



PERSPECTIVES

THE JOURNAL OF THE AMERICAN PROBATION AND PAROLE ASSOCIATION



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VOLUME 43, NUMBER 1



THE USE OF
INCENTIVES AND
SANCTIONS TO
SHAPE THE
BEHAVIOR OF
CLIENTS UNDER
COMMUNITY
SUPERVISION

PART 2



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president's message



ERIKA PREUITT
PRESIDENT

The judicious use of jail has been an issue that has plagued the criminal justice system. Often times, our communities demand accountability in the form of incarceration, believing public safety is achieved by keeping dangerous people and nuisances off the street. Additionally, incarceration has become the answer for serious societal challenges, such as mental illness and substance use disorders. In adult and juvenile community supervision practices, we know that jail works only to contain dangerous behavior. However, it does not impact behavior change, and, for those who are low risk, harsher penalties can do more harm than good by exposing those clients to criminal behavior. Understanding this poses a conflict for officers who are seeking to respond to violations and behavior that often results in high uses of jail and detention facilities. Most often, they have tried a variety of interventions with jail being the ultimate measure of accountability. Even though the economy is healthy, local jurisdictions still struggle to align incoming revenues with rising labor costs. Jail is a costly response to violation behavior that forces us to look at lower cost and effective alternatives to incarceration.

The field continues to evolve with more community corrections agencies engaging in core correctional practices, utilizing cognitive-behavioral interventions to achieve long-term behavior change, and learning how to effectively engage justice-involved individuals by using incentives and rewards. This creates both an opportunity and a challenge. The opportunity is to reduce the potential harm jail can cause justice-involved individuals and conserve this vital resource that should be utilized to contain those who stand to most threaten public safety. The challenge is to ensure that we have the infrastructure and tools to support fidelity to models that are proven to change behavior. Understanding the patterns and impacts of jail utilization, as well as those practices that help to change behavior, is crucial to instilling

confidence in the public and policy makers who are reinvesting funding in their communities.

In my own jurisdiction, we have been committed to reducing our use of jail by thoroughly examining our sanctioning patterns and practices. Additionally, we have been intentional in limiting jail use for technical violations and revising sanctioning grids, as well revocation guidelines. I am proud to say that we have been able to significantly reduce sanctions and jail-bed days while maintaining low recidivism rates. In 2018, we reduced our monthly jail-bed use by an average of 53 beds a day per month. This has resulted in saving our jurisdiction millions of dollars. We have implemented the use of dashboards that show use of all sanctions ranging from jail, electronic monitoring, and community service to encourage accountability in this area. We have also been deliberate in examining the data and practices that lead to high rates of detention use for juveniles. For over 25 years, we have been a Juvenile Detention Alternatives Initiative (JDAI) model site that has allowed us to create strategies that have dramatically decreased detention bed use in our jurisdiction.

As we move toward the future, community corrections organizations who have the responsibility to be good stewards of public resources, need to continue to prepare justice-involved individuals to become productive community members, standing on the foundation of research and practices that effectively impact long-term behavior change. It is these practices that connect us as a profession and is a vital part of the public safety system and the communities we serve.

It is these practices that connect us as a profession and is a vital part of the public safety system and the communities we serve.



In Part 2 of our series on effective responses to noncompliant behavior, we present articles depicting agency experiences in crafting and implementing policies and practices related to Behavior Management Systems (BMS). The proliferation of BMS in both juvenile and adult community corrections presents an opportunity to highlight best practices and lessons learned in the implementation process and also to understand the evolution of best practices.

This issue begins with an article describing a recent switch to using a comprehensive behavioral response matrix in Virginia. Stephen Haas, Wendy Goodman, and Ashley Morales outline that state's experience in implementation of a new BMS that has brought about policy and practice changes and is guiding staff in the use of both rewards and sanctions as well as strategies for undertaking a rigorous evaluation of efficacy. The level of evaluation currently underway that they describe is precisely what the field needs in order to build knowledge about the effectiveness of systematic behavior responses. As behavioral response matrices are becoming more and more commonplace in community supervision, we find it promising that agencies such as those in Virginia are utilizing them to encourage staff to respond to positive behavior rather than merely to sanction noncompliance.



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Fortunately, Virginia is not the only example of an agency embracing this more comprehensive approach to behavioral matrices. Amanda Gibbs provides a case study of how Napa County developed such a tool in a juvenile justice agency, and David Birch outlines how a similar tool was implemented in Idaho on the adult side of the system. While these tools await rigorous evaluation, they represent an important shift in the field—specifically, a shift toward recognizing that it is important to facilitate staff’s ability to encourage positive change in addition to sanctioning negative behavior.

We conclude part 2 of this series by considering new collaborative approaches between community corrections and jails. Those in our field must pragmatically recognize that no matter how effective we become at shaping behavior through an effective BMS, some individuals under the charge of community supervision will undoubtedly return to jail or prison. Accordingly, Beth Huebner and Morgan McGuirk provide us with a look at how St. Louis County, Missouri, developed a protocol that attempted to improve outcomes in these situations. Of those whose supervision violations resulted in re-incarceration, some may require a long incapacitation as deemed necessary for public safety. However, in most other cases we must do our best to ensure that any term in custody that is imposed in response to a violation is only as long as needed to accomplish the goal of establishing services that will reduce the likelihood of further re-incarceration.

Part 2 of this series complements the emerging research presented in Part 1 by highlighting the top-to-bottom implementation efforts of agencies that are endeavoring to follow best practices. Despite all the progress made to increase consistency of responses at a systemic level, we should never

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Sanctions and rewards delivered by practitioners who are skilled at Core Correctional Practices—and who promote a collaborative relationship of trust and mutual respect between the practitioner and client—will undoubtedly achieve more of the desired effect than those delivered by practitioners who simply seek to check boxes in order to comply with internal procedures

forget that the imposition of both rewards and sanctions is a highly individualized activity. We must never make responses so bureaucratic that their effectiveness is watered down. Any imposition of rewards or sanctions is delivered by practitioners to the people they supervise. Sanctions and rewards delivered by practitioners who are skilled at Core Correctional Practices—and who promote a collaborative relationship of trust and mutual respect between the practitioner and client—will undoubtedly achieve more of the desired effect than those delivered by practitioners who simply seek to check boxes in order to comply with internal procedures. Accordingly, in addition to our call for more research on this important topic, we implore agencies seeking to implement a BMS to ensure that training on such systems includes heavy doses of how to deliver rewards and sanctions in the most effective manner.

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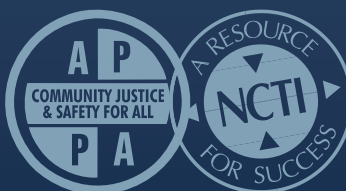
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instructions to authors

Perspectives disseminates information to the American Probation and Parole Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole, and community corrections agencies throughout the United States and abroad. Articles submitted for publication are screened by an editorial committee and, on occasion, selected reviewers, to determine acceptability based on relevance to the field of criminal justice, clarity of presentation, or research methodology. *Perspectives* does not reflect unsupported personal opinions. Articles must be emailed to perspectives@csg.org in accordance with the following deadlines:

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BALANCING THE USE OF INCENTIVES AND SANCTIONS IN COMMUNITY SUPERVISION: EVALUATION OF VIRGINIA'S ADMINISTRATIVE RESPONSE MATRIX

BY STEPHEN M. HAAS, PH.D.,
WENDY GOODMAN, AND ASHLEY MORALES

THE VIEWS EXPRESSED ARE
THOSE OF THE AUTHORS AND NOT
NECESSARILY THOSE OF ICF OR
THE VIRGINIA DEPARTMENT OF
CORRECTIONS.

The effectiveness of using of behavioral contingencies to modify an individual's behavior—a practice rooted in the theoretical tenets of operant conditioning and social learning principles—has been supported by ample evidence over the years. Ever since B. F. Skinner introduced the principles of operant conditioning in 1938, it has been believed that behavior could be shaped by consequences, usually in the form of additive or subtractive reinforcements and punishments (Skinner, 1938). This same scientific advance made nearly 80 years ago has found its way into the field of criminal justice and the supervision of probationers and parolees in the community, informing the development and use of approaches such as behavioral response grids that articulate the use of sanctions and incentives. Policies and procedures guiding the use of sanctions and incentives are being adopted by an increasing number of community supervision agencies across the country (Friedmann, Taxman, & Henderson, 2007).

Research on the efficacy of reinforcements (i.e., incentives) and punishments (i.e., sanctions) suggests both can have an impact on offender outcomes. However, as with most human service interventions, positive results are often dependent upon the quality of implementation (Haas, 2013; Taxman and Belenko, 2011). Prior research has told us that when the risk-need-responsivity (RNR) model of offender rehabilitation is properly adhered to, including the application of cognitive-behavioral techniques such as effective reinforcement and disapproval techniques, greater reductions in technical violations and recidivism can be achieved (Bonta & Andrews, 2007; Bonta, Bourgon, Rugge, Gress, & Gutierrez, 2011; Bourgon & Gutierrez, 2012; Smith, Schweitzer, Labrecque, & Latessa, 2012). In like manner, a rather large body of research on the application of “core correctional practices” further illustrates the influence of behavioral contingencies on offender outcomes (Dowden & Andrews, 2004; Haas & Spence, 2016). Contingency management using even small, consistent incentives coupled with accountability measures can improve the outcomes of offenders under community supervision when they are administered with fidelity.

Fortunately, there is a great deal of guidance in the literature on how to apply behavioral contingencies. Some examples include the need to respond to probation violations in a swift and certain manner that is proportional to the behavior (Hawken & Kleiman, 2009; Marlowe & Kirby, 1999; Mowen, Wodahl., Brent, & Garland, 2018); the importance of considering an offender's level of risk as well as needs and the seriousness of the behavior when determining appropriate responses to violations (Casey, Warren, & Elek, 2011); and, whenever possible, the importance of considering responses that best address the criminogenic needs of the offender (Smith, Cullen, & Latessa, 2009; Viglione, Rudes, & Taxman, 2014). At the same time, corrections staff

should provide rewards or incentives at a ratio of 4:1 in relation to sanctions. It is, moreover, important to choose sanctions based on what is minimally necessary for redirecting the behavior of the individual in a positive direction (Carter, 2015).

In order to meet the challenge of effectively structuring officer responses to behavior, community supervision agencies across the country have developed or revised guidelines and instructions for officers. Many agencies provide officers not only with the authority to impose sanctions but also with the capacity to administer incentives as a means to encourage prosocial behavior change (American Probation and Parole Association, 2013). This often comes in the form of violation response tools such as grids or matrices to guide the use of incentives and sanctions (Vera Institute of Justice, 2012). Examples include the development of non-compliance or graduated sanction guides (e.g., in Arkansas, Connecticut, Kansas, Michigan, and New Jersey), performance grids (e.g., in Louisiana, Maine, Massachusetts, Missouri, Montana, Nevada, North Carolina, Ohio, Pennsylvania, Tennessee, and Texas), and matrices (e.g., in Colorado, Hawaii, Illinois, Mississippi, Oklahoma, South Carolina, and Wyoming).

Consistent with this prior work, the Virginia Department of Corrections (VADOC) developed an automated, online tool in an effort to provide guidance to

probation and parole officers. This is referred to as the Administrative Response Matrix or ARM. It is embedded into the statewide case management data system (CORIS), providing an efficient tool for officers to make informed decisions. This system can also be used to monitor the use of incentives or sanctions by officers and to evaluate the impact of different case management approaches on case outcomes.

This article describes the activities undertaken to develop and implement the ARM in Virginia. Details about the operation of the ARM and the guidance given to officers on the application of incentives and sanctions are provided. We conclude with a detailed discussion of a plan to evaluate the system and its impact on officer decision-making. This includes a description of a multi-method evaluation design being developed that consists of officer focus groups, surveys, and the use of administrative data to track the impact of the ARM on outcomes (including probation and parole violations, revocations, and jail and prison admissions). The discussion begins with an overview of how the ARM was developed and ultimately implemented in the present pilot sites.

