debate continues despite a progressive decline in both. In this debate, our criminal justice system—a system created to deter crime and impose punishment, to balance the scales of justice yet provide liberty—is often described as "broken." One could argue that to regard something as broken requires an acceptance that what is now broken was once functioning fully and properly in working order. Regardless, we all see the need for

improvement, and we grapple with what can seem conflicting or impossible goals. Those of us in the field of community supervision and corrections are tasked with the responsibility to be the agents of change and motivators of pro-social behavior when in reality the goal more often requires a focus more on habilitation than rehabilitation.

In considering the current state of community supervision/probation, it helps to remember its birth in the work of John Augustus and the purpose it was intended to serve, which was a judicial reprieve, specifically for those combating the effects of public drunkenness. From its inception in the early to mid-19th century to the modern 21st century, probation has taken many forms—an opportunity for absolution, a form of punishment, a crime deterrent, and a system of rehabilitation. It is now a fundamental aspect of collaborative justice. Unfortunately, probation seems to be often misunderstood, not only by the community which it serves but also by the educators who provide criminal justice majors minimal theoretical foundation, by the researchers who fail to grasp the spirit and passion of those who have chosen this career, and by the very legislators who must enact the laws and provide the funding needed to make it possible to sustain real change.

Could John Augustus have ever imagined the field of probation would have become so extremely complex (and perhaps too large, as many now conclude) and that it would involve the interest and contributions of social scientists, universities, community advocates, law enforcement, private businesses, politicians, and unions? Could he have envisioned a process where those making decisions on effective supervision of today's offenders must not only consider the types of crimes they committed, but also must consider the criminogenic risk they pose to their communities and their numerous pressing problems and needs—which may include underemployment, unemployment, homelessness, mental illness, and substance abuse issues? Would he wonder whether community supervision is being asked to do too much?

We don't even have to go back to the time of John Augustus to appreciate how much our profession has evolved. A probation officer from half a century ago might be startled by the changes. Probation is no longer based on office visits with an authoritarian approach and an insistence on blind obedience. Instead, it involves rolling with resistance, providing motivation for probationers to change, and understanding the important role of responsivity. Most of those in the probation field no longer hold the belief

that the main focus of required training should be defensive tactics. Instead, they want to gain different skills, such as how to use actuarial risk/needs assessments, how to develop individualized case plans that enlist the probationer as a co-author, how to communicate effectively, how to use cognitive behavioral techniques as an intervention, and how to master any other techniques that are proven to be effective.

Our current conversation also includes a theoretically and technically prudent focus on the need to turn the tide of mass incarceration and mass supervision. The staggering growth of America's incarceration system, which peaked in 2009, and the parallel rise of probation and parole, had a great impact in changing perspectives from the community to the White House. It is evident that progress has been made, as probation totals in America declined from 4,199,800 in 2009 to 3,789,800 in 2015. That means a decline of 410,000 individuals being supervised by probation departments throughout the nation. Significantly, the decline occurred despite a trend for judges, increasingly cognizant of the ills of mass incarceration, to be willing to sentence higher risk individuals to probation rather than prison. Even Texas, known as a "tough on crime" state, saw a decline from 172,943 probationers in 2009 to 145,374 in 2016 (see the Bureau of Justice Statistics' *Probation and Parole in the United States* series).

These trends indicate progress—an advancement beyond the old punitive approach of "trail 'em, nail 'em, and jail 'em" in the 1980s and 1990s to current evidence-based practices and research-proven strategies that statistically make a real difference in changing behavior and reducing recidivism. Given the conversations now taking place by progressive leaders at the local and national levels, the stage is now set for even better outcomes in our system. Legislators also recognize the call, through the passing of bills that allow incentives for the completion of targeted court-ordered conditions (such as time credits and early termination) and that adjust the percentage of term completion required for specific offenses.

There is still a long road ahead for the field of probation and, as the least funded branch of the criminal justice system, it's easy to question whether we have reached a point of diminishing returns as we try to do more with less. Fortunately, with the growth of state associations for probation, parole, and correctional employees and with national associations, such as the American Probation and Parole Association, agency heads can send staff to learn what is new and effective in changing behavior and returning individuals back to their community as productive contributors. Another reason for optimism is that we continue to accrue

more knowledge. Perhaps most important of all, we also continue to attract great minds and innovative thinkers to our field—those who are no longer struggling to think outside the box but who are beginning to no longer see the box.

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IT'S TIME TO REFOCUS THE PUNISHMENT PARADIGM

BY ADAM GELB AND BARBARA BRODERICK

Any parent can tell you that timeouts, groundings, and other punishments only go so far in encouraging good behavior. If kids are scolded over and over again, the reprimands can lose their effect: Walls go up, and cooperation goes down. But throw in a few high-fives or thumbs-ups to recognize a nice job clearing the dishes or picking up after a baby sister, and attitudes may brighten—and actions may begin to improve.

It's basic human behavior, the circuitry of motivation. Everybody needs to hear words of encouragement—including those in our criminal justice system.

In fact, one of the most powerful findings in criminology is that rewards are better shapers of behavior than punishments. But that's not typically how it works for the 4.7 million Americans on probation or parole, the community supervision programs founded for the purpose of redirecting troubled lives.

Instead, supervision has become mostly about enforcing the rules—report to your probation officer, attend treatment, etc.—and locking people up when they don't obey.

Corrections professionals call it "Trail 'em, nail 'em, and jail 'em." People who commit crimes need to be held accountable for their actions, of course, but the criminal justice system serves a much wider purpose: protecting public safety.

In order to cut crime and recidivism rates—and rein in corrections spending—we need to harness what the research says about changing behavior. That means refocusing the punishment model and making the primary mission of supervision to promote success, not just punish failure.

This fundamental transformation is one of a set of proposed paradigm shifts in community corrections highlighted in a report set to be released later this month from Harvard's Kennedy School of Government and the National Institute of Justice—the product of three years of discussions among leading experts in criminal justice, of which we were a part.

People who commit crimes need to be held accountable for their actions, of course, but the criminal justice system serves a much wider purpose: protecting public safety.

Our group sought to identify strategies for probation, parole, and other programs that can both promote public safety and build trust between communities and justice institutions.

Other shifts include moving from mass to targeted supervision, concentrating resources on more serious offenders, and swapping intuition-based policies for evidence-based practices (such as focusing treatment on changing characteristics that contribute to offending, like poor impulse control, and avoiding those that don't).

Making supervision more reward-based holds great potential. A probation officer's job has traditionally been defined as reactive: wait until something bad happens and then impose a sanction, often a return to prison.

This not only costs state taxpayers an average of $30,000 per year for each inmate, it also ignores a good part of what we know works best when it comes to steering ex-offenders away from continued criminality.

The National Institute on Drug Abuse states definitively that "rewarding positive behavior is more effective in producing long-term positive change than punishing negative behavior." Recent evaluations of drug treatment courts found that participants who experienced more incentives than sanctions had a reduced likelihood of recidivism.

Drug courts have helped pioneer reward-based practices by holding graduation ceremonies to commemorate program completion. Many

graduates say it's the first time in their lives that they've achieved something and been publicly acknowledged for it, and studies suggest that this type of recognition inspires them to persist in their sobriety.

Such ceremonies shouldn't be limited to specialized courts or programs, which handle only a small fraction of the millions of people on community supervision. They should be expanded and accompanied by other rewards for progress along the way. Local communities and businesses can chip in with small gift cards and other tokens of recognition.

At least 15 states have passed laws that establish "earned compliance credits," which typically permit offenders to earn a month off of their supervision terms for each month that they're in compliance.

This tactic could be expanded and used in new ways. For instance, for each month they obey the rules, parolees or probationers could have a reduction or elimination of the monthly fee (typically about $50) that they're required to pay.

Another potentially promising method would capture the power of social media to push positive messages to probationers and parolees when they do well. Pass a drug test, complete a phase of treatment, or get a job—and you'd receive a batch of digital pats on the back from your treatment team and circle of family and friends.

It's human instinct to punish wrongdoing, and accountability won't—and shouldn't—vanish from the criminal justice system. We can't just reward people when they do right but fail to respond when they do wrong.

But by shifting the emphasis from retribution to rewards, we can make a greater impact on behavior.

We'll not only help adults in the criminal justice system minimize their offending; we'll strengthen their resolve to successfully reintegrate into their families, work, and communities.

The payoff: less crime, fewer victims, and lower rates of incarceration.