DEVELOPMENT OF VIRGINIA'S ADMINISTRATIVE RESPONSE MATRIX (ARM)

The development of Virginia's ARM was the result of a series of collaborations involving city and county government

officials and the National Institute of Corrections (NIC). In 2010, the City of Charlottesville and the County of Albemarle in Virginia were one of seven sites in the United States awarded a technical assistance grant from NIC to participate in its Evidence-Based Decision-Making Initiative (EBDM). During this time period, the City of Charlottesville and County of Albemarle also became a Justice Reinvestment Initiative (JRI) site. Using a data-driven approach, the local EBDM Policy Team learned quickly that probation violations were a primary driver of the local jail population, exacerbated by long lengths of stay.

This realization led to a subsequent study to learn more about how probation violations were being handled by local probation (Carter, 2015). Case files were reviewed and officers, clients, and stakeholders were interviewed with assistance from the Center for Effective Public Policy as part of the EBDM initiative. The study revealed the standard practices and processes by which sanctions were rendered in local probation district offices. First, use of sanctions in response to supervision violations was very common, with officers responding to noncompliance on nearly a daily basis. Second, the study found that guidance from supervisors on how best to handle violations was often inconsistent across cases—an inconsistency that was likely a product of the supervisor’s years and types of experience, knowledge regarding the particular case, and knowledge of the

officer. Lastly, the study indicated that risk assessment information was not being used to inform officer responses to noncompliance. While risk assessments were being conducted, the results were rarely incorporated into discussions on how best to respond to particular violations.

To address the high use and inconsistent application of sanctions as well as the failure to make use of risk assessment results to guide officer decision-making, the localities designed the ARM. Probation officers provided input in all aspects of development. During the early stages, major contributions were *especially made by the Offender Aid and Rescue-Jefferson Area Community Corrections Department and by the state’s Probation and Parole District 9*. Preliminary testing of the system occurred for three months to allow staff to practice using it while working out any initial technical difficulties identified. Official implementation began on July 1, 2014.

It was further recognized that the use of incentives or rewards was far less common than use of sanctions and that greater guidance on the use of incentives might be warranted. In 2016, JRI-supported training assisted in the creation of an incentive grid, which was added to the ARM. Shortly thereafter, VADOC used the ARM project to apply for a SMART community supervision grant from the Bureau of Justice Assistance (BJA). This funding allowed for a pilot of the system

in nine more probation and parole districts. These funds were also used to test and make revisions of the ARM and incorporate it into VADOC's centralized offender management system.

IMPLEMENTATION AND OPERATION OF THE ARM

Using implementation science as a framework, VADOC embarked on a series of activities to implement the ARM in ten pilot sites (Fixsen, Blase, Naoom, & Duda, 2015). Key implementation drivers (i.e., competency, organization, and leadership drivers) were used to guide early decisions on how best to launch the system. To ensure agency leadership involvement, adequate organizational supports, and high-quality training for officers, a multidisciplinary Smart Team Steering Committee was established. This committee consisted of members from several agencies and units of government, including Criminal Sentencing Commission, Division of Criminal Justice Services, Statistical Analysis Center, Corrections Technology Services, and Department of Corrections. Initially, the Committee took a top-down approach to fully educate district leadership about the intent of the project and its relationship to evidence-based practices.

Once leadership was oriented to the project, efforts were made to create buy-in at the officer level by identifying "super-users" from each of the probation and parole districts. As content experts, super-users continue to be involved in

every aspect of the ARM development and implementation (e.g., system customization, training facilitators, system testing and feedback, etc.). Staff teams were established to create learning plans for educating staff on the use of both incentives and sanctions as an evidence-based correctional practice. Following a series of workshops based on the learning plans, additional training on the technical aspects of the system and on how officers were to complete the ARM within VADOC's offender management system was given in the months preceding the ARM launch.

The ARM consists of response options pre-approved by district chiefs and supervisors. This allows officers to make quick decisions about what type of response is most appropriate for a given behavior without having to obtain approval. Additionally, the SMART Team Steering Committee recognized the importance of linking the ARM to the well-established RNR principles. Using information gleaned from COMPAS (VADOC's validated risk and needs assessment tool), the ARM provides standard guidance to probation officers for the selection of different contingencies (i.e., incentives and sanctions) based on the individual's behavior. As shown in Table 1, the ARM includes a presumptive matrix which takes into account both the results of the offender's most recent risk assessment as well as the severity of the presenting violation. This information,

when combined with pre-approved response options, lets officers easily select an appropriate sanction. Additionally, officers are provided with common examples of violations ranging from low to high in severity (see Table 2).

Similar to sanctions, the SMART Team Steering Committee offered guidance to officers on the use of incentives in the hope they could increase the use of incentives by officers and result in improved offender outcomes. Officers

TABLE 1: PRESUMPTIVE MATRIX

COMPAS RISK ASSESSMENT					
VIOLATIONS	Levels	Low	Medium	Medium with Override Consideration	High
	Low	Low	Low	Low	Medium
	Medium	Low	Medium	Medium	Medium
	High	Medium	Medium	Medium	High
	Very High	High	High	High	Very High

TABLE 2: EXAMPLES OF VIOLATIONS & RESPONSE OPTIONS

	LOW	MEDIUM	HIGH	VERY HIGH
BEHAVIOR	<ol style="list-style-type: none"> 1. Failure to be truthful and cooperative w/ PO 2. First positive drug screen 3. Failure to maintain employment 	<ol style="list-style-type: none"> 1. Treatment non-compliance 2. Failure to provide drug screen 3. Consecutively missing probation appointments 	<ol style="list-style-type: none"> 1. Providing false/ adulterated drug screen sample 2. Failure to follow GPS requirements 3. Conviction of new felony 	<ol style="list-style-type: none"> 1. Absconding 2. Threatening PO 3. Failure to comply with Protective Order
RESPONSE	<ol style="list-style-type: none"> 1. Increase contact requirements 2. Refer for evaluation and/or treatment 3. Restrict travel 	<ol style="list-style-type: none"> 1. Increase SA testing and/or treatment 2. Require completion of polygraph 3. Require participation in cognitive behavioral program 	<ol style="list-style-type: none"> 1. Place on GPS 2. Referral to intensive supervision 3. Submit MVR to court 	<ol style="list-style-type: none"> 1. Recommendation for civil commitment 2. Submit MVR and/or PB-15 arrest warrant

received training on both how to recognize prosocial behaviors when they occur and on the importance of maximizing the use of rewards to foster behavior change. Prosocial behaviors were identified and integrated into the ARM (see Table 3). Drop-down menus capture the most common behaviors worthy of reward. Examples of proportional, pre-approved incentives are also provided. Incentives range from verbal praise, to written forms of recognition, to the addition of privileges and/or modifications, to supervision requirements (see Table 4).

These procedures are expected to lead to greater consistency and responsiveness to specific behaviors on the part of officers. Prior to the ARM, there was no objective method for guiding probation officers on the use of behavioral contingencies. Instead, officers' decision were guided primarily by "the perceived risk tolerance of the community or agency" (Department of Criminal Justice Services, 2017). Careful consideration of an individual's risk, needs, and specific behavior or the outcomes

TABLE 3: EXAMPLES OF POSITIVE BEHAVIOR

BEHAVIOR CATEGORY	EXAMPLES OF POSITIVE BEHAVIOR
COMPLIANCE/ATTITUDE	Complies with specific behaviors/tasks identified in case plan; Demonstrates motivation to change; Has appropriate/positive peers and activities
LAWFUL	Attends all court appearances; Complies with no contact order/ no contact with victim; Remains crime free
RESIDENCE	Home environment supports stability and recovery; Seeks appropriate residence and roommates
EVALUATIONS, TESTING, & PROGRAMS	Completion of a treatment program; Tests clean for drugs and/ or alcohol; Participates in relapse prevention planning
MONETARY	Develops/ complies with financial obligations; Pays supervisions fees; Demonstrates responsible money management
EMPLOYMENT & EDUCATION	Attends GED and/or other education classes as directed; Completes GED and/or vocational program; Seeks and maintains employment
HOME VISITS & ELECTRONIC SURVEILLANCE	Complies with curfew/GPS/Anytrax requirements; Discloses potential risks (weapons/pets/ cameras, etc.); Maintains charge of equipment

TABLE 4: EXAMPLES OF INCENTIVES IN RESPONSE TO POSITIVE BEHAVIOR

VERBAL RECOGNITION	WRITTEN RECOGNITION	PRIVILEGES/MODIFICATION TO SUPERVISION REQUIREMENTS
Positive comments to family/peers/support system	Card with note	Arrange mentoring in area of interest
Verbal recognition by CPO/DCPO	Certificate of accomplishment	Consideration of early discharge
Verbal recognition by PO and/or supervisor	Letter of recommendation from PO for work/school/court/etc.	Extended curfew
	Letter to parent/significant other	Flexible office visit
	Public display of completion and/or accomplishments	Permission to attend community events outside of curfew
	Write support letter on behalf to landlord/school/social service agency/etc.	Lift travel restrictions (S)
	Written praise from PO	Modify electronic surveillance/Anytrax requirements
	Written praise from CPO/DCPO	Personal phone contact in lieu of in-person contact (S)
		Petition the court for modification of a special condition of supervision
		Reduce reporting requirements
		Reduce supervision level
		Reduce the frequency of drug tests
		Request extension of supervision term to comply/ complete requirements
		Grant travel pass
		Waiver of treatment co-pays
		Terminate and go to civil judgment for those with unpaid fines if in full compliance with all other conditions

of previous attempts to address the offender's noncompliance often did not take place. Likewise, little guidance was provided to officers on the application and use of incentives in response to prosocial behaviors.

The ARM was expected to lead to more constructive responses to behavior, thereby resulting in fewer probation violations, revocations, and, ultimately, recidivism. It is hoped that this will result in fewer probation violator admissions to jails and prisons while also producing greater public safety and cost savings. To ascertain whether the ARM produced these results, ICF Incorporated, LLC, was asked to conduct an evaluation of ARM's impact on officer decision-making and case outcomes.

EVALUATION OF THE ARM

ICF is conducting a five-year implementation and outcome evaluation to examine the impact of the ARM on officer use of incentives and sanctions and case outcomes. The evaluation is designed to (a) inform the early development and deployment of the ARM system, (b) examine officer decision-making and use of incentives and sanctions, and (c) assess the impact of officer decision-making on outcomes (i.e., violations, revocation, and recidivism). The evaluation will also assess any cost savings associated with the reduction of jail and prison admissions. The research design involves the comparison of ten probation/parole districts offices pre-selected by VADOC

with ten sites not using ARM across the state of Virginia.

The ICF research team is employing an *action research approach* to provide timely information to the SMART Team Steering Committee (Singer, 2013). This approach is centered on the diagnosis of problems or weaknesses to help program developers identify practical solutions that can be implemented quickly and efficiently. The evaluation involves a combination of focus groups, interviews, surveys, and administrative data collection. Official records from VADOC's CORIS (including the ARM), and data provided by the Virginia Criminal Sentencing Commission are used to obtain data on officer and probationer/parolee characteristics, violations/revocations, and jail/prison admissions. Also planned is the use of three focus groups (pre-implementation, mid-term, and post-implementation), district chief interviews, and officer surveys. Finally, analysis and reporting of administrative data is scheduled to track trends and monitor both probation officers' use of the ARM and ultimately changes in case outcomes. These collections will provide actionable information to facilitate efforts to monitor and ensure fidelity.