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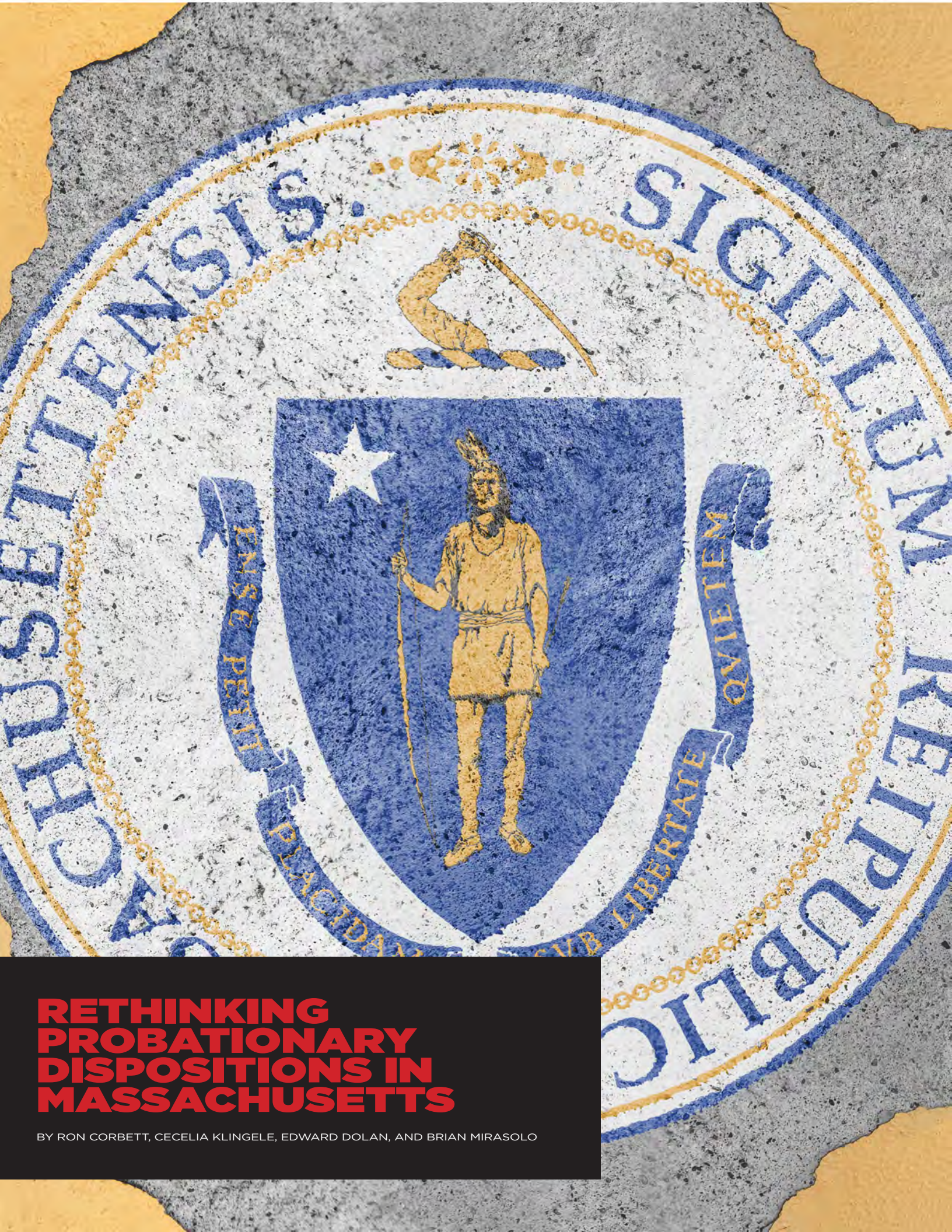

RETHINKING PROBATIONARY DISPOSITIONS IN MASSACHUSETTS

BY RON CORBETT, CECELIA KLINGELE, EDWARD DOLAN, AND BRIAN MIRASOLO

Sustainable improvements in criminal justice often require as much fortuity as good planning. In recent years, Massachusetts has seen a serendipitous convergence of interest in improving probation sentencing emerging at the same time on the part of both system actors and outside partners. This article summarizes one current reform effort, describing both its potential for positive change and obstacles to its realization.

THE PROBLEM

As the birthplace of probation, Massachusetts has a long history of community-based sanctions. Even so, as case volumes have increased over time, individualizing those sentences has become a complex enterprise. In 2015, according to Commissioner of Probation Edward Dolan, 66,000 people were serving probation sentences in Massachusetts. That same year, 5,300 Massachusetts probationers were incarcerated for violating the terms of community supervision (probation, parole, or both), and these individuals comprised 28% of those committed to state correctional institutions and 48% of those sent to county correctional facilities (Justice Center, 2017). What was the cause of such high violation rates? That question has drawn the attention of both community corrections leaders and the Massachusetts judiciary.

As Commissioner Dolan reviewed the 2015 revocation data, he wondered whether the problem might lie in the conditions of probation themselves (personal communication, 2016). The way in which conditions were set often prevented the development of facts that would help courts decide what conditions had the potential to work best for each probationer. Commissioner Dolan observed that the "load" of conditions was not always calibrated to ensure that conditions of probation were feasible in the aggregate. Moreover, the process by which conditions were set seemed "wholly unsystematic" in too many of the local jurisdictions. In many counties, conditions of probation were typically treated as a component of plea bargaining, with the prosecutor "loading up" on proposed conditions and defense counsel working to reduce opportunities for rule violations. In this model, prosecutors might ask for drug testing and location monitoring of defendants with no substance abuse problems or location restrictions simply to impose greater punishment, while defense lawyers might fight much-needed drug testing or therapy in order to reduce the odds of later revocation. Judges, meanwhile, would typically impose most of the bargained-for conditions without additional inquiry. This counsel-driven dynamic sidelined probation staff at sentencing, diminishing the probation department's ability to share with the parties and the court its

The challenge was how best to provide relevant data and recommendations to the court in a timely and efficient manner, particularly in light of the volume of probation cases handled annually by the courts.

knowledge of effective interventions and available programs. Further complicating the problem was the fact that probation staff—who lacked legal authority to alter any condition of probation without court order—were then required to enforce compliance with these bargained-for conditions even though some were unnecessary, or even counterproductive, when it came to the goal of promoting long-term desistance from crime. Commissioner Dolan was convinced that if his staff could lend their expertise to the condition-setting decisions, the resulting probation orders would allow the department to more effectively supervise probationers, reducing both violations and criminal recidivism. But how to intervene?

In raising these concerns, the probation department found welcome allies in the courts. In his 2014 State of the Judiciary address, Chief Justice of the Supreme Judicial Court Ralph Gants had directed the chief judges of the state trial courts to create a set of "best practices" for sentencing judges (Gants, 2014). In early 2016, a working group of the Massachusetts Superior Court released a response, *Criminal Sentencing in the Superior Court: Best Practices for Individualized Evidence-based Sentencing*. This report identified 17 practices to improve sentencing, many of which addressed concerns identified by Commissioner Dolan. It emphasized the need for more complete information at the time of sentencing and directed judges to "require that counsel consult with the Probation Service regarding the proposed length of any probationary term and any special conditions to be imposed" (p. 1). Moreover, the report called for

increased collaboration between judges and probation staff for the purpose of crafting conditions of supervision that responded to the criminogenic needs of probationers, were limited in number, and were coupled with incentives for compliance, such as credit toward early termination of probationary terms.

The District Court and the Boston Municipal Court (both of which handle large volumes of misdemeanor cases) subsequently issued their own joint statement of best sentencing principles that modified the Superior Court recommendations. These best practices also call for judges to tailor probation conditions to "the particular characteristics of the defendant and the crime, while providing for the protection of the public and any victim, and indicate that judges may consider whether imposing numerous conditions may increase rather than decrease the likelihood of recidivism" (Boston Municipal Court and District Court, 2016, p. 2). The report made it clear that both the courts and the probation department embraced the opportunity to improve probation sentencing. The challenge was how best to provide relevant data and recommendations to the court in a timely and efficient manner, particularly in light of the volume of probation cases handled annually by the courts.

While the courts and the probation department were independently wrestling with how to improve probation, the Massachusetts Probation Service had also entered into a collaboration with the Robina Institute of Criminal and Law Justice, a justice research arm of the University of Minnesota Law School. The Robina Institute was conducting a study of how probation revocation operated in the state. At the study's conclusion, Institute staff entered into conversations with judicial and probation officials about how best to assist in burgeoning jurisdiction-led efforts to tackle the problem of high probation violation rates. It quickly became apparent that a project focused on improving probation condition-setting was of interest to all parties.

THE EXPERIMENT

What began as a simple plan to structure the input of the probation department at sentencing turned out to be a remarkably complex challenge. In some ways, the state already possessed a model for collaboration at sentencing, as Massachusetts District and Municipal Court Criminal Rule 4(c) calls for consultation between counsel and the local probation department in any case where probation is likely to be the court's disposition, and it gives the department a right to be heard on the matter, if helpful to the court. Though Rule 4(c) had been promulgated in 1996, in many district

courts it was no longer being followed, most likely due to an administrative emphasis on expeditious case flow. Both Commissioner Dolan and Chief Judge Paul Dawley of the District Court agreed that a revival of the rule was desirable, though challenging administratively.

In discussions facilitated by the Robina Institute with judges in both the Superior and District Courts as well as with probation agents and administrators, it quickly became clear that balancing the need for quality data gathering with a desire for efficient case processing created difficult trade-offs. There was agreement within the department, shared by many stakeholders, that in a more perfect system probation staff would conduct a full risk-needs-responsivity assessment pre-sentencing in all non-minor cases (Massachusetts now uses ORAS post-sentencing). Nonetheless, the prevailing view was best expressed in the Superior Court report:

Ideally, best practice principles suggest that comprehensive risk/needs assessment should be completed and available to the judge at the time that the judge formulates the conditions of probation. Current sentencing practice in the Superior Court, where the sentence is often imposed immediately after a guilty plea or verdict, make that unrealistic. (Superior Court, 2016, p. viii).

These same practical concerns were largely shared by the District Court and Municipal Court. Infused into the debate over how long courts were willing to delay sentencing to gain better input were also deeper, equally challenging questions: Would additional information meaningfully change current practice, particularly when some probation conditions were required by statute? If particular needs were identified for a defendant, could they be met by existing programs? Did the probation department have the operational capacity to provide meaningful, additional in-court consultations, or would more time in court mean less time for probation staff to engage in effective supervision of probationers? Were judges willing to alter current practice, and would counsel accept or contest a renewed level of participation by the probation department on a matter they were accustomed to managing through the plea-bargaining process? Concern about these matters informed the proposed changes and continues to shape evolving practice.

While the judiciary's best practice principles provided the research and theory for changing current procedures, it was the probation department that took the lead in

sketching out what new practices would look like on the ground. Drawing on the Superior Court's work (which itself drew on academic research), two key principles were utilized to develop the department's proposed new protocol for condition-setting:

1. The conditions imposed should consider the principle of parsimony—that is, the sentence should contain only those requirements considered essential to serve the purposes of the sentence. This principle recognizes that probation is not meant to be an exercise in undue lenience, but neither should it constitute "Mission Impossible." In some instances, as the saying goes, less is more.

2. Wherever possible, probationary sentences should incorporate incentives for compliance. Psychological research regarding behavior change has long established the principle that positive reinforcement has greater power than negative reinforcement, though each has power. This principle of focusing on "catching probationers doing something right" has been identified as a key variable in the success of problem-solving courts.

With those goals in mind, the department set out to develop a protocol to guide probation officers in developing meaningful sentencing recommendations in a way that was not unduly disruptive to the timely resolution of criminal cases. The pilot protocol developed by the department ultimately called for probation staff, once approached by counsel about a case scheduled for probation sentencing, to perform a brief (no longer than one hour, and ideally 30 minutes or less) review of readily available data about the proposed probationer. This data would include an arrest report, a full criminal record, and a review of any recent past experiences on probation, including risk/need assessments and clinical evaluations. Counsel may also provide additional relevant information. After reviewing the data, the probation officer assigned to court was to make recommendations as to the need for **Control/Restraint Conditions** (e.g., curfew, contact restrictions, or GPS monitoring), **Treatment Conditions** (e.g., referral to a particular rehabilitative program), or both. Although a key principle of the protocol was to individualize sentences, the department nonetheless recognized that certain clusters of conditions would be more relevant to some common offender types than to others. For this reason, the protocol suggests a limited number of presumptive conditions for defendants identified as fitting into commonly encountered categories, such as drug offenders or domestic violence offenders. For example, for a defendant whose "leading edge" was determined to be substance abuse, the

presumptive conditions would include an assessment, followed by treatment as recommended by the evaluator, as well as drug testing. Importantly, however, the presumption for any standard condition not mandated by law can be overcome by specific information in the record. A final, and unique, component of the recommendations by probation staff to the judge would include suggestions for incentives to induce compliance, which could include probation "good time" and/or reductions in community service hours, fines and fees, or testing or reporting requirements over time.

In late 2017, probation staff in three different regions internally tested the new protocol and found that most of the relevant data could be gathered and assessed within the hour-long window anticipated. The department has developed standardized training on the protocol for all probation staff, beginning in early 2018. Similar training for judges, lawyers, and other system stakeholders in planned pilot sites is anticipated in the coming year, along with a full pilot of the new protocol and a concomitant rejuvenation of Rule 4(c). Readers can find both the worksheets that probation staff will employ in developing recommendations and the form they propose to use for presenting recommendations to counsel and the court as appendices of this article.

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BIOS

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PCR Instruction Worksheet (For PO Use Only)

Name: _____

Please fill out the name of the individual you are making a recommendation for above.

PCF#: _____

Please fill out the individual's PCF# above

(A)(C)PO Completing Form: _____

Please fill out your name above

Probation Dept: _____

Please fill out the name of your Probation Department above

Date: _____

Please fill out today's date above

Record Review Section: (CARI and, if necessary/obvious, III) *(Please print out an updated CARI to fill in the numeric information below. A triple I may be necessary as well if we know the individual has lived in other states. If you're in a Superior Court you'll also need a copy of the most recent Sentencing Guidelines Grid)*

List the number of previous:

Category	Previous #
VOPs *Looking for total # of prior VOPs recorded in CARI*	
Jail Sentences *Looking for total # of times sentenced to HOC (sentenced on different docket #s)*	
Prison Sentences *Looking for total # of times sentenced to State Prison/DOC (sentenced on different docket #s)*	
209 A Orders *Looking for total # of prior 209As recorded in CARI*	
Harassment Prevention Orders *Looking for total # of prior HPOs recorded in CARI*	
DV Related Arraignments *Looking for total number of past arraignments on charges including Violation of a RO, Domestic A+B, etc.*	
Substance Use Related Arraignments *Looking for total number of past arraignments on charges including possession, paraphernalia, etc.*	
Sex Offense Related Arraignments *Looking for total number of past arraignments on charges including rape, indecent a+b, child porn, etc.*	
For Superior Court Use Only Below	
MA Sentencing Guidelines Grid completed?	Y/N/NA
If so, what was the Sentence Grid Range?	

PCR Instruction Worksheet (For PO Use Only)

Police Report/Statement of Facts:

Please circle the appropriate choice below: *(Please obtain a copy of the police report for the underlying offense and answer the questions below to the best of your ability-by circling the choices in the "Yes/No" columns which are highlighted in yellow below. It is not required to circle choices in the second and third "Yes/No" columns if you answered "No" in the first column of the corresponding row. For example, if you circle "No" to the question, "Were elements of violence or weapons involved?" you do not have to circle "Yes" or "No" for the follow-up questions regarding whether a firearm or knife were involved. We're only looking for you to answer the questions using the information available in the police report.*

Question	Yes/No	Follow up?	Yes/ No	Follow up?	Yes/ No
Were elements of physical violence or weapons involved? *If violence was involved or guns and/or knives were present we know the likelihood for future violent/dangerous behavior is present when formulating a recommendation regarding restraint and treatment conditions if the individual winds up on probation*	Yes/No	Firearm?	Yes/ No	Knife?	Yes/ No
Were elements of domestic violence involved? *If strangulation and/or a pregnant victim were involved the risk of lethality is higher for the victim in the underlying case. Certainly something to think about when formulating a recommendation regarding restraint and treatment conditions if the individual winds up on probation*	Yes/No	Strangulation Involved?	Yes/ No	Victim pregnant?	Yes/ No
Were elements of a sex offense involved? *If force was involved or the victim was male we know the likelihood for future sex offending behavior is of a higher likelihood when formulating a recommendation regarding stay away/no contact orders, setting curfews and exclusions zones related to GPS and sex offender evaluation/assessment and compliance with recommended treatment if the individual winds up on probation*	Yes/No	Force Involved?	Yes/ No	Victim male?	Yes/ No
Were substance related issues involved? *If opioid/opiate and/or alcohol were involved we know withdrawal can be potentially lethal. If issue of substance use is clear in the police report it is something to keep in mind when making recommendation regarding testing and assessment and compliance with recommended treatment if the individual winds up on probation*	Yes/No	Opioids/Opiates?	Yes/ No	Alcohol?	Yes/ No
Were mental health issues involved? *If a mental health issue is clear in the police report it is something to keep in mind when making recommendation regarding mental health evaluation/assessment and compliance with recommended treatment if the individual winds up on probation*	Yes/No	Section involved?	Yes/ No		
Were co-defendants involved? *If it is clear in the police report or through professional knowledge that an individual is gang-involved it is something to keep in mind when making recommendations regarding restraint and treatment conditions if the individual winds up on probation*	Yes/No	Gang related?	Yes/ No		

PCR Instruction Worksheet (For PO Use Only)

Recent Probation:

If the individual was on Risk/Need Probation in the Commonwealth of Massachusetts within the past two years please answer the following questions by circling the appropriate choice: *(Please briefly search MassCourts to see if the individual has been under risk/need probation supervision within the past two years and/or is currently under risk/need probation supervision.*

If the individual has not been under risk/need probation supervision within the past two years please circle "NA" for all of the questions in the box immediately below and "No" for all of the questions in the "Previous ORAS-CST Domain" below.

If the individual has been under risk/need probation supervision within the past two years and/or is currently under risk/need probation supervision then please briefly read over the chrono notes and answer the questions to the best of your ability below. After reviewing the relevant chrono notes and answering the questions below, please take a look at the most recent ORAS-CST questionnaire entered in MassCourts and indicate whether the individual was assessed high in the four listed domains by circling "Yes" or "No")

Question	Yes/No/NA
Was the individual generally compliant w/conditions/PICA?	Yes/No/NA
Did the individual report as instructed?	Yes/No/NA
Was the individual charged w/new criminal offenses?	Yes/No/NA
Did conditions/PICA address substance use?	Yes/No/NA
If so, were screens clean?	Yes/No/NA
If so, was individual amenable to assessment/treatment?	Yes/No/NA
Did conditions/PICA address mental health?	Yes/No/NA
If so, was individual amenable to assessment/treatment?	Yes/No/NA
If so, was medication prescribed?	Yes/No/NA

Previous ORAS-CST Domain	Assess High?
Crim History (7+)	Yes/No
Substance Use (5+)	Yes/No
Peer Associations (5+)	Yes/No
Crim Attitudes+Pattern (9+)	Yes/No

Typology Group:

Based on the above information does the individual fit in any of the following criminal typology groups? Circle any that apply. *(After completing all of the above sections to the best of your ability, in your professional judgement, does the individual fit into any of the criminal typology groups below? If not, please leave blank. If so, please circle all that apply and keep in mind when making recommendations regarding length of probation, restraint and treatment conditions, and behavioral incentives below.)*

Domestic Violence	Substance Use	Sex Offender	Violent Offender	Gang Offender

Are mental health issues present? Circle: Yes/Unknown at this time (*After completing all of the above sections, please answer this question to the best of your ability by circling one of the two choices. If "Yes" is circled please keep it in mind when making recommendations regarding treatment conditions, and behavioral incentives below.)*

PCR Instruction Worksheet (For PO Use Only)

Proposed Recommendation:

Based on the information above, what conditions do you recommend the court order if the individual is placed on probation?