Focus groups and interviews. ICF has developed the first in its planned series of confidential focus groups with probation officers (located in each of the 10 test sites) and has begun interviewing District Chiefs. Information

was obtained from the first focus groups and interviewees in the fall of 2017, prior to the ARM implementation. The focus groups and interviews explored opinions on a variety of topics, including officers' tactics, methods, and approaches to community supervision; which supervision approaches worked the best; the role of community supervision in reforming behavior; the reasons for client successful or failure while on supervision; and the utility of incentives and sanctions in managing behavior. ICF also measured what officers and chiefs had been told about the ARM prior to implementation, potential challenges or barriers they foresee with its implementation, and the potential benefits of the ARM. The interim and final focus groups will center on the assessment of implementation issues, officer experiences with the ARM, and any barriers they may have encountered. Results from the focus groups and interviews will supplement data obtained from the officer surveys.

Officer Surveys. The ICF research team has developed a series of online surveys to assess the known "drivers" of implementation prior to, and after, the launch of the ARM. These surveys will also allow for the assessment of case characteristics that sway an officer's choice to use a particular incentive or sanction. Officer responses in both the ten test sites and comparison sites will be examined. The first survey will measure officer characteristics that can impact both the implementation of the ARM

and study outcomes (e.g., probation violations and new charges/offenses). Individual responses of officers (as well as the focus groups and interviews) will be connected with administrative data to develop "fidelity controls." The survey is also designed to yield information on the case characteristics that most influence officer decision-making, while controlling for other officer characteristics (e.g., extent of human service orientation, support for rehabilitation, efficacy of reinforcements, approaches to case management, etc.) and case characteristics (e.g., legal factors, risk levels, and aggravating and mitigating circumstances).

Administrative Data. The ICF research team is using a combination of administrative data from CORIS, the ARM segment, and data from the Virginia Sentencing Commission to assess the effects of the ARM. The outcome evaluation focuses on identifying differences in both the use of sanctions and incentives by probation officers along with probationer outcomes in the test and control sites. Administrative data will be combined with the survey responses to control for additional officer characteristics, including individual attitudes and approaches to case management.

In conclusion, the ICF analysis process is designed to facilitate and inform programmatic planning while evaluating both the fidelity of implementation and changes in case outcomes due to the

The findings should shed light on the case characteristics that impact officer decision-making on the use of incentives and sanctions as well as how such decisions alter case outcomes.

ARM. Emphasis is placed on assessing the differences between the two study groups. The effectiveness of the ARM will be determined by six specific indicators:

- Improved officer responses (e.g., decision-making) to supervision violations (e.g., swiftness, certainty, consistency, and proportionality);
- Reductions in the number of technical violations;
- Reductions in the number of probationer revocations;
- Reductions in both the number and severity of charges/offenses for new crimes by probationers;
- Reductions in admissions to jail and prison due to technical revocations or the commission of new crimes; and,
- Reductions in the number of jail and prison bed days (i.e., length of stay) due to probation revocations.

The analysis plan involves assessing variations across study groups in the use of incentives and sanctions, and, to the extent possible, isolating the independent effects of the ARM on violations, revocations, and recidivism. The research team's approach is divided into three broad categories: (a) An individual-level analysis to assess officer decision-making on the use of incentives and sanctions and case outcomes. (b) A study group (and district-level) examination of differences across the test and comparison sites to determine the relationship between rates of officer use of incentives and sanctions on recidivism (i.e., violations, revocations, and new charges/offenses). (c) A cost analysis to determine any monetary savings associated with changes in jail and prison admissions and time served (i.e., bed-days).

The findings should shed light on the case characteristics that impact officer decision-making on the use of incentives and sanctions as well as how such decisions alter case outcomes. The study thus holds potential for improving

officer training as well as specifying the conditions under which the use of incentives and sanctions are most likely to lead to reductions in recidivism. Last but not least, the final results are anticipated to shed some light on how to reduce the costs associated with offender supervision/treatment and improving public safety. Taken altogether, this ongoing evaluation has the capacity to not only inform the strategic goals of the ARM initiative but also to make a significant contribution to the broader literature on community supervision.

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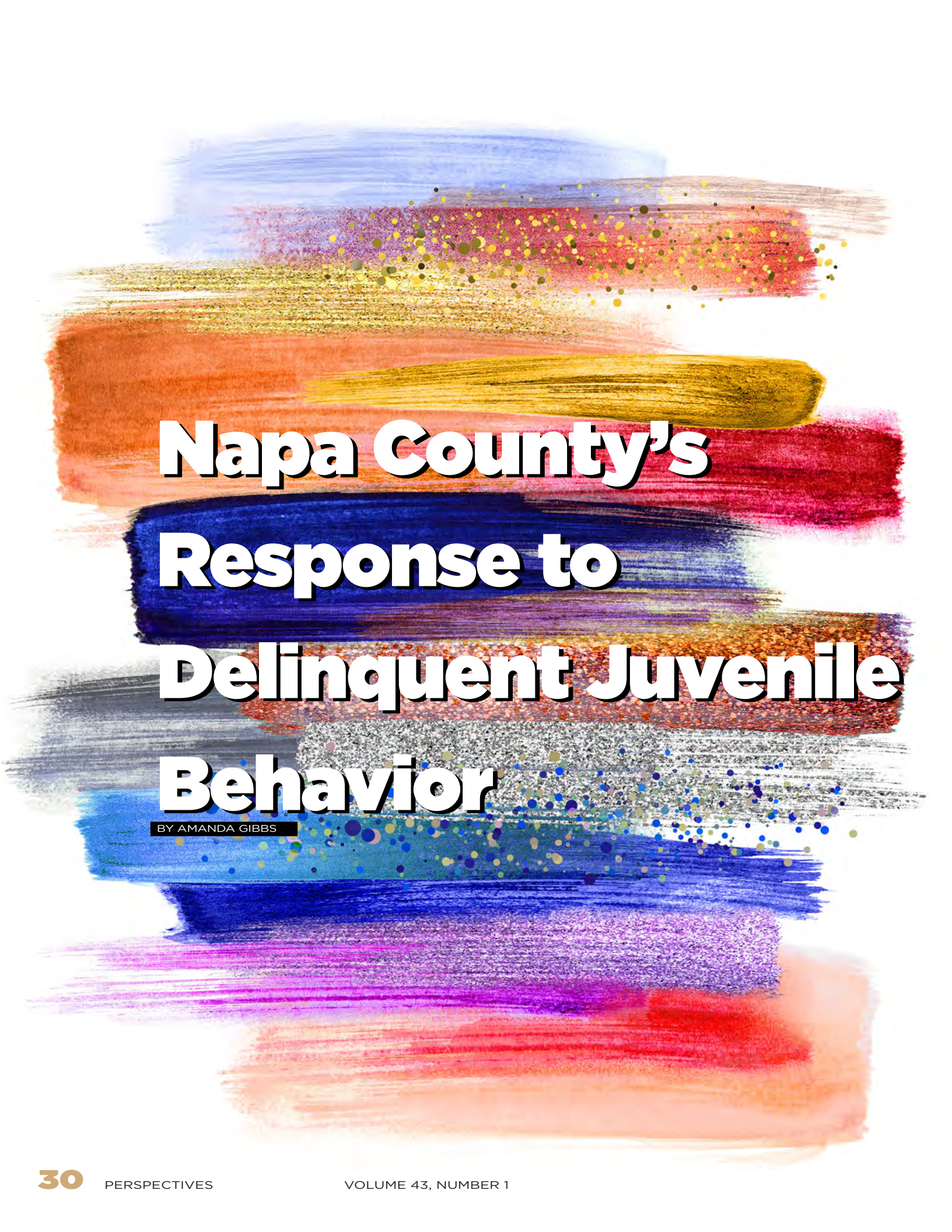
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Napa County's Response to Delinquent Juvenile Behavior

BY AMANDA GIBBS

The Napa Valley is world-renowned for its wine and agriculture. It is home to 142,456 residents diverse in race, ethnicity, and socioeconomic status. And, like all other parts of the country, it is motivated to have the best possible criminal justice system. In recent years the county's criminal justice agencies, spearheaded by the Napa County Probation Department, realized the need to address several critical systems issues connected to improving outcomes for youth and adult offenders, as traditional correctional services were not yielding desired results. To meet its goals, Napa County has fully committed to implementing evidence-based practices (EBPs) throughout its criminal justice apparatus, and since 2005 the Napa County Probation Department has adopted many new practices, policies, and procedures in an effort to create a culture where doing "what works" results in significant recidivism reduction and an increase in community safety.

Prior to 2009, the Napa County Juvenile Probation Department was faced with a caseload of 736 active probationers. The average daily population in Juvenile Hall was 44, with the average length of stay being 42 days. Youth on probation were also being placed in residential treatment programs outside of the county, making family connections difficult. However, Napa County Probation saw an opportunity to expand juvenile services, as in 2007 the California Legislature passed SB 81—legislation that earmarked funding for juvenile programs while also shifting the responsibility for all but the most serious and violent youthful offenders to county-level supervision.

Since 2009, there has been a 60% decrease in the number of youth supervised by the probation department, the average daily population in Juvenile Hall has decreased from 44 to 16, and the average length of stay there decreased to 23 days. Due to the overall reduction in probationers, caseload sizes for probation officers have decreased as well, but the actual workload for officers has not commensurately decreased, as caseloads now include many youth on probation who have complex issues and higher risk levels, as well as youth who have been re-incarcerated numerous times, including incarcerations for technical violations.

In assessing the issue of technical violations of probation, it was all too clear that prior to the implementation of EBPs the juvenile division lacked a robust policy to direct probation officers on how to triage and handle responses to such violations. Traditionally, new probation officers—including those with juvenile caseloads—were provided a standard training course followed up with on-the-job training by their supervisor. Each officer was responsible for responding to violations of probation but was not given a "road map" on how to proceed. Depending on the officer's years of experience, training, motivation, and proclivity towards rehabilitation or accountability,

Since 2009, there has been a 60% decrease in the number of youth supervised by the probation department, the average daily population in Juvenile Hall has decreased from 44 to 16, and the average length of stay there decreased to 23 days.

responses could vary greatly from officer to officer. To remedy this, Napa County Probation has aimed to provide the highest level of training to officers, including information on “what works” and principles of effective intervention. It also developed—and is continuing to develop—policies that assist officers in adhering to these research-based practices.

As part of its path toward making improvements, the Napa County Probation Department participated in the California Risk Assessment Pilot Program through the Administrative Office of the Courts (AOC). In addition to evidence-based sentencing, the project included a focus on responses to violation behavior for adults, and assistance was provided in this regard by Mimi Carter of the Center for Effective Public Policy. Carter provided a significant amount of research supporting the use of a structured decision-making guide. Much of this research was included in a meta-analysis on “what works” that was released by the American Probation and Parole Association, Pew Charitable Trusts, and National Center for State Courts. According to that joint report, “The use of incentives is equally important (and often not sufficiently considered) in probation and parole supervision.” Further, it noted that “sanctions and incentives should be used in conjunction with one another to promote compliance and positive behavior” (American Probation and Parole Association et al., 2012).

Other key research findings that influenced Napa County’s design process included the need to use an assessment tool, development of targeted case management responsive to risk, responsiveness to individual criminogenic needs, cognitive-behavioral approaches to interventions, and utilization of incentives to promote positive behavioral change. In order to operationalize these findings, Napa County Probation incorporated several practices. These practices included

being proactive and not waiting for an offender to fail, spending more time with those who appear most likely to violate conditions, acknowledging and encouraging positive behavior, responding to every violation promptly, and making responses effective—meaning that they do not have to be harsh but should be proportional.

After we were grounded in this initial empirical data, our team took it upon itself to conduct its own research by learning about various structured decision-making grids being used in other jurisdictions along with the data that other states and jurisdictions had collected on the effectiveness of these processes. Disappointingly, we found little concrete empirical data was available as yet to support the effectiveness of grids already in existence. However, based on knowing our own staff and the unique nature of our collaborative jurisdiction, it quickly became evident some of the grids in operation in other jurisdictions were not going to meet the needs of our community. We sought a grid that was flexible enough to meet the needs of our probationers and to respect the expertise of our staff yet consistent enough to be able to provide those under supervision a way to predict the consequences of their actions no matter who their probation officer was. The grid also needed to be easy enough for anyone to understand its application and how to utilize it effectively. Because we were not able to find a grid (see page 35) that met all of our needs, we designed a new grid. In February of 2011, our adult response grid was implemented, and it has been a very successful program since its inception, as 96% of responses have followed the standard grid protocol, with an average response time for a probation officer to respond administratively to a violation behavior being two days. Further, 71% of the responses directly addressed criminogenic needs, and the rest were appropriate control responses.

Due to the success of the adult response grid, we began to seek ways to implement a similar program in the juvenile

These practices included being proactive and not waiting for an offender to fail, spending more time with those who appear most likely to violate conditions, acknowledging and encouraging positive behavior, responding to every violation promptly, and making responses effective—meaning that they do not have to be harsh but should be proportional.

division. In 2016, Napa County began to design and implement the Juvenile Response Grid tool as a final project for the APPA Leadership Institute.

It is important to note that a distinguishing factor agreed upon in regard to the juvenile response grid in Napa County was that it would not be a “graduated response” tool. The term “graduated response” implies that responses escalate with each additional behavior. A core value reflected in our response grid is the need to ensure that each behavior is responded to on its face with a clean slate, meaning that past behavior does not sway the result of the tool. In addition, our response grid promotes the values and principles of celerity, certainty, consistency, neutrality, and proportionality (see Taxman, Soule, & Gelb, 1999).

Officers were asked to review and agree on the foundational principles upon which we intended to base our response grid before we moved forward in the process of design. In addition, goals of supervision and goals of the violation process were established, and we worked together to incorporate agreed-upon values, parameters, expectations of probation officers, evaluation, roles, and oversight of the process. Two response grids were developed to address all types of behaviors displayed by probationers, both positive and negative. The positive response grid is a stand-alone grid that

allows the officer to identify positive behaviors of the youth and respond to those behaviors accordingly. The officers were provided with an incentive jar that includes everything from prizes and stickers to blank notes for the officer to write a note of praise. The benefit of the positive response grid is that it enhances the officer’s ability to provide timely rewards for behavior by making incentive level determinations easier and allowing quick access to incentives.

The second grid addresses violations and, for quality assurance, was designed to be utilized in conjunction with a tracking tool¹ that ensures each response adheres to the aforementioned core principles (see page 36). The officer tracks demographic information, details of the behavior, and the outcome of each response on the tracking tool. In order to effectively utilize the tool, the overall risk level of the probationer is identified utilizing the YLS/CMI assessment tool as well as the level of the behavior (low, medium, or high) on the response grid. The risk level and severity of behavior are then cross-referenced on the response grid to retrieve a recommended level of response. In addition to the available responses listed on the tool, a color-coded column is provided that allows the officer to match the leveled response with the unique criminogenic needs of specific probationers in order to find grid response options that will address their individualized criminogenic needs.

Napa County Juvenile Probation Department Positive Response Grid			Criminal History	Education	Family	Leisure/Recreation	Peers	Substance Abuse	Attitudes/Orientation	Personality/Behavior
Behavior		Suggested Responses								
Keeping appointment Completing registration requirement Enrolling in program/school Honesty Securing transportation Being present at Court Hearing Using pro-active communication Improved social skills Improved physical health/hygiene Diminished use of profanity Positive collateral contacts/reports Completion of cog assignment	Low	Verbal affirmation								
		Note card with message								
		Awesome Jar								
		Bus Pass								
		Travel Pass								
		PO call to parents sharing + behavior								
		Pro-social function								
		Decreased testing								
Sobriety Positively engaging with family Drivers License Program Attendance/Participation School Attendance/Participation New Pro-Social Activity Making Restitution /Fine payment Wearing neutral colors Associating with pro-social peers Violation free/shorter period of time Self-referral to program Positive attitude Coping skills Stable relationships Display appreciation for others Phasing up in program Express genuine remorse	Medium	Low Responses PLUS:								
		Decrease frequency/level of reporting								
		Gift cards								
		Certificate of accomplishment								
		Letter of support for school								
		Reduction curfew/community service								
		Positive note home to parents								
		Waiving/reducing fines								
		Treatment rewards card								
Getting a job Completing a program High School Diploma/GED Secure & maintain housing Case plan goal/objective completion Tattoo removal Taking prescription medication Violation free/longer period Restitution paid in full Membership in organization Self-sufficiency	High	Low & Medium Responses PLUS:								
		Early discharge								
		Positive feedback to Court								
		Transfer to banked/low-risk caseload								
		Modification of treatment								
		Modification of probation terms								
		Graduation Ceremony/Public Recognition								
		Gift cards - higher amount								

Napa County Juvenile Probation Department Violation Response Grid			Control	Personality/Behavior	Attitudes/Orientation	Substance Abuse	Peers	Leisure/Recreation	Family	Education	Minor/Status Offenses
Behavior		Suggested Responses									
601/Status Offense/Delinquent Behavior Failure to comply with case plan Failure to comply with parent directive Failure to enroll/comply with community service/treatment Failure to obtain/maintain employment Failure to report /contact information Failure to report new police contact School truancy/discipline/no enrollment	Low	Educational Class/Recreation Activity									
		Letter of apology									
		Referral to cog group									
		Safety Plan									
		Skill practice with PO									
		Thinking Essay									
		Verbal reprimand									
		Victim Awareness Program									
Chronic failure to report/contact information Curfew violation Failure to comply with GPS Failure to comply with PO directive Failure to comply with taking medication Positive UA/Failure to abstain/refusal to test/alteration School suspension/expulsion/ chronic truancy Termination/suspension from treatment Travel Violation Violation of stay away order(gang,victim,SO orders) Willful failure to pay restitution	Medium	Low Responses PLUS:									
		Community Service									
		Curfew restriction/HDA/behavior contract									
		Daily call-ins									
		Deny Travel Permit/Weekend Restriction									
		GPS (Chief approval required)									
		Increased reporting/testing									
		In person reporting									
		Modification of case plan									
		Referral to ERC/DRC/FFT									
		Referral to Tx(out-patient)									
		Truancy Booking*									
		Program provider case management meeting									
		Filing - Out of Custody									
		YLS/CMJ re-assessment									
Absconding New Crimes (fel or misd) Possession of a firearm or other weapon Termination from Placement Violent Behavior	High	Low & Medium Responses PLUS:									
		Arrest/Juvenile Hall									
		Court Reprimand									
		Increased searches									
		Petition Filed (IC/DOC) Recommendation for Nexus									
		Petition Filed (IC) Recommendation for RTC/CAW/WHCP									
		Probation Extension									
		Probation Modification/Lateral Transfer									

These responses include administrative, programmatic, and behavior control responses to ensure officers can meet the needs of both the individual and the safety of the community.

One of the main goals is to ensure that a response is proportional to the behavior. However, it is also important to look at the totality of the circumstances and the individualized risk and needs of the youth. At times, there are special circumstances that require additional consideration prior to responding to behavior. Therefore, an override process was developed to allow for extenuating circumstances. When an officer believes that an override may be required, a case review is completed with a supervisor. The supervisor will consider the information provided by the officer and model with the understanding that each youth is unique. The goal of this review is to craft responses to meet the needs of the individual while still conforming to the underlying principles of the grid.

LESSONS LEARNED

Since the implementation of the Juvenile Response Grid in 2016, many lessons have been learned about the process, including the following:

EMPLOYEE ENGAGEMENT

In early 2016, the idea of implementing a juvenile response grid was vetted through the Outcome Measures Group, which is an existing

committee made up of staff at all levels of the department from line staff to executive management. The chief probation officer authorized this committee to be a decision-making body with authority to implement new programs and make policy recommendations. The committee's function is to continue to implement EBPs in the department and to identify and implement quality assurance practices. Specific members of the committee were identified as liaisons between the committee and the rest of the division.

All juvenile division staff, including on-call officers, attended a juvenile response grid training in which they were trained on the foundation of EBPs as they relate to the violation process, the values and parameters of the tool, and technical aspects of tool implementation (to ensure everyone understood how to correctly use the tool). They were asked to bring actual cases with recent positive and negative behavior so that each group could get practical experience implementing the tool in real life scenarios. This exercise reduced the ambiguity of the tool and allowed officers to understand how to apply values and principles when responding to a behavior. It also helped create a common language among staff and supervisors and allowed staff to understand the vision of the organization. Department expectations were made clear, i.e., that every response should be tied to the response grid and that probation officers should review the grid with each of their youth and families, with

the goal of increasing transparency and professional alliance in order to effectively rehabilitate the youth. Staff were also provided laminated copies of the grids and tracking tool as well as electronic copies to ensure they had multiple ways to review the grid. Supervisors were provided sample questions they should ask their staff when reviewing a case for an override of the grid. In addition, supervisors had a special training session to ensure they were able to consistently meet the expectation of the project and coach their staff appropriately.

The success of the juvenile response grid would not have been possible without the input and buy-in from staff. The ownership created throughout this arduous development and training process mitigated resistance to change and allowed staff to feel confident implementing the new policy. This also led to greater implementation success, as officers were able to effectively communicate to stakeholders the utility of the tools and reassure them that behaviors were not being ignored or responded to disproportionately.

STAKEHOLDER ENGAGEMENT

Napa is a unique community where collaboration is an expectation and not a luxury. Therefore, from the very beginning of the creation and design of the adult response grid, stakeholders—including local law enforcement, public defenders, district attorneys, and school personnel—were involved in the process and were

given an opportunity to have a voice in project design and implementation. Presumably because of long-standing relationships and trust in the probation department, community leaders did not request the option of providing suggestions/input regarding the details of the project while it was being developed. Their interest was in the final product and how that would impact their agencies and constituents. Once the grids and process were designed, a stakeholder meeting was convened. The probation department put together case studies of current cases and walked the stakeholders through each case, demonstrating how to navigate the grids as well as explaining what the potential outcomes would be in each case study. This allowed the stakeholders to have hands-on experience with the tools and allowed the project to be finalized without much resistance to the process.

In-person training sessions were conducted with the Napa County Office of Education and offered to the Napa Valley Unified School District. Both school districts were implementing positive behavior intervention supports in their districts, so their own endeavors directly correlated with the probation department's project and provided common ground.

QUALITY ASSURANCE

The final process before program implementation was to take steps to ensure fidelity to the project by developing a quality assurance plan. The tracking

tool document was designed to capture data fields that could be collected and analyzed to determine the success of the program based on our identified goals. During the committee process, staff reviewed the goals of the program and outcomes related to each goal. Our quality assurance plan includes the following goals:

- 75% of the responses will follow the structured response grid;
- 75% of behaviors will be responded to within seven (7) days of probation officer notification;
- 100% of high risk/high severity violations will be handled through the court process;
- 75% of responses should directly address the criminogenic need associated with the behavior, with the remaining being control responses; and
- 100% of low risk/low severity violations will be handled informally by the probation officer.
- A process was also identified and created to pull baseline data to serve as a basis for comparison and make it easier to identify the impact of the project.

In addition to the quality assurance plan, several business practices were adjusted to allow for the collection of this data. Our juvenile division is in the process of building a new case management system that will have the grid formulas hard-coded into the system. In the meantime, the tracking tool was the vehicle through which data was being collected, so it was important to be mindful of workload issues for the probation officers. It was determined the probation officer would fill out the tracking tool and place it in specially labeled boxes. Clerical staff would retrieve the tracking tools daily and enter the data into a database created to collect and analyze the data for this project. They would also file the hardcopy tool in the probationer's file and make a note in the electronic field notes that a behavior had been responded to. This system allowed tracking to ensure that the grids are being used consistently. In addition, variables can be extracted, including tools completed by specific probation officers, responses to behavior by risk level, the severity of violations, criminogenic need areas, and information on whether the response was intended to create behavior change or exert additional control. Policies were also developed that were responsive to the new business practices and grids in order to concretize the project into daily operations.