Length of Probation: _____

Restraint Conditions: *(Examples include a stay/away no contact order, GPS with specified exclusions zones + curfews, etc.)*_____

_____

Treatment Conditions: *(Examples include drug and/or alcohol testing and any treatment deemed necessary after a substance abuse evaluation, sex offender evaluation and any treatment deemed necessary, completion of Intimate Partner Abuse Education Program, etc.)* _____

_____

Behavioral Incentives: *(Examples could include a reduction in the length of the probation term after completion of 200 or more hours of substance abuse or mental health treatment, etc.)*

_____

_____

Additional Notes: *(Space to note anything else, in your professional judgment that has not already been captured in the form, including the statement, "Recent history of noncompliance" that may be used to note your recommendation that the individual is not a good fit for a term of probation.)*

_____

Probation Conditions Recommendation Form

For PO Use Only

Name: _____

PCF#: _____

*(A)(C)PO Completing Form:*_____

Probation Dept: _____

Date: _____

Record Review Section: (CARI and, if necessary/obvious, III)

List the number of previous:

Category	Previous #
VOPs	
Jail Sentences	
Prison Sentences	
209 A Orders	
Harassment Prevention Orders	
DV Related Arraignments	
Substance Use Related Arraignments	
Sex Offense Related Arraignments	
For Superior Court Use Only Below	
MA Sentencing Guidelines Grid completed?	Y/N/NA
If so, what was the Sentence Grid Range?	

Police Report/Statement of Facts:

Please circle the appropriate choice below:

Question	Yes/No	Follow up?	Yes/ No	Follow up?	Yes/ No
Were elements of physical violence or weapons involved?	Yes/No	Firearm?	Yes/ No	Knife?	Yes/ No
Were elements of domestic violence involved?	Yes/No	Strangulation Involved?	Yes/ No	Victim pregnant?	Yes/ No
Were elements of a sex offense involved?	Yes/No	Force Involved?	Yes/ No	Victim male?	Yes/ No
Were substance related issues involved?	Yes/No	Opioids/Opiates?	Yes/ No	Alcohol?	Yes/ No
Were mental health issues involved?	Yes/No	Section involved?	Yes/ No		
Were co-defendants involved?	Yes/No	Gang related?	Yes/ No		

Probation Conditions Recommendation Form
For PO Use Only

Recent Probation:

If the individual was on Risk/Need Probation in the Commonwealth of Massachusetts within the past two years please answer the following questions by circling the appropriate choice:

Question	Yes/No/NA
Was the individual generally compliant w/conditions/PICA?	Yes/No/NA
Did the individual report as instructed?	Yes/No/NA
Was the individual charged w/new criminal offenses?	Yes/No/NA
Did conditions/PICA address substance use?	Yes/No/NA
If so, were screens clean?	Yes/No/NA
If so, was individual amenable to assessment/treatment?	Yes/No/NA
Did conditions/PICA address mental health?	Yes/No/NA
If so, was individual amenable to assessment/treatment?	Yes/No/NA
If so, was medication prescribed?	Yes/No/NA

Previous ORAS-CST Domain	Assess High?
Crim History (7+)	Yes/No
Substance Use (5+)	Yes/No
Peer Associations (5+)	Yes/No
Crim Attitudes+Pattern (9+)	Yes/No

Typology Group:

Based on the above information does the individual fit in any of the following criminal typology groups? Circle any that apply.

Domestic Violence	Substance Use	Sex Offender	Violent Offender	Gang Offender

Are mental health issues present? Circle: Yes/Unknown at this time

Proposed Recommendation:

Based on the information above, what conditions do you recommend the court order if the individual is placed on probation?

Length of Probation: _____

Restraint Conditions: _____

_____

Treatment Conditions: _____

_____

Behavioral Incentives: _____

_____

Additional Notes: _____

PAROLING AUTHORITY CHAIRS WITHIN CORRECTIONS TODAY

BY EBONY RUHLAND, PH.D. AND EDWARD RHINE, PH.D.

Paroling authorities exert a substantial impact on correctional systems throughout the nation. Although they have experienced daunting challenges to their operations, a majority of states have retained discretionary parole release within largely indeterminate systems of sentencing (Rhine, Petersilia, & Reitz, 2017). Even in states that have adopted determinate sentencing structures and abolished or sharply curtailed their parole board's authority to grant release, boards continue to have leverage that extends to the setting of the conditions of post-release supervision. In most jurisdictions, they also serve as the principal decision-makers driving the parole violation and revocation process.

The authority vested in parole boards and the unique niche they occupy position them to exercise disproportionate clout relative to their size. In terms of release alone, just 340 parole board members in 46 states granted 187,035 discretionary entries to parole in 2013.

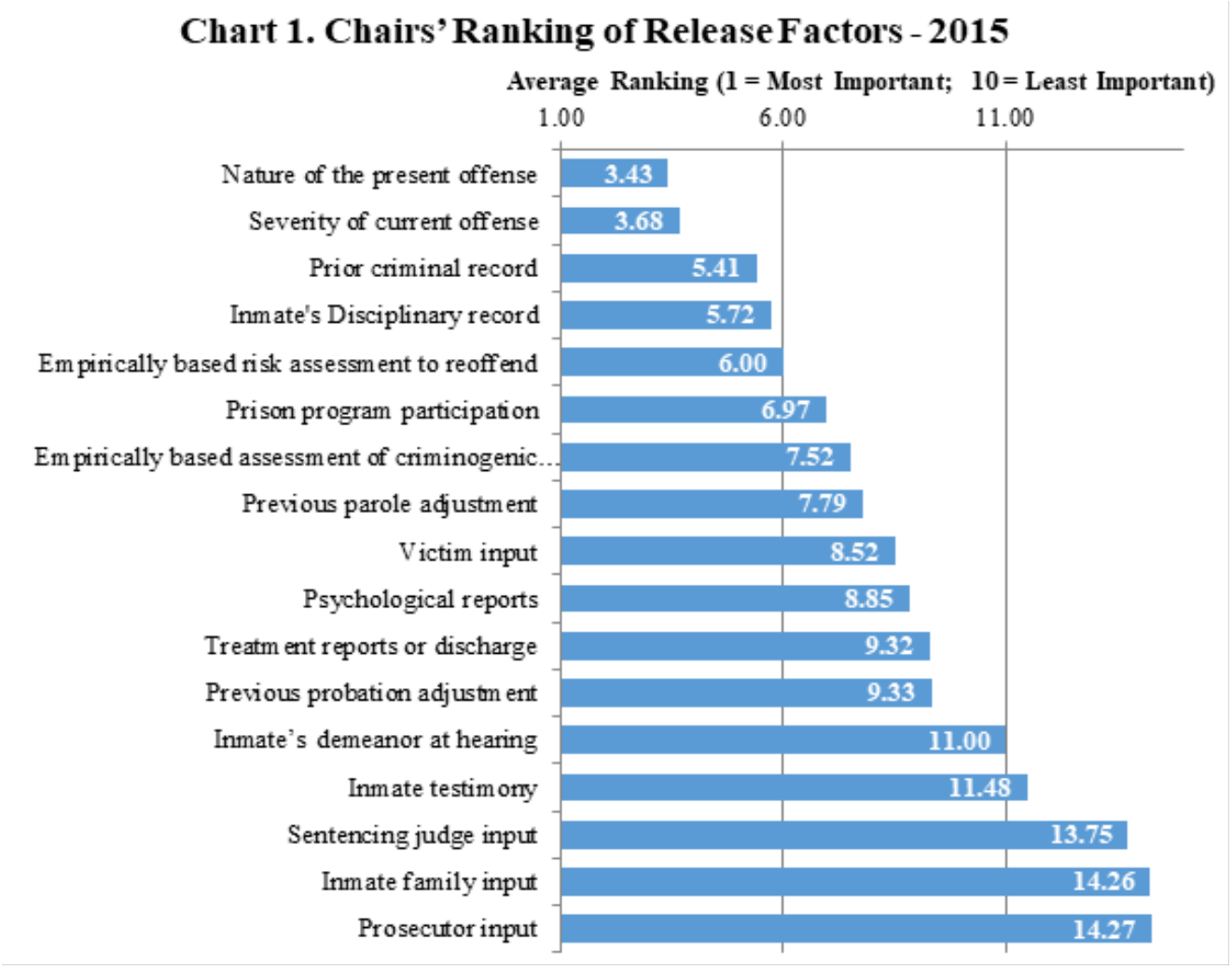
Despite their continuing influence, there is a scarcity of research directly centering on the paroling authorities (for exceptions see Rhine, Smith, Jackson, Burke, & Labelle, 1991; Runda, Rhine, & Wetter, 1994; Kinnevy & Caplan, 2008). In 2014, the Robina Institute of Criminal Law and Criminal Justice launched its Parole Release and Revocation Project with the goal of developing a repository of knowledge about paroling authorities across the country. Its publications may be found at https://robinainstitute.umn.edu/areas-expertise/parole-release-revocation. Drawing from the results of a large 2015 national survey conducted by the Robina Institute as part of its project (Ruhland, Rhine, Robey, & Mitchell, 2016; Burkes, Rhine, Robey, & Ruhland, 2017), our article offers a synopsis regarding releasing authority chairs and their views.

THE INSTITUTIONAL STRUCTURE OF PAROLE BOARDS AND CHAIRS

The institutional structure of paroling authorities is shaped by how the members and chairs are appointed and by the absence of meaningful statutory qualifications in numerous states. The 2015 survey, drawing from 45 respondents, found that 25 states (56%) had requirements for membership defined by statute, while 19 states and the U.S. Parole Commission (44%) did not (Ruhland et al., 2016, pp. 17-18). Even within those states possessing statutory qualifications, very few have established requirements commensurate with the

complexity of the knowledge and skills needed when making parole-related decisions. It is worth noting that many parole board members and chairs—though by no means all—do actually have a background of substantial educational achievement, even if that is not a mandatory prerequisite for their selection. In both 1988 and 2015, 60% or more of the chairs reported having an advanced professional or academic degree. The chairs often serve as the chief executive officers of their respective organizations.