Research tells us that consistently applying consequences for every behavior and ensuring that juveniles are clear on the consequences of their behavior promote appropriate behavior modification.

RESOURCE MANAGEMENT

This project required a significant amount of staff time to complete. In addition to research conducted on evidence to support the implementation of a juvenile-specific grid, time was dedicated to looking at stabilizing and destabilizing factors that contribute to juvenile crime and recidivism. Financial resources were able to be kept to a minimum, as most office supplies were already available. We did purchase a few items to effectively implement the positive response grid, as it included prizes and trinkets for youth. The majority of resources came in terms of staff time during committee work, design, staff training, and ultimately my time in reviewing and overseeing the project implementation. Future resources will include ongoing purchasing of positive response grid items and staffing resources, from management to line staff, to ensure project success and fidelity.

PROJECT OUTCOMES

The Napa County Juvenile Response Grid was operationalized on July 1, 2016. Officers have been meeting with youth and families to both review the grids and discuss how responses will be delivered. A standard training tool has been developed and has proven its utility when new officers are trained on how to effectively respond to behaviors. Such training further cements the philosophy of “what works” into the culture of our department. Officers are having more thorough conversations with their supervisors to prioritize the “right” response to the behavior that matches each youth’s unique and individualized needs and whether or not the behavior is a community safety issue or can be responded to administratively, without resorting to arrest.

The benchmarks set forth for this project have overall been met, including data to support that administrative responses are swift, certain, and proportionate. The average response time after a violation behavior is two days, with 91% of the responses matching the grid guidelines. This grid benefits

youth by providing an appropriate focus on risk-reduction strategies that address dynamic risk factors while also applying necessary risk management strategies. A majority (71%) of responses directly matched an individualized criminogenic need, with the remaining 29% of responses being a control response to address a risk management concern.

CONCLUSION

As has been described, the project was meant to further implement EBPs in our department and to provide standard training to officers on how to effectively deal with violations of probation and behavior exhibited by youth on probation. The project was also designed to increase the professional alliance between officers, youth, and families; to increase transparency with stakeholders about how probation effectively provides case management; and to reduce incarceration for technical violations of probation that do not pose a high risk/high severity threat to community safety. Absent this project, the marked officer-to-officer variation in responses to youth behavior would have continued.

Research tells us that consistently applying consequences for every behavior and ensuring that juveniles are clear on the consequences of their behavior promote appropriate behavior modification. We have already seen stakeholders become more engaged in behavior change as a result of implementing the juvenile response

grid—including collaboration between local law enforcement officers and probation officers with respect to utilizing appropriate responses to violations in lieu of incarceration for technical violations of probation. This project also aspires to utilize judicial resources more carefully and promote pro-social modeling and engagement of natural resources in the community. We look forward to ongoing evaluations of the response tool to confirm our belief that the grid will promote increased successful outcomes for our youth.

ENDNOTES

1 The Response Grid tracking tool is a form designed to capture pertinent information on each response utilized by the officer, provide a standard operating procedure for how to utilize the grid in conjunction with the risk and needs assessment tools, track information, ensure fidelity to the grid responses, and analyze data.

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THE CREATION AND IMPLEMENTATION OF THE IDAHO RESPONSE MATRIX

BY DAVID J. BIRCH

IDAHO'S JUSTICE REINVESTMENT INITIATIVE

In community corrections, we are constantly looking for opportunities to sharpen our approach to supervision and improve the long-term outcomes for the individuals supervised on probation and parole. In 2014, after working through an extensive process with the Council of State Governments, the Idaho Legislature passed Senate Bill 1357. This was a compilation of statutes that officially brought the Justice Reinvestment Initiative to the State of Idaho.

A primary goal of Idaho Justice Reinvestment was to strengthen community supervision. The strategies of the Idaho Department of Correction (IDOC) included focusing resources on the highest risk offenders, infusing evidence-based practices into daily supervision activities, and creating a Limited Supervision Unit for monitoring lower risk individuals, to name a few. Additionally, IDOC wanted to develop a more consistent and balanced approach in responding to offender behavior. Idaho Code 20-219 called for the creation of a "matrix of swift, certain and graduated sanctions and rewards to be imposed...in response to corresponding violations of or compliance with the terms or conditions imposed." Thus, the Idaho Response Matrix (IRM) was created.

Prior to the creation of the IRM, the IDOC had long used a violation matrix in supervising offenders on probation and parole. The initial matrix consisted of a grid within a policy which provided guidance and options to officers on how to deal with violations. However, this matrix posed several problems. The reality was that very few officers referred to the policy when choosing their response to a violation. Instead, they would either choose incarceration as a default or another sanction that was not appropriate for the behavior. The policy also reinforced a very singular approach, causing most officers to focus only on the negative behavior exhibited by those on supervision and neglecting incentives for positive behavior. Finally, it resulted in the inconsistent use of sanctions across the state. Below are excerpts from IDOC's former violation matrix.

FIGURE 1. IDOC INITIAL VIOLATION MATRIX: LEVEL OF RESPONSE SANCTIONS/INTERVENTIONS

Level 1 Response	Level 2 Response	Level 3 Response
**Additional directives – association restrictions, employment restrictions, etc.	Electronic Monitoring Program	Probation or Parole Violation Report with arrest
Increased face-to-face contacts – home visits, office visits, employment visits	Body fluid testing (urinalysis tests, saliva tests, breathalyzer, etc.)	Probation Violation Report or parole warning letter without arrest
Increased monthly reporting	Breathalyzer testing	Arrest on warrant or Agent’s Warrant
Behavioral contract	Eyescan screening program	Special Progress Report with Order to Show Cause
Establishing curfew	Limiting community movement outside of home, employment, treatment (house arrest)	Commission of Pardons and parole warning letter
Request for additional community service	Letter from district Manager	Discretionary jail time (with or without arrest)
Increased weekly or monthly financial reporting	Letter generated through the Corrections Integrated System (CIS)	

FIGURE 2. IDOC INITIAL VIOLATION MATRIX: GENERAL CASELOAD OFFENDER VIOLATION/RESPONSE MATRIX

Violation	GeneralOffender Response Level
Failure to pay restitution or court fees/fines	Level 1
Submitting false or inaccurate written or verbal information	Level 1
Failure to pay cost of supervision	Level 1
Failure to comply with a lawful order	Level 2
Association with other known felons without permission or those involved in criminal activity	Level 1- Level 2
Failure to obtain evaluations	Level 1 – Level 2
Failure to comply with directives from probation and parole officer (PPO)	Level 1 –Level 2
Possession of weapons or firearms	Level 1 – Level 3
Use or abuse of controlled substances or alcohol	Level 1 – Level 3

DEVELOPING THE IDAHO RESPONSE MATRIX

The concept of developing and implementing a more comprehensive behavioral matrix for IDOC was exciting and a bit overwhelming. Our first step was to establish a subcommittee or team of people who would work together to create the final product. We wanted to ensure that all relevant stakeholders had a seat at the table. The creation of the IRM was a joint venture of the IDOC, the Idaho Supreme Court’s Administrative Office of the Courts, the Idaho Commission of Pardons and Parole, and the Council of State Governments’ Justice Center. Little did we know at the time that this would also be the easiest step in the entire process.

Once the team was formed, we began to consider what type of behavioral response matrix format to use. As with any other significant change to IDOC policy or processes, we felt it was important to research what other correctional agencies already had in place and seek to learn what was working well for them. Early on it was clear that most, if not all other systems only had violation matrices rather than full behavioral versions.

This confirmed that we had our work cut out for us. We ultimately decided to work with the format Idaho already had and enhance it with a variety of additions and overall improvements.

The team met at least once a week between the summer 2014 and the winter of 2015 as we worked to map out the new tool. As milestones were achieved, reports were provided to the larger committee for review and feedback. The following were specific requirements and intentions that the committee and subcommittee agreed upon for the IRM:

- Prompt staff to consider assessed risk of the offender when responding to behavior.
- Establish a connection between the domains of the LSI-R (the standardized risk and needs tool administered by the IDOC) and the behavior that is being addressed.
- Utilize an individualized approach for each offender, with both sanctions and incentives that are meaningful to them and will promote long-term behavior change versus short-term compliance.
- Develop a policy that requires swift and certain responses to offender behavior.
- Require graduated responses, or responses increasing in magnitude for repeated behaviors.
- Allow officer discretion by providing a variety of sustainable options for both sanctions and incentives.
- Consider mitigating or aggravating circumstances that can lead to a de-escalated or escalated response.
- Establish a point system and reporting requirements which will guide the officer in reporting positive or negative behaviors that wouldn't normally result in a report to the jurisdictional authority.

As the IRM started to take shape, our team had conversations about how specific crimes and crime categories should be addressed. For example, individuals convicted for sexual offenses follow a unique set of rules and conditions that needed to be distinctly captured in the matrix. In addition, we allowed for an increased magnitude of response to violations by individuals convicted of driving under the influence, domestic violence, and sexual offenses if the behavior is similar to that which led to their initial conviction.

This decision was largely driven by feedback received from stakeholders involved in the Idaho criminal justice system.

IDOC had to overcome several obstacles to create the IRM. One of the biggest challenges we faced was trying to build a menu of responses that included both sanctions and rewards, provided an acceptable number of graduated options that were available in all areas of the state, and, most importantly, were sustainable over time. Additionally, where IDOC had never provided a list of incentives or rewards to officers, the team was starting from scratch. We were attempting to draw from practices we knew were being informally used in our probation and parole offices, problem-solving courts, and other venues. And finally, rather than thinking about what would be important to us as an incentive personally, we had to consider options that would be most meaningful for the individuals under supervision.

After several months of hard work, frustration, and accomplishment, the team reached a saturation point. We needed to test drive our creation and see how it handled out on the road, so to speak. Legislative time frames for implementation were set for fall 2015. However, the team felt strongly that we should attempt a small-scale pilot, and we opted to conduct this pilot in Idaho's largest district. Three probation and parole officers were selected to assist. One officer supervised a general caseload, one supervised individuals convicted of domestic violence-related offenses, and the last one had a specialized sex offender caseload. We approached a District Court judge who was willing to partner with us, and she invited her team's prosecutor and public defender to participate as well. After conducting a brief overview and training, we began a four-week pilot to gather feedback on the use of the IRM. Not surprisingly, four weeks was too little time to gather any type of meaningful data, but we did gain enough feedback from participants to provide us with the confidence to move forward with our statewide implementation.

Not surprisingly, four weeks was too little time to gather any type of meaningful data, but we did gain enough feedback from participants to provide us with the confidence to move forward with our statewide implementation.

FIGURE 3. IDAHO RESPONSE MATRIX RESPONSE CHART

Response Chart								
Rewards			M a g n i t u d e I n c r e a s e s	Sanctions				
Level 1	Level 2	Level 3		Level 1	Level 2	Level 3		
Verbal Recognition	Mitigate sanction 1 level (positive behavior arising from violation behavior)	Place on Online Reporting		Verbal warning	Noncompliance letter	Special progress report/warning letter		
	Clean UA certificate	Court/Commission recognition			Domain/Behavior Specific Programming	Electronic Monitoring		
Certificate of completion	Good conduct ticket/token (x2)	Reduce supervision level / refer to LSU (reassess to classify by risk)		Skills Practice with PPO	Increase level of supervision (increase reporting/testing for 30, 60, 90 days)	DJT (less than 48 hours)		
Good conduct ticket/token	DM written recognition	Request modification of appropriate condition		Written Assignment (Thinking Report, letter of apology, or other report)	Community Service (when ordered)	Request additional/more restrictive conditions from court (review hearing)/Board		
Impromptu call to recognize good conduct				Increase reporting/testing for week		Sheriff's Inmate Labor Detail (if available in jurisdiction)		
Approve travel request (in state)	Termination of consequence	Request early discharge (for appropriate offenders)		Recovery Planning	Restrictive Curfew	DJT (48 hours or more)		
PPO written recognition	Adjust curfew			Travel Restrictions (no out of district/out of state)				
Mitigate sanction 1 level (positive behavior arising concurrent with non-compliant behavior)	Reduce reporting requirements			Directed Action Planning (behavior contract)	House Restriction	In custody (IDOC) programming (request to modify terms and conditions/impose suspended)		
	Consider request to modify association restrictions			Suspend Online Reporting	Special progress report/warning letter	Report of violation- No arrest		
	Enhanced Travel request (out of state)			Association restrictions				
	Place on Online Reporting			PPO/ Provider/ Offender status meeting	Request additional/more restrictive conditions from court (review hearing)/Board	Report of violation- Arrest		
	Ticket/Token exchange (special reward in exchange for earned tickets)			Domain/Behavior Specific programming	Electronic Monitoring			
						DJT (less than 48 hours)		
Choosing a response: 1) Consider protective factors; 2) Do not mix higher risk offenders with lower risk offenders; 3) Individualize response based upon what is meaningful (as a reward or sanction) to the offender.								
When responding to multiple behaviors, the level shall correspond to the most serious behavior. The PPO may select more than one reward or sanction from the same level or a lower level to respond to multiple behaviors. Use of multiple lower level responses cannot be substituted for a higher level response.								

TRAINING AND IMPLEMENTATION

Now that the IRM existed in paper format, the entire project was turned over to IDOC for training and implementation in the field. However, we first were presented with an opportunity to explore a vision that existed from the beginning of this venture, which was to integrate the matrix into our offender management system. Doing so would allow staff to accurately document offender behaviors and resulting responses, provide a variety of reports, and provide line staff and leadership with the ability to collect and analyze data in much more advanced ways than previously available. The IDOC is very fortunate to have a talented Information Technology (IT) team. Individuals from IT partnered with the Division of Probation and Parole's project manager, who provided them with the concept and requirements necessary to build the IRM in IDOC's offender management system. Within six months our IT staff had completed the development phases and testing, and we were ready to train and roll out the IRM across the state.

The training team established three main objectives to be accomplished with staff. One dealt with understanding the "nuts and bolts" of the matrix. This was the most straightforward of the three and involved using different offender scenarios that staff could run through to practice application of the matrix. Additionally,

the trainers used calibration exercises to ensure staff were responding in a consistent manner. For example, small working groups were presented with one scenario to work through and determine an appropriate response utilizing the IRM. Members of the small group then reported their response to the larger group for discussion and comparison. The next objective involved properly documenting each use of the IRM. The most effective way to achieve this was to allow staff to make actual entries from their scenarios in the test environment of the offender management system. Using the test environment allowed staff to experiment with their entries without worrying about impacting the offender's official record. The final objective, understanding how to connect the offender's behavior with his or her highest identified risks and needs, was the most difficult to attain, and it remains a challenge for IDOC today. An example of this is delivering a sanction for a positive urinalysis. Most often officers will focus solely on the positive test and overlook the risk or need area that is related to the underlying reason the offender may be using illegal substances. Again, the intent of the matrix is promoting long-term behavior change and not just short-term compliance.

Another important element of the project was policy development. It was not until after the IRM was created that we started to outline the policy. I have always believed that a policy should come before implementation of new procedures.

However, during our travels around the state to train staff, we learned many valuable lessons from them about assumptions that had been made during creation of the tool that weren't practical in actual application. When all was said and done, one of the best decisions we made was to finalize our policy *after* we implemented the IRM.

LESSONS LEARNED

Looking back on challenges we encountered during and after implementation, the following were the most significant lessons learned, and I would encourage other states to tackle these early on:

- Staff buy-in is critical. It was difficult for us to convince staff that recognizing and rewarding positive behavior change in offenders is important. There was a belief among some staff that we should not have to reward the accomplishment of things offenders were required to do anyway per their court order, parole contract, or agreement of supervision.
- Stakeholder buy-in is also important. Many of the individuals involved in Idaho's criminal justice system believe that intermediate sanctions are weak and ineffective. In addition, we encountered a belief that our matrix was a way to hide violations from the jurisdictional authority.
- You must create an understanding that a sanction or incentive that is meaningful for someone on supervision may not be one that is meaningful for us, and vice versa.
- It is critical that sanctions or rewards be delivered in person, or at the very least through a phone conversation.
- There is a difference between an affirmation and an incentive/reward, but both are important.
- It takes the same amount of time to document a reward as it does a sanction.
- Putting an expected sanction-to-reward ratio in policy may drive insincere or ineffective responses, causing the staff to focus on a quota rather than the offender's behavior.
- Some staff may believe that a behavioral response matrix limits officer discretion or creativity.
- It is impossible to create an exhaustive menu of responses. Staff should be trained to always follow the spirit of the matrix and to "be creative within the box."

EVALUATION OF THE IDAHO RESPONSE MATRIX

The final component of this project was ensuring proper evaluation of the matrix. IDOC's first step in tackling this issue was to modify and improve our case audit practices. We added a section to our existing audit tools that was dedicated to proper use and documentation of the IRM during supervision. Additionally, we added a direct observation audit that specifically reviews the demonstrated skill set and communication style of the officer toward the offender. Proper utilization of the IRM and articulation of its principles is an important piece of that.

To further enhance the ability to monitor and analyze our use of the matrix, IDOC's Evaluation & Compliance team built an Admin Matrix Report that compiles data for all matrix records that have been entered in our offender management system since we implemented the tool in 2015. Four separate dashboards provide information and trends related to Observed Behaviors, Applied Responses, Exceptions (escalations/de-escalations), and Supervision Contacts during which the matrix was applied. The report can be used to view IRM-related data for the entire agency, for a single district or caseload, or even for a specific offender. Each dashboard also has multiple filters available to narrow the data displayed in each dashboard, such as time frame, offender supervision level, or LSI-R domain.

Below are some of these dashboards and examples of how IDOC has demonstrated improvement in the application of the IRM principles over time:

OBSERVED BEHAVIOR TRENDS

This dashboard provides data about documented offender behaviors. Filters can be applied to view many different versions of the data, including a single officer's sanction-to-reward ratio, the frequency with which a given district documents specific behaviors, or how parolees' most commonly observed behaviors compare to probationers' behaviors. We know that a high reinforcement-to-sanction ratio (ideally 4:1) provides our offenders with the best opportunity for success. In the first couple of years after implementation of the IRM, documented sanctions far outnumbered rewards. In 2017, however, the ratio of sanctions to rewards was starting to trend in the right direction, with sanctions beginning to decrease and rewards increasing. In early 2018, we saw rewardable behaviors outnumbering sanctionable behaviors for the first time.

EXCEPTION TRENDS

This dashboard offers information related to the escalation or de-escalation of responses. Again, filters are available to view the data in a variety of ways. While the IRM policy requires the escalation of a response in some situations, IDOC officers can also use their discretion in increasing or decreasing their response to

offender behavior when they see fit. Our department has found that a relatively small percentage of responses are escalated to a higher level and an even smaller percentage are de-escalated to a lower level. Exceptions are not applied to the majority of our responses to offender behavior. This indicates that the scoring mechanism within the matrix is working as designed and most often guides the officer to the appropriate level of response to choose from.

SUPERVISION CONTACT TRENDS

This dashboard presents data on the supervision contacts during which application of the IRM was documented, as well as offender supervision levels. As with the other dashboards, multiple

filter options are available. The IDOC strongly believes that interactions with offenders are more meaningful when communication occurs in person, especially when responding to specific positive or negative behavior. Therefore, we only instruct officers to document a supervision contact including a matrix record in IDOC's offender management system under one of three types: face to face, telephone, or IRM-New Felony/Firearm/Abscond (for specific situations in which the offender is not available). This dashboard has allowed us to see where improvements are being made. The frequency of the three appropriate contact types have increased, while other types that should not be used in concert with IRM documentation have decreased (see Figures 4 and 5).

FIGURE 4. SUPERVISION CONTACT TRENDS 2015

Supervision Contact Type Trends

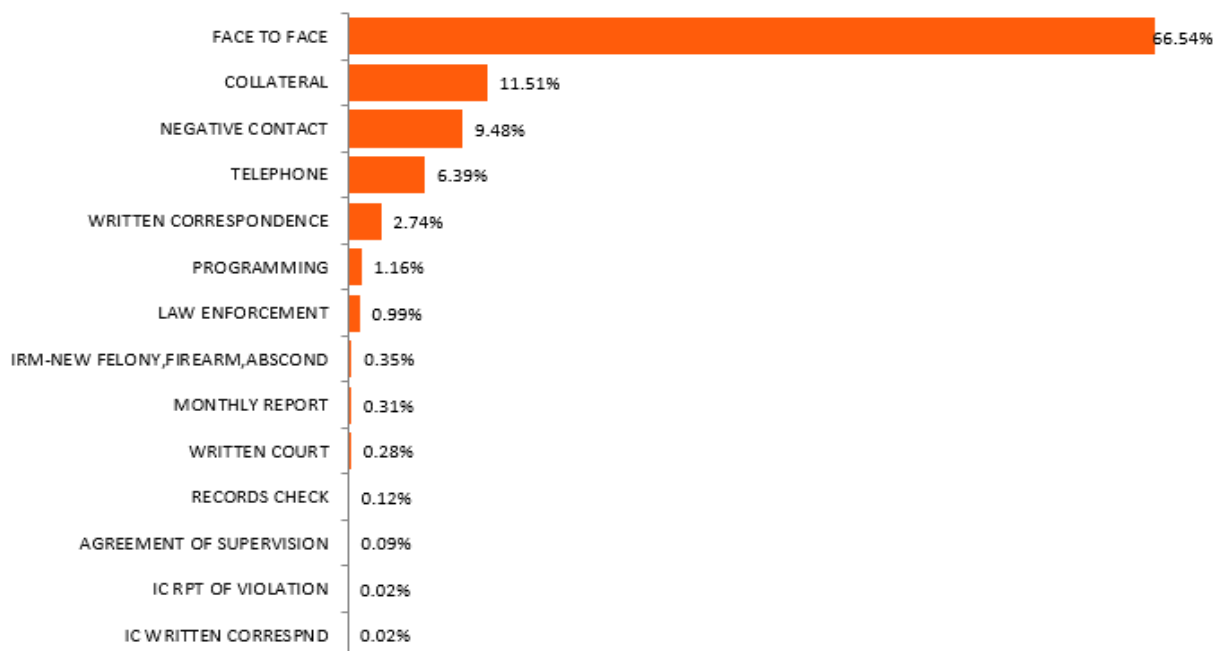
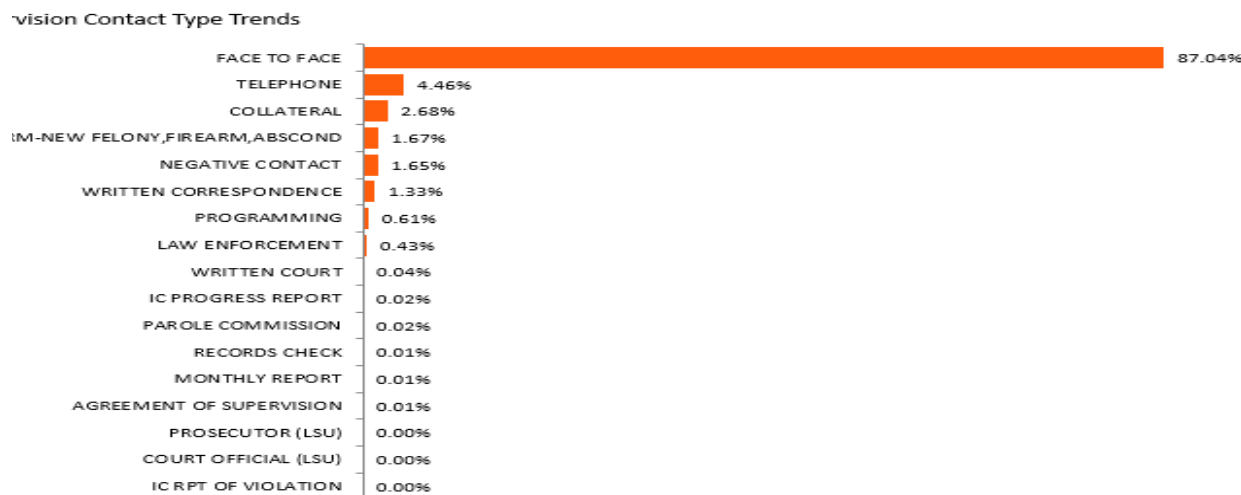