The central figure in the appointment and removal of parole board members and chairs in most states is the governor. Once appointed, the members and chairs of these important releasing authorities are subject to removal under criteria that vary considerably, often providing these individuals no protection or insulation from shifting political climates. The absence of institutional insulation from



the political process has contributed to growing risk aversion relative to granting parole.

In discharging their responsibilities, board members must negotiate myriad issues and must consider a full spectrum of parole decision-making factors. The below sections of this paper map out many of their salient concerns based on the survey responses.

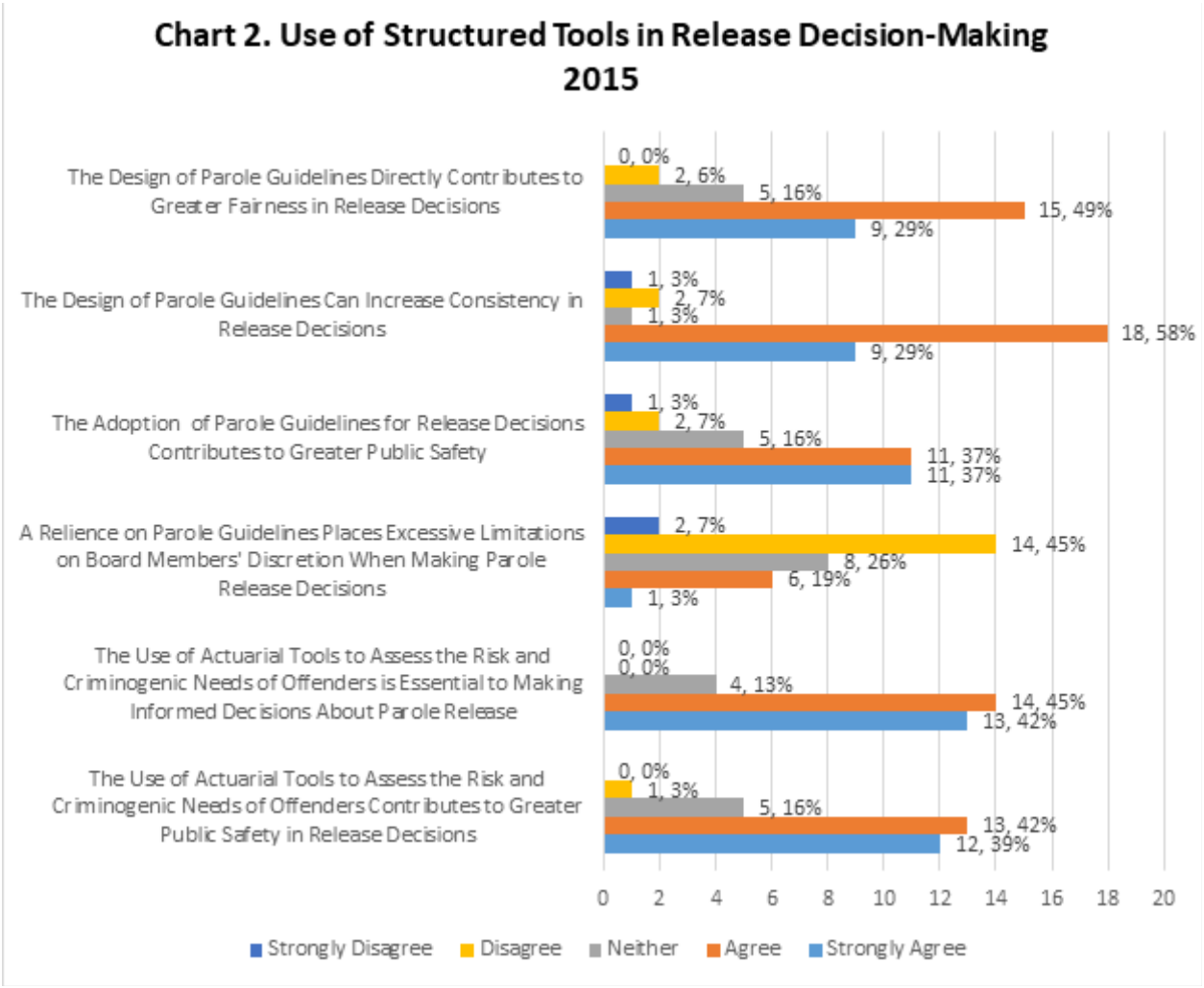
RELEASE DECISION-MAKING: CONSTANCY, STRUCTURE, AND RISK AVERSION

In the 2015 survey, the chairs were asked to rank a standardized list of release factors from what they considered most important to least important. The results of this ranking have remained similar though not identical over time. Chart 1 presents these factors in order along this continuum of perceived importance.

It is interesting that inmate input falls in the lower tier of factors given that the majority of paroling authorities conduct interviews with inmates. In a study currently underway, Robina Institute researchers heard some inmate interviewees express concerns that what they say in the interview does not matter as parole board members have already made up their mind to release or not before the interview. While the hearings matter to some board members, the release decision is largely weighted towards the static factors pertaining to the nature and severity of the crime and prior criminal history on which they place the greatest emphasis.

The use and opinions of parole guidelines and risk assessments in release decisions reveal sizeable differences since 1988. In 1988, more paroling authority chairs disagreed than agreed that parole guidelines provided fairness and consistency and contributed to public safety. Prior to the 2015 survey, it is interesting that inmate input falls in the lower tier of factors given that the majority of paroling. There is also a middle tier of factors pertaining to offenders' risk assessments, program participation, and institutional disciplinary record. It is notable that inmate input falls in the lower tier of factors, given that the majority of paroling authorities conduct interviews with inmates. While the hearings carry significance for some chairs, the release decision itself is weighted mainly towards the static factors pertaining to the nature and severity of the crime, and prior criminal history.

In the lower tier of factors is inmate input, which is interesting, given that the majority of paroling authorities take time to conduct interviews with inmates. In the course of conducting a study that is still underway, Robina Institute researchers have heard some inmate interviewees express concerns that what they say in their interview does not matter and that the parole board members have already made up their mind whether



to release or not before the interview. While the hearings do matter to some board members, release decisions are largely weighted towards static factors pertaining to the nature and severity of the crime and prior criminal history. These factors comprise the upper tier of the chart, with information related to the offense constituting the top three factors considered.

The middle tier of factors includes offenders' risk assessments, program participation, and institutional disciplinary record. Opinions regarding parole guidelines and risk assessments and their use in release decisions have changed considerably since 1988. In 1988, more paroling authority chairs disagreed than agreed that parole guidelines provided fairness and consistency and contributed to public safety. In 2015, as shown in chart 2, chair responses showed overall strong support for parole guidelines and, even more, comfort in applying risk assessment tools when considering parole.

As quantification of the increasingly positive views of risk assessment tools, it was learned from the 2015 survey that 87% of chairs either agreed or strongly agreed that tools to assess the risk and criminogenic needs of offenders were essential to making informed decisions. Moreover, 81% of the chairs believed that risk assessments contributed to greater public safety in release decisions (Ruhland et al., 2016, p. 46). Of the 40 respondents in 2015, 36 states (90%) reported using a risk assessment tool in release decisions. This represents an increase from 48% in 1991 (Runda et al., 1994). The most commonly reported risk assessment was Static-99, a tool used for sex offenders. The second most commonly reported risk assessment instruments were those developed in house, followed closely by the Level of Service Inventory–Revised (Ruhland et al., 2016, pp. 23-24).

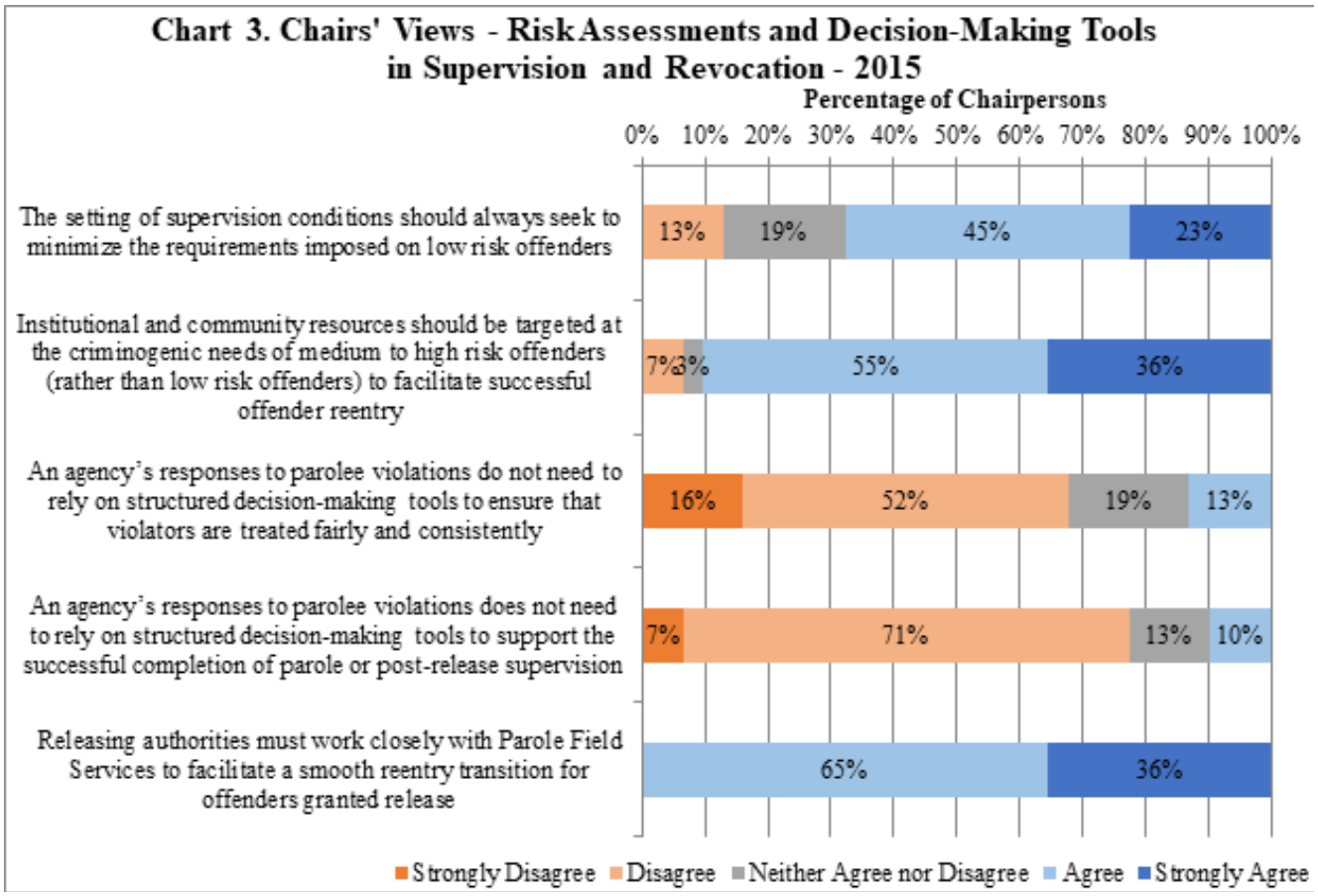
SUPERVISION AND REVOCATION: CONDITIONS, VIOLATIONS AND DECISION-MAKING TOOLS

In many states, the releasing authorities play a significant role in the administration of parole field services, especially in setting the conditions of parole or post-release supervision. When granting release and imposing conditions, parole boards are prescribing their expectations concerning the goals to be pursued during the period of supervision. Should offenders fail to comply with the terms of their supervision, these authorities exercise crucial leverage in making the determination over final revocation outcomes.

Chart 3 presents the views of the chairs on a number of issues associated with the supervision and revocation process. This continuum of responses highlights the growing value that releasing authority chairs attach to risk assessments and structured decision tools relative to supervision and revocation. Nearly all releasing authority chairs (91%) agreed that institutional and community resources should be targeted to the criminogenic needs of medium and high-risk offenders in order to augment offenders' prospects for reentry. A majority (68%) of the chairs agreed that supervision conditions should always be minimized for low-risk offenders. The same number (68%) indicated that reliance on structured decision-making tools for parole violations ensures that violators are treated fairly and consistently, and even more of the respondents (78%) held the view that these tools support the successful completion of parole or post-release supervision (Ruhland et al., 2016, p. 49).

PUBLIC SAFETY, REENTRY AND INTER-AGENCY COLLABORATION

The chairs' views show a measure of receptivity to parole reform. Perhaps the most prominent trend has been their support for the increasing deployment of more structured decision-making tools in determining release *and* revocation. The majority of the chairs concur that parole guidelines and actuarial tools are essential to making informed decisions that contribute to public safety. It is likewise striking that 100% of the chairs agreed or strongly agreed that releasing authorities



must work closely with field services to secure smooth reentry transitions for offenders (Chart 3).

The reliance on structured decision-making instruments at release and revocation and the nexus they provide to more accurately discern offenders' risk and criminogenic needs reflects the adoption, albeit uneven, of evidence-based practices across the field of corrections. In the 2015 survey, 90% of the chairs expressed agreement that the future credibility of releasing authorities depends on the use of evidence-based practices to shape the decisions they make (Ruhland et al., 2016, p. 50).

CONCLUSION

The clout that releasing authorities have retained is often unrecognized by justice system and other stakeholders. The way in which these agencies go about implementing their statutory duties and operational responsibilities carries enormous implications for everyone with whom they interact. Paroling authorities' decisions cumulatively serve to reinforce or undermine the achievement of fairness, transparency, and openness across the whole of the parole process. Their work also impacts offenders' likelihood of recidivism, if not long-term desistance from crime. Even though there may be

considerable state-to-state differences, large scale studies such as the Robina Institute survey have served a useful function in providing insights into board decision-making and trends, and future research in this area should not be neglected.

ENDNOTES

1 Sentencing reforms triggered a shift from indeterminacy to determinacy in nearly one-third of the states, and at the federal level reforms produced significant differences in which offenders were granted release and how they were released. In some instances, parole boards were abolished or had their functions changed. Though the terms "parole boards" (or just "boards") and "paroling authorities" will be used throughout this report, the more general designation of "releasing authority" refers to the individuals and organizational entities in government whose function is to consider individuals for parole, render decisions for release from prison, set conditions and/or monitor offenders under supervision, and/or determine revocation outcomes.

2 The number of discretionary entries includes releases reported to the Bureau of Justice Statistics for 2013, except for the following states: Alabama and Delaware (no data reported); California shows 0 for 2012; Maryland reported 3,424 in 2012 (Herberman & Bonczar, 2014; Maruschak & Bonczar, 2013; Paparozzi & Caplan, 2009).

3 A national survey of releasing authorities was disseminated in 2015 to every state and the U.S. Parole Commission. The response rate for the survey totaled 45 states out of 50 (90%). The profiles and comparative views of the parole board chairs were gathered through the national parole survey (Ruhland et al., 2016) and from a 1988 ACA Parole Task Force Survey (Rhine et al., 1991).

4 There have been two changes in the ranking of the factors considered when two time periods are compared for which there are data. In 2015, prior criminal record saw the most significant decline in importance, despite remaining in the top three on the list, while victim input made the biggest departure upward, moving from significantly below average in 1988 to significantly above average in 2015 (Burkes, et al., 2017, Table 1. Standardized Score Comparison: 25).

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EBONY RUHLAND'S research focuses on how criminal justice policies and practices impact individuals, families, and communities. She is currently working on research projects that examine factors that lead to probation and parole revocations, including the use of conditions, specifically supervision fee. She is also exploring factors parole members consider to determine readiness for release. Through her research, Dr. Ruhland hopes to find ways to improve criminal justice and corrections policies to reduce mass incarceration, racial disparities, and collateral consequences. **EDWARD E. RHINE,** Ph.D., directs the Parole Release and Revocation Project under the Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School. From 2004 to 2013, he served as the Deputy Director for the Office of Offender Reentry, Ohio Department of Rehabilitation and Correction. His career has included leadership positions in juvenile and adult corrections in New Jersey, Georgia, and Ohio. Since 1998 he has been an Adjunct Professor in the Department of Sociology at Ohio State University.

REACTION ESSAY TO THE *PAPERS FROM THE EXECUTIVE SESSION ON COMMUNITY CORRECTIONS*

BY: BRIAN K. LOVINS, PHD

I applaud the John F. Kennedy School of Government at Harvard University and the Columbia University Justice Lab for challenging the status quo of community supervision and bringing this conversation to the forefront in their respective positions in the Papers from the Executive Session on Community Corrections. The Papers are the culmination of many that came before them, and I appreciate the consortium of authors who have helped bring the issues to the forefront of discussion. In this reaction essay I review two documents from the series, examine the solutions being proposed, and then go on to offer a potentially different paradigm shift.

The position papers of both the Columbia Justice Lab and Harvard Kennedy School are correct—community supervision has become a pipeline to prison. Community supervision, once designed as an upfront alternative to allow low-risk offenders avoid incarceration, has become a significant driver of jail and prison populations (Phelps, 2017). It is time to confront the truth. Probation and parole supervision was never designed to reduce recidivism or minimize deeper penetration of criminal justice-involved individuals into our jails and prisons. In fact, probation was designed to prevent low risk individuals (the best of the best) from ever being incarcerated, assuming they would self-correct. Handpicked by judges, prosecutors, and probation officers, those determined to be redeemable were diverted from prison and monitored for long periods to ensure they returned to a prosocial, productive lifestyle. If they did not comply, the expectation was for probation officers to report violations, ultimately leading to revocation of supervision, returning individuals to their "rightful" state—incarceration.

In similar fashion, parole was designed for those who have redeemed themselves while incarcerated—for those who served a portion of their sentence, demonstrated their willingness to comply with institutional rules, took advantage of programs and services, and were deemed "community ready." These are the basic tenets of our system. The entire premise of community supervision is driven by the belief that it is a privilege to be on probation and parole, bestowed by the system onto those individuals who want to "go straight." For those who do not comply, their status in the community is in jeopardy.

The Columbia Justice Lab's "Too Big to Succeed" paper cites several influences on the expansion of the probation-to-prison pipeline. Exponentially larger caseloads with significantly less resources, implementation of get-tough and zero tolerance probation policies, and fewer treatment options due to decreased funding have all culminated in a perfect storm, creating the near impossible task of addressing a struggling population. To turn this situation around and bring probation and parole populations to an appropriate size, this paper suggests turning to the evidence of systemic changes implemented across certain jurisdictions throughout the United States. Approaches to community corrections in Michigan, New York, Arizona, Missouri, and California have demonstrated the ability to reduce the footprint of community corrections and prison while continuing to maintain the safety of the community. A majority of these strategies center on a general principle that punishing justice-involved individuals for technical violations results in deeper penetration into the corrections systems. In contrast, the more the system is designed to reinforce good behavior, the fewer people end up in deep end incarceration and the shorter their stay.