FIGURE 5. SUPERVISION CONTACT TRENDS 2017-2018



SUMMARY

The Idaho Department of Correction remains committed to strengthening our community supervision practices. One of the many ways we will accomplish this is through ongoing analysis and improvement of our application of the Idaho Response Matrix. Research tells us that by incentivizing and rewarding positive behavior changes, those changes are more likely to be sustainable. Although it is too early to assess the impact of the IRM, IDOC has noted a decrease in the number of technical probation and parole violations that are being filed. These findings are very preliminary but nonetheless encouraging. In the long term, using our case audit and direct observation audit processes as well as the Admin Matrix Report dashboards, we hope to determine the IRM's effectiveness at promoting lasting behavioral change.

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PROBATIONERS REVOKED TO JAIL: A CRITICAL POPULATION FOR INTERVENTION

BY BETH M. HUEBNER, PHD AND MORGAN MCGUIRK

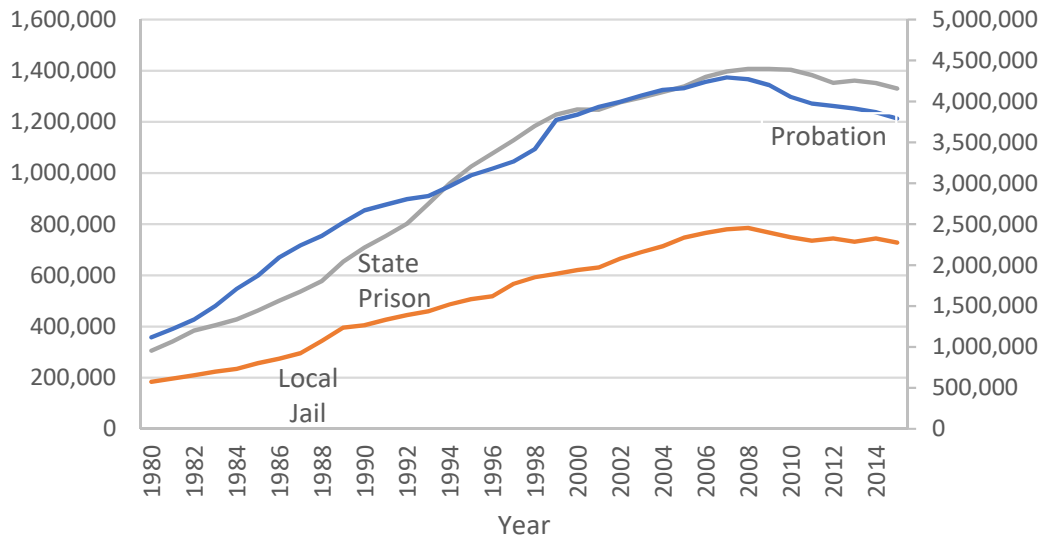
Criminal justice policy makers have largely focused on the growth of prison populations, but the reach of corrections is broad and deep. Many have argued that we are in an era of mass probation, as this population grew fourfold, from one to four million, between 1980 and 2007 (Corda & Phelps, 2017) and has not drastically decreased in subsequent years. Nationwide, city and county jail populations have also ballooned, going from 184,000 in 1980 to 728,200 in 2015, a 296% increase according to Bureau of Justice Statistics (BJS) data (Kaeble & Bonczar, 2016). The rise in the number of individuals on probation, coupled with higher rates of probation revocations and pre-hearing detentions, has fueled much of the rise in jail usage, given that individuals who violate the terms of probation are often remanded to jail while awaiting a hearing.

Despite these large numbers, the unique needs of jail populations overall and, more specifically, the needs of individuals who violate the terms of probation are rarely considered in correctional reforms. Although imposing short-term jail stays has become a popular response to technical violations, such incarceration has the potential to exacerbate mental health challenges, create substantial barriers to employment, and strain family and other social support linkages. Moreover, existing research suggests that even short periods of incarceration can have criminogenic effects (Lowenkamp, VanNostrand, & Holsinger, 2013). The goal of this paper is to document the need for more research on individuals remanded to jail for a probation technical violation. We also detail a program designed to mitigate the costs of jail incarceration by fast tracking individuals through the revocation process while at the same time working to provide services that address the root causes of recidivism.

CONSEQUENCES OF JAIL INCARCERATION

Some basic figures pertaining to the number of individuals on probation and in jails were presented in the introduction, but a further overview may prove beneficial in understanding these components of our correctional landscape. Again, probation is the largest correctional sanction, and Figure 1 shows the growth in the probation population over the past decades, from 1 million in 1980 to a peak of over 4.2 million in 2007 (Corda & Phelps, 2017), with 3,789,800 individuals on probation as of 2015—essentially one in 66 adults in the United States (Kaeble & Bonczar, 2016). Table 1 also shows how increased jail populations have paralleled the rise in probation. Subramanian and colleagues (2015) find that in the past 30 years the number of yearly jail admissions has almost doubled from 6 million in 1983 to 11.7 million today. BJS figures show that jail capacity has also been on the rise. Currently the nationwide jail capacity stands at over 900,000 beds, an increase of approximately 47,000 beds in the last five years (Zeng, 2018).

**Table 1. Change in National Jail and Probation Populations
1980-2015**



Source: Bureau of Justice Statistics

The increased use of probation, as evidenced by these statistics, enhances the risk of probationers for subsequent incarceration in jail or prison due to what Phelps (2013) identifies as the probation-prison link. Despite the growth in probation revocations, and the increased use of jail stays as a response to technical violations (Hawken & Kleiman, 2009), there is little evidence to suggest that incarceration used in this way reduces the likelihood of recidivism (Lattimore et al., 2016).

According to 2016 BJS statistics, the average length of stay in jails is 25 days (Zeng, 2018), and research suggests that even short jail stays can be disruptive for individuals, families, and communities. Jails can be potentially criminogenic, as they are often not equipped to provide

treatment or services. Nationwide, approximately one quarter of jails offer no services, and individuals released from jail rarely report that they have a transition plan (van Olphen, Eliason, Freudenberg, & Barnes, 2009). In addition, there is evidence that jails may increase the risk of recidivism as compared to community sanctions (Cochran, Mears, & Bales, 2014). Jail stays can also have deleterious effects long term. Harding and colleagues found that short terms of jail incarceration resulting from a technical violation suppressed the earnings of these individuals by about 13% in the nine months after short-term custody (Harding, Siegel, & Morenoff, 2017). The churn of multiple jail stays, even if short in length, also causes strain and instability in family groups and can lead families to feel hopeless under the constant eye of supervision (Comfort, 2016).

POLICY INTERVENTIONS

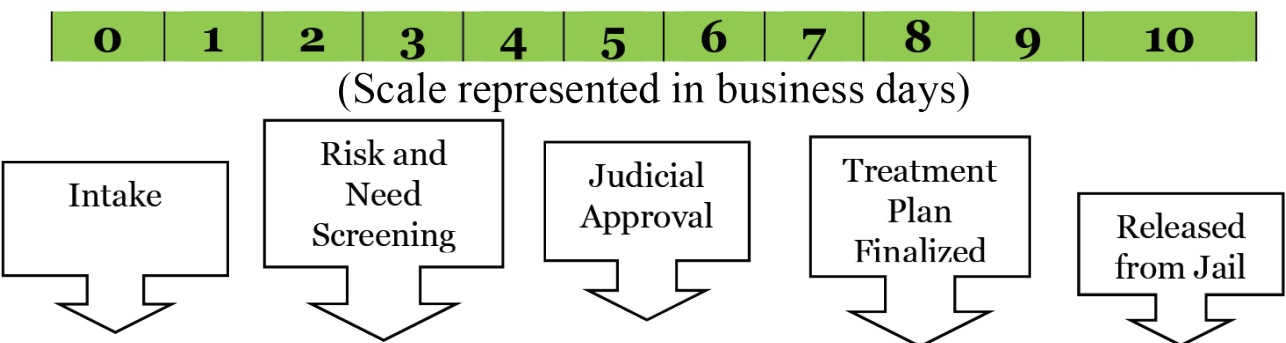
Although many communities in the United States are challenged with growing jail and probation populations, there are few best practices to address the needs of this population. Several state policymakers have passed legislation mandating changes to the way in which probation violations are addressed, and there is evidence these types of interventions can reduce the number of probation violations (Pew Center on the States, 2011; Phelps, 2017). Much remains to be learned about how the needs of this population can best be addressed, particularly at the community level.

The following section outlines a new program implemented in St. Louis County, Missouri. Missouri is one of a handful of states that has seen a rise in prison populations, and probation revocations have driven much of this growth. Over half (51%) of all new admissions to the Missouri prison system are for probation violations, and half of those are for technical violations, not new arrests (Missouri Board of Probation and Parole, 2017). The growing rate of probation revocations has also affected

jail populations. In St. Louis County, 29% of jail inmates are awaiting a hearing for a probation violation, and 61% of these individuals were detained for a technical violation rather than a new crime. Individuals serve an average of 99 days awaiting a violation hearing.

In response to the growing number of individuals in jail for probation violations, St. Louis County has developed a probation violation program. The goal of this program is to have individuals evaluated by a judge and released within 10 days of revocation. As emerging research suggests that even short periods in jail can reduce the chances of long-term success, it is critical that individuals are detained for as short of a period as possible to begin the reintegration process (Lowenkamp et al., 2013). The fast track processing is a critical advantage of the program, as most programs of this type focus on providing transition services to jail detainees and have not concurrently addressed the need to reduce the length of jail stays overall. A framework of the decision-making process can be found in Figure 2.

FIGURE 2.



All individuals detained in the St. Louis County Jail for a probation technical violation are eligible for the program and are screened within 24 hours of entering custody. Individuals with a new felony arrest, outstanding warrants, or a severe mental health diagnosis are ineligible. The intervention was modeled after traditional transitional release planning projects implemented with jailed persons with co-occurring disorders (Osher, Steadman, & Barr, 2003), and it also reflects the risk-needs-responsivity model for assessment and rehabilitation (Bonta & Andrews, 2007).

The program model is implemented in several phases. First, a needs assessment is conducted using the Missouri Department of Corrections supervision/risk instrument and an extensive program-specific screening tool that identifies housing, treatment, and employment service needs. Next, a plan for treatment is developed and the community agencies responsible for treatment are identified. The intervention and treatment plan is then presented to the judge for approval, and a hearing is set up for another date after the individual has been released. The program participant is then given a warm hand-off to a treatment provider or to probation staff to continue with the probation term.

The program requires meticulous coordination to ensure that a continuum of care is provided. The supervision team has several members, including: probation officer, jail case manager, and

community treatment staff. The jail case manager maintains regular contact with the client, probation officer, community treatment partners, and the courts. The probation officer is responsible for day-to-day community supervision. In addition, each treatment provider employs a dedicated outreach coordinator who facilitates the jail-to-community transition. The outreach coordinator is also responsible for coordinating wrap-around transition services, including job skills and employment training, and for building linkages to family and other social supports.

Several key elements are set in place to enhance the likelihood of success. The team uses a behavioral response matrix that outlines sanctions for non-criminal behaviors. Adhering to a nuanced graduated sanctions model assists staff in providing effective supervision of clients, with the goal of supporting individuals on community supervision when feasible. The sanctions model is separated into three response levels based on the frequency of violations. For example, the first time a client misses a treatment meeting or call-in with the case manager, no formal violation would be reported, and the client would be allowed to make up the required task. On the other hand, a third violation could result in electronic monitoring and/or more frequent office visits. Electronic monitoring is used as a behavioral response to increase the probability of compliance and community safety (Padgett, Bales, & Blomberg, 2006).

The behavioral response matrix also outlines positive responses to programmatic achievements (i.e., attending treatment, obtaining and keeping employment, maintaining sobriety). The incentive matrix is separated into three phases based on the amount of time spent in the program (three, six, and nine months). Individuals in the first phase of the program can receive certificates of accomplishment and verbal praise and affirmation for following directives or maintaining a stable home plan. In the second phase, individuals can earn travel passes, monthly bus passes, or an invitation to the bi-monthly acknowledgement event if they have regular treatment attendance, maintain employment, and/or complete all required tasks. In the final phase, the probation officer can recommend early discharge for compliance, and staff can provide gift cards for hitting large goals, like maintaining sobriety. Throughout the program, staff are encouraged to provide positive feedback and praise for positive behaviors. Recent studies indicate that small incentives, like positive praise from a probation officer, can increase the likelihood of success in the community and reduce recidivism (Mowen, Wodahl, Brent, & Garland, 2018).

In total, 273 probationers were enrolled during the first year of the program. Nearly all participants were classified as high or moderate risk by the Department of Corrections, and substance abuse treatment was the most prominent

need among the population. Overall, 85% of the sample were identified as substance dependent, with 40% of the sample having used opioids in the prior month. The program population also mirrored the total probation population, as participants were 60% black and 66% male.

Emerging evidence indicates that the program model is associated with reduced recidivism among participants, so this model has the potential to help reduce jail populations. After one year of follow-up, 33% of the enrolled population failed to complete the program, which is much lower than the 45% average recidivism rate for the overall Missouri probation population (Missouri Board of Probation and Parole, 2017). Recidivism is characterized by a new crime or a failure to complete program requirements that resulted in a return to jail. A secondary goal is to reduce the number of people jailed for a probation violation. The average daily jail population for this group declined 13% after the implementation of the program. The intervention has also reduced the length of stay. Before program implementation, the average length of stay for this group was 99 days. After implementation, it was reduced to 49 days, an approximately 50% decline.

CONCLUSION

The use of probation has increased dramatically over the past few decades and is the most frequently implemented correctional sanction (Kaeble & Bonczar, 2016). The broadened use of probation

has led to an increased chance of violating probation conditions and serving subsequent jail time (Phelps, 2013). The use of jail as a sanction for a probation violation can have multiple, negative consequences (Corda & Phelps, 2017). High rates of incarceration for probation violations can also have deleterious effects for fiscal health. In Missouri, incarceration for technical violations costs the community corrections system \$75 million annually. Each of the 3,477 individuals who have their probation revoked to jail each year for a technical violations costs the state \$57.76 a day compared to remaining on probation at a cost of \$6.04 per day (Allen, Barbee, Call, Druckhammer, & Shelor, 2017; Missouri Board of Probation and Parole, 2017).

Overall, it is imperative to continue the work that documents the unique effects of jail incarceration, particularly for individuals who have been remanded for a technical violation. As Copp and Bales (2018) argue, jails must be a critical element of the decarceration discussion. It is also essential to continue to develop programming, like the model described here, because such programs have the potential to mitigate the effects of contact with the criminal justice system while addressing the root causes of criminality.

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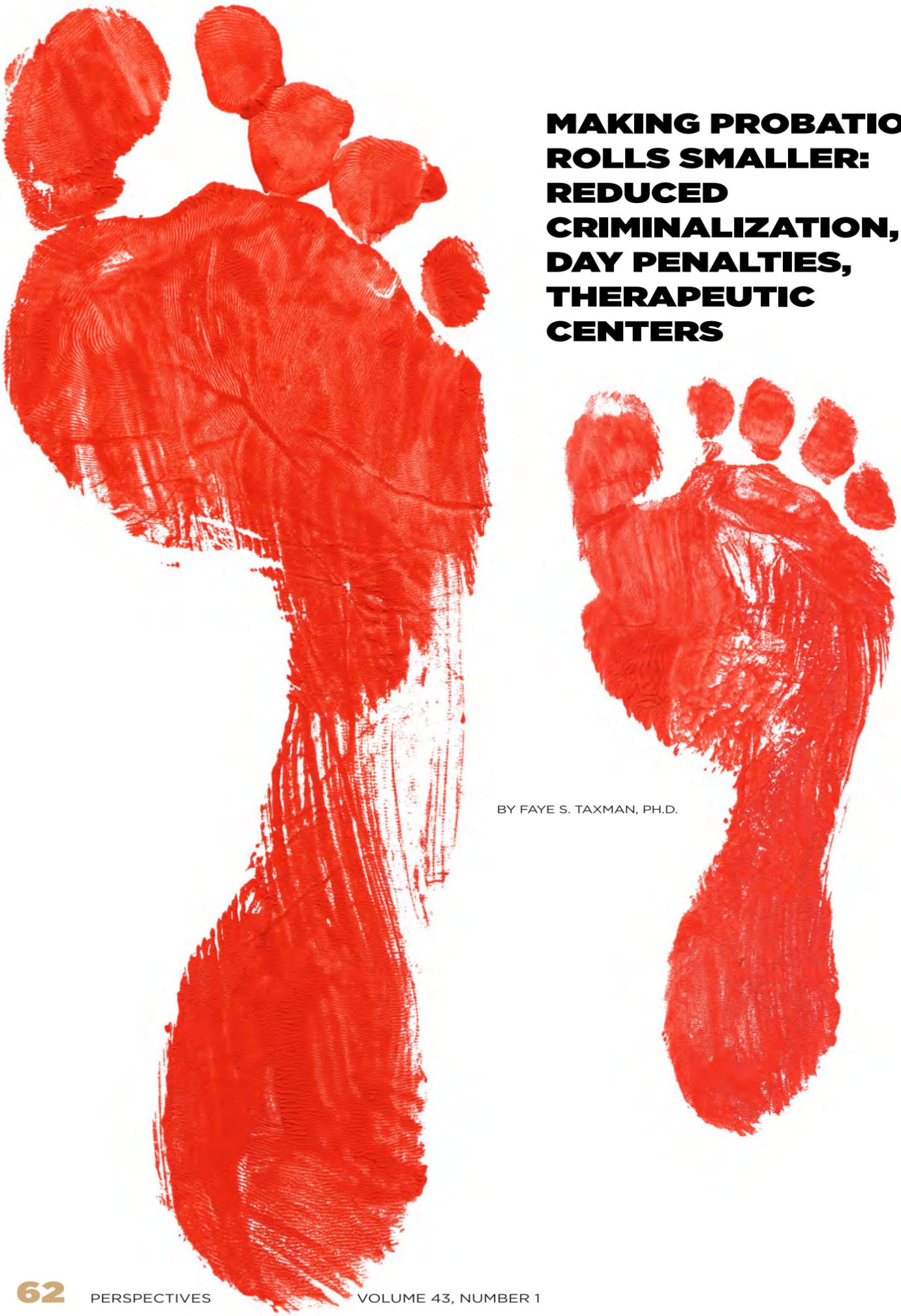
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**MAKING PROBATION
ROLLS SMALLER:
REDUCED
CRIMINALIZATION,
DAY PENALTIES,
THERAPEUTIC
CENTERS**

BY FAYE S. TAXMAN, PH.D.

With nearly 5 million adults and 350,000 youth on probation, advocates have called for reducing the size of the probation population. Two recent reports have echoed this sentiment—“Too Big to Succeed: The Impact of the Growth of Community Corrections and What Should Be Done” by Vincent Schiraldi of Columbia University’s Justice laboratory and “Transforming Juvenile Probation: A Vision for Getting It Right,” released by the Annie E. Casey Foundation. Both papers take the position that the current size and scope of probation are unwieldy to the point of creating havoc within overwhelmed probation agencies and, importantly, are producing numerous unintended and undesirable consequences such as high numbers of technical violations, prevalence of back-end sentencing, increased use of prison (and residential placement for youth), and, taken altogether, more extensive utilization of the justice system. When operating under these conditions, probation too often fails to meet its objectives—to deter, to rehabilitate, to be retributive, or to incapacitate. It instead seems to keep the justice system door open, extending and deepening the criminal justice-involved careers of those under supervision. The consequences of these policies are both harmful and unproductive in terms of achieving social justice, executing sound punishment policies, and promoting the change of individuals under supervision into more productive citizens.

It is time for a call to action. That call to action requires rethinking how we use punishment in our society and how we have grown accustomed to using probation as either a front- or back-end sentencing tool. It requires that we reduce the use of probation and the length of probation terms, thereby limiting the number of people who are exposed to probation and the length of time that people are under supervision.

The task of reducing the size of probation will not be easy. It requires commitment and the will to hammer out issues related to two difficult sentencing concepts: parsimony and proportionality. In both areas, we have failed over the past half century, as it is clear that recent decades have produced a steep increase in the tendency to criminalize behaviors (particularly quality of life and other nuisance behaviors that are often difficult to address) as well as an even steeper increase in the utilization of punishment tools. If we look at our history, we see that the tools of punishment in the community have expanded to include those that affect the spatial, financial, and psychological liberties of an individual. These liberty restrictions come in many forms, including curfews, area restrictions (drug-free zones, housing restrictions, etc.), fines and fees attached to being on supervision, drug testing, and mandatory treatment. The list goes on. These are transformed into conditions or requirements of supervision, and various agencies have been imposing from 12 to 25 requirements as part of their standard conditions. Often, it does not matter what level of risk a person presents (low,

medium, high) or even if unsupervised supervision has been granted. The standard conditions are the standard conditions. And, of course, courts can impose their own special conditions as well.

We built this system to be “tough” in response to the 1980s, when probation was characterized as being too lightweight—just a slap on the wrist. Adding conditions and requirements was seen as a means to create a prison without walls in the community. It was not obvious at first that limiting the liberties of individuals would come with the consequence of back-end sentencing through administrative sanctions or revocations that resulted in changes in conditions or release, periods of incarceration, and new penalties. Moreover, it has become clear that individuals under supervision are being held to standards of behavior that are difficult for most human beings to achieve. It is remarkable that nearly 62% of probationers successfully complete probation according to Bureau of Justice Statistics surveys (Kaeble & Bonczar, 2016), but we know from many studies that the path of many individuals under supervision is fraught with many episodes of being in non-compliance, and non-compliance is a major challenge to the integrity of supervision. Non-compliance drives probation policies and practices, given the charge that probation agency have to uphold public safety.

Again, the call to action requires us to reconsider how we use probation and also requires the political will to address difficult issues. Specifically, how do we handle disorder behaviors in society without continuing a tendency to overutilize the coercive power of the state? These behaviors can range from public nuisances (such as loitering, public urination, pandering, sleeping in public areas, shoplifting under \$50) to driving with a suspended license to not having an identification to...well, the list can go on and on, depending on the jurisdiction. Attempts to respond to such behaviors have crept into criminal statutes, and