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In a similar vein, the Harvard Kennedy School's consensus paper points out that current community supervision is based on a set of flawed values. The authors take a critical look at the core values of the system and suggest a total redesign of community corrections as "broad and comprehensive paradigm shifts are necessary" to fix the failing system (p. 3). While emphasizing that the fix will not be easy, they go on to suggest 13 key paradigm shifts ranging from increased up-front diversion to shifting from offender-based interventions to victim-centered services.

I agree with both papers on two major points. First, the system has grown well beyond its bounds and is not sized properly to address the needs of those placed under supervision. The size of probation, and subsequently parole populations, far exceeds the capacity to effectively intervene with people at risk. Second, probation and parole are, in themselves, major contributors to the prison population. The core function of probation and parole—to monitor conditions and report non-compliance—is in itself flawed and contributes directly to the high numbers of revocations. While both papers provide a path forward to reforming community supervision, it is my belief that there are two underlying assumptions that need to be addressed before we can proceed with making any reforms to community supervision.

First, both probation and parole supervision are based on the assumption that punishment changes behavior. Community corrections, and the criminal justice system for that matter, are based on a belief that when punishment outweighs the benefits, people will stop committing crime (deterrence theory). This theory is inherent in several major strategies within community corrections and even in several of the reforms set forth in the Harvard Kennedy School's consensus paper. Smarter punishment, swifter responses, certain penalties, and graduated sanctions have all been tried and have failed, with few exceptions (Cullen & Jonson, 2017; Petersilia & Turner, 1993; Schaefer, Cullen, & Eck, 2016). Until we face the fact that we cannot punish people out of crime, we will continue to deploy strategies and resources to develop newer and better ways to tweak an ineffective tool for behavioral change.

The second assumption that must be challenged is that probation and parole are a privilege that can be revoked any time the individual is not compliant. This assumption leads to several significant consequences, one of which is how we supervise those who are justice-involved. Probation and parole services are historically based on the belief that those being placed under supervision can self-correct. Even prior to the get-tough

movement, probation and parole officers were torn between wearing a "social worker" or "law enforcement" hat, often balancing treatment with accountability (Rudes, Viglione, & Taxman 2013). Under our current system, probation and parole officers are rewarded for their ability to document behavior accurately, provide referrals to services, and report inappropriate behavior to the court in a timely fashion. Probation and parole officers have been trained to be referees (Lovins, Cullen, Latessa, & Jonson, in press). They are tasked with presenting the rules to a person under supervision, to watch/monitor those rules, and to blow the whistle when a violation is present.

I believe that these two underlying assumptions, coupled with an attempt to divert historic jail and prison populations, have been a significant contributor to the exponential increase in community supervision populations and, in turn, the failure of the criminal justice system. Probation and parole are no longer reserved for individuals deemed as "good bets" but instead have been expanded to serve riskier, more troubled populations. Saddled with archaic roles of probation and parole and rooted in a model of deterrence, the tasks of watch/report/revoke have not demonstrated effectiveness in reducing future criminal behavior. While the position papers issued by the Columbia Justice Lab and the Harvard Kennedy School call for wholesale changes to the system, they are still rooted in the current assumptions that punishment changes behavior and that refereeing justice-involved individuals will result in long-term change. To truly impact the system, it is not enough to simply change the interventions offered. Rather, we must change the context in which they are delivered, adopting a different perspective. I suggest that changing the direction of community supervision requires that we set aside our historic referee roots, re-envision probation and parole, and embrace the concept of "coach."

Consider the impact of switching from probation and parole officers to probation and parole coaches. A new professional identity creates new ways of working with justice-involved individuals. First, instead of learning the rule book (probation/parole conditions and response policies) and focusing on enforcing penalties, probation coaches would see their job as one of teaching, training, and supporting their players—creating opportunities for them to be successful. This would naturally change the perspective from punishing failure to promoting success, as suggested by the Harvard Kennedy School consensus paper.

Second, probation and parole coaches, just like sports coaches, would

be responsible for wins (prosocial behaviors) and losses (law violations). This would allow for a sense of professional accountability in which evaluating an officer's work moves beyond counting tasks to actually measuring quality of interactions. Again, this change in perspective would allow probation coaches to focus on helping justice-involved individuals learn new skills to be successful rather than worrying about whether they turned in an employment verification form. Their focus would naturally fall to those who are struggling, developing strategies to help them "win," while allowing those on their team who are doing well to continue without significant interference. When a baseball coach has a player in a slump, extra batting practice, film review, and support is offered in an effort to help the player through the poor performance. A probation coach would identify, through assessment and evaluation, the areas in which the justice-involved individual is struggling and would then proceed to teach new skills, practice more effective strategies, and support behavioral change.

Third, focusing on coaching strategies will ensure that staff members adopt playbooks designed for coaches and players and not referees. This will allow for a retooling of staff, giving them skills that are actually designed to help their players win instead of monitoring and reporting when they fail. This retooling becomes significantly more difficult if the focus of probation and parole moves from the justice-involved individual to the victim and community. Because of this, I challenge the recommendations from the Harvard Kennedy School consensus document that probation and parole services become victim-centered and community-building. I instead suggest that we want officers (or coaches) to remain focused on the justice-involved individuals, using interventions that are designed to affect behavioral change.

One thing is certain. If we continue down the current path of placing justice-involved individuals on supervision, viewing probation and parole as a privilege, expecting justice-involved individuals to be compliant immediately, and punishing them for failing, the probation and parole system will collapse from its own weight. If we reframe the probation and parole officers' role as a coach, see failures as an opportunity to teach new skills, and invest in winning, we can have a significant impact on the system and see our way through this crisis.

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PROGRAMMING OPTIONS FOR COMMUNITY-SUPERVISED OFFENDERS: COGNITIVE LIFE SKILLS

BY: MICHAEL E. ANTONIO, PH.D.

The effectiveness of prison programming for changing inmate behavior has been the subject of long and heated debate (see Martinson, 1974; Andrews et al., 1990). Experts in correctional treatment and rehabilitation initiatives have designed, implemented, and subsequently evaluated numerous different methods for delivering programming. The root causes of many behavioral infractions, especially related to substance abuse, were often viewed over the past few decades from a disease model perspective, and programs were designed accordingly. However, current prison programming efforts are increasingly using cognitive-behavioral approaches (see Landenberger & Lipsey, 2005, and Milkman & Wanberg, 2007).

In general, a cognitive-behavioral intervention (CBI) can be applied to treating a variety of problems. CBIs related to offender-targeted programs, however, specifically focus on changing criminal thinking as the first step to changing criminal behavior, and such programming addresses issues related to limited problem-solving skills, poor decision-making, and unrealistic expectations (Andrews, Bonta, & Wormith, 2006). These problem areas represent recognized criminogenic factors, or circumstances which promote or contribute to crime. The best correctional programs try to effectively address issues of criminal thinking by highlighting how anti-social attitudes, negative peer influences, and substance-abuse issues

lead to poor choices and subsequent incarceration. Assessments of prison-based CBI programming have been showing a positive impact on behavior as measured as reductions in incidents of recidivism after release from incarceration.

Numerous correctional programs utilizing CBI approaches have been developed in recent decades. Popular programs used by criminal justice agencies throughout the United States, including Thinking for a Change (Golden, Gatchel, &Cahill, 2006), Moral Reconation Therapy (Ferguson & Wormith, 2012), and Reasoning and Rehabilitation (Wilkinson, 2005), have met with moderate and varying levels of success. On the whole, CBIs do seem to be effective—and they are most effective if implemented properly, with the lesson being learned that quality assurance measures should not be neglected, including regular training for facilitators, site visits, and review of offender records.

INITIATIVES OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

The Pennsylvania Board of Probation and Parole (PBPP) oversees those who are on probation or parole in the state. Criminal justice agencies in Pennsylvania have followed evidence-based practices for some time, and current offender programming provided by PBPP utilizes a cognitive-behavioral approach as the core component of its many programs designed to maintaining appropriate behavior in the community. Delivering offender programming that employs such techniques is viewed as the most efficient means for PBPP to meet goals that include maximizing public safety and ensuring the proper care and control of all individuals under its supervision.

PBPP has taken significant steps related to meeting the treatment needs of those being supervised in the community. In 2009, the agency enhanced program delivery by creating an Assessment Sanctioning and Community Resource Agent (ASCRA) position, a specific job classification for staff members whose expertise and main responsibility is facilitating offender programs (PBPP, 2009). ASCRAs receive specialized training in CBI techniques and are knowledgeable about community resources available to assist those who are struggling to meet social, physical, financial, and/or substance-related needs when reentering society. ASCRAs are assessed regularly for quality of program delivery and services.

PARTNERSHIP WITH NATIONAL CURRICULUM & TRAINING INSTITUTE

Diverse programming is often required to aid offenders as they encounter stumbling blocks after reentering the

community. Criminal justice agencies may develop such programming in-house, if resources and staffing are accessible, but they often must rely on outside sources, including local, state, or national providers, to assist with treatment programs. In 1980, PBPP partnered with the National Curriculum and Training Institute (NCTI) to obtain assistance with its programming needs.

NCTI is well established in the field of criminal justice for the treatment and rehabilitation of adult offenders. Currently, the organization has 17 offense-specific programs that have been utilized by criminal justice agencies, including probation and parole, police, juvenile courts, and prisons in Arizona, California, Illinois, Iowa, Kansas, Louisiana, Mississippi, North Carolina, New York, Pennsylvania, Tennessee, Texas, and Utah. The relationship between NCTI and PBPP has been consistently strong over the past four decades, and in 2010 ASCRAs began delivering NCTI's offender program referred to as Cognitive Life Skills (CLS).

The CLS program curriculum includes 15 group sessions with specific lesson plans, each targeting known risk factors of criminal activity. In the words of the program developers, "through activity enhanced components targeting criminogenic needs, participants learn how to establish positive, goal-directed behavior patterns, and understand the process necessary to change negative behavior" (NCTI, 2011, p. 11). The stated objectives of the curriculum include developing critical cognitive thinking skills, discovering how attitude affects behavior, gaining better self-control, understanding the process necessary to change negative behavior, and establishing positive, goal-directed behavior patterns. The CLS program fits perfectly into the programming needs required by PBPP. All CLS program materials have been accredited by the American Probation and Parole Association and have been adopted by PBPP for use with its supervised offender population. Since 2010, ASCRAs have successfully delivered the CLS program to several thousand offenders under community supervision by PBPP.

PROGRAM OUTCOMES

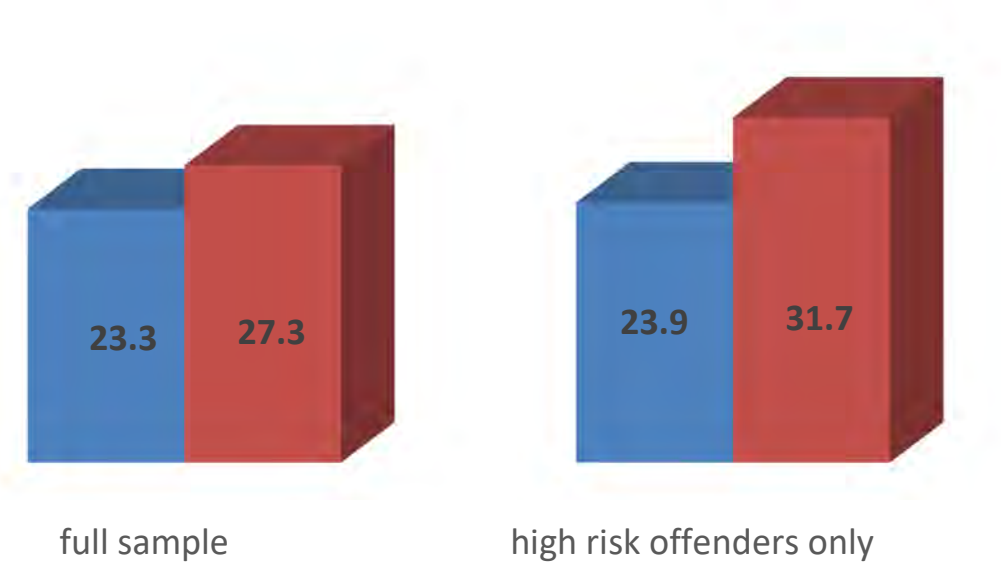
Previous research has already shown that prison programming using cognitive-behavioral approaches can significantly reduce the likelihood of an offender returning to prison. An empirical analysis was performed by PBPP of the state's paroled community-supervised population to determine whether completion of the CLS program reduced recidivism in this group. Offender data used in the analysis were provided by the PBPP Statistical Reporting and Evidence-Based Program Evaluation Office and included offenders

released to parole supervision from 2010 through 2015.

A sufficient number and type of variables were included in the study to ensure that a complete analysis was performed. Data gathered for each offender included gender, age, race, location of release, offense category, history of violence, and risk level for reoffending. A technique referred to as Propensity Score Matching was used to create two groups of statistically equivalent offenders. The only difference between the groups was that one group was comprised of those who had completed the program and the other was comprised of those who had not enrolled in it. The main interest was to determine whether completing the CLS program was associated with reduction in the incidence of recidivism compared to the matched group of offenders. Recidivism was measured as re-incarceration for new crimes or technical violations of parole conditions.

From a sample of over 4,000 offenders

Figure 1: Recidivism Percentages



under the supervision of PBPP, findings revealed offenders who successfully completed the CLS program committed fewer violations of the conditions of their parole that resulted in re-incarceration. Indeed, 23.3% of the 2,115 offenders who competed the CLS program were re-incarcerated for technical violations of parole and/or new criminal behaviors compared to 27.3% of the 2,115 matched group offenders who were not enrolled in the program.

Findings were even more dramatic when high-risk offenders were examined separately. Risk was assessed using a Level of Service Inventory-Revised (LSI-R) score obtained immediately prior to the offender's release to PBPP supervision (Andrews & Bonta, 2001). The research showed that higher risk offenders should be a main target for CLS programming, as these individuals might benefit the most from such interventions. Overall, 23.9% of the 1,262 high risk offenders who completed the CLS program were re-incarcerated compared to 31.7% of the 1,164 high risk offenders who did not receive the program. The overall findings suggest offenders who completed the CLS program were better able to cope with stumbling blocks upon reentering society and were involved in fewer incidents of misbehavior and infractions that resulted in re-incarceration. For a complete review of the analysis and findings, see Antonio and Crosset (2016).

FUTURE OF OFFENDER PROGRAMMING

The data on outcomes of the CLS program were consistent with previous research about the effectiveness of CBIs on offender recidivism. These results provide confidence for PBPP that progress is being made toward addressing the individual needs of offenders after they are returned back to society. Moreover, the study also provides empirical evidence for the NCTI that one of its premiere programs for adult offenders has a positive impact on attitudes and behaviors associated with re-incarceration. While the findings uncovered here were favorable and provided support for continued use of the CLS program, this evaluation was specific to one state agency exclusively. Similar evaluations should be conducted by other criminal justice agencies and jurisdictions that provide the CLS program to incarcerated or community-supervised offenders.

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DR. MICHAEL E. ANTONIO has over 20 years of research experience in the fields of psychology and criminal justice. He has published articles and book chapters on topics related to race and civil juries, the death penalty, receptivity for prison rehabilitative programming, juror stress, social theory, and gang prevention programming. From 2006 to 2013, he was employed by the Commonwealth of Pennsylvania as a Research and Evaluation Manager at Pennsylvania's Department of Corrections and Pennsylvania's Board of Probation and Parole. Currently, he is an assistant professor of Criminal Justice at West Chester University of Pennsylvania and continues conducting original research studies and secondary analysis of existing data sets related to a variety of topics. He can be reached at mantonio@wcupa.edu

juvenile justice committee update

BY TANIA APPLING

The Juvenile Justice Committee has been working on various priority projects aimed at advancing overall APPA goals as well as promoting themes emphasized by the APPA President. In particular, the committee has had success in its ongoing collaborations involving national partners who provide resources and technical assistance for innovative programs and best practices that enhance juvenile services. This includes our involvement in the Model Data Project sponsored by the Office of Juvenile Justice and Delinquency Prevention. Progress is being made, and updates on this project are being regularly issued. We have also begun supporting the Performance-based Standards Learning Institute and the National Center for Juvenile Justice in their Improving Juvenile Reentry Programs' Data Collection, Analysis, and Reporting initiative.

In May, the Juvenile Justice Committee members held a virtual meeting that included an opportunity to review and discuss our latest position paper. We received suggestions from the Issues, Positions, and Research Committee and are working to incorporate them into the final version. Committee members are looking forward to presenting a draft of this paper at the upcoming annual training institute in Philadelphia. In fact, that event has been a major focus for our members and we are providing support for a Juvenile Probation Summit. The host will be Josh Weber from the Council of State Governments (CSG) Justice Center. The Justice Center will conduct three workshops. In addition, the Annie E. Casey Foundation and Urban Institute will hold separate workshops designed to supplement the juvenile justice track.

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TANIA APPLING is the Unit Manager of the Leadership & Professional Development Unit in the Georgia Department of Juvenile Justice (DJJ) where she oversees DJJ's professional development and leadership courses for staff. Ms. Appling has been instrumental in developing several mid-level to executive professional leadership and development programs. She has been employed with DJJ since 1997. She became a member of APPA in 2010, served as track chair for several Institutes, and currently chairs APPA's Juvenile Justice Committee. She holds master's degrees in Educational Psychology and Public Administration. She can be reached at taniaappling@djj.state.ga.us

international relations committee update BY THANH DANG

The International Relations Committee (IRC) met during the 2018 Winter Training Institute in Houston, and members engaged in a rich discussion on a variety of topics. Much was accomplished with regard to charter revision—a project that has been in the works for some time. After careful review, the IRC has now approved this document and submitted it to the APPA President. The revised charter adds clarity to our focus and expands our scope from a national to a global framework.

Last year, the World Congress Advisory Committee (WCAC) was formed as a result of a series of World Congresses that have been held in recent years (London in 2011, USA in 2013, and Japan in 2017), and this committee held its first meeting in Japan. An upcoming 4th World Congress has been scheduled for 2019 in Australia and should be another exciting and rewarding event. Under the guidance of APPA President Erika Preuitt, the IRC Chair will serve as a WCAC member, and the IRC will combine its efforts with the WCAC in planning APPA's participation in the 4th World Congress. WCAC delegates have been actively working on drafting a working agreement, "Terms of Reference," and a draft is currently being circulated among the World Congress Hosts for input. We hope to have this document finalized and adopted at the 4th World Congress in Australia.

Maintaining beneficial international connections has long been one of IRC's top priorities. Strengthening international networking bodies and advancing our shared learning will continue to be an important focus. This includes our important work in actively recruiting international workshops for APPA's training institutes.

Some IRC members are no longer participating as actively in the committee, in part due to changes in their job assignments. Maintaining IRC as an active committee is essential to keeping our connections and building relationship with other countries. Those interested in joining can contact me (see info below).

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THANH DANG works for Multnomah County Department of Community Justice, Juvenile Services Division, in Portland, Oregon, as a Community Justice Manager. She is an alumnus of the APPA Leadership Institute and her contributions to the organization have included chairing the Issues, Positions, and Resolutions Committee, and serving as the liaison for the Third World Congress in Japan in 2017 as well as serving as the project director for the Second World Congress in the US in 2015. She can be reached at thanh.c.dang@multco.us

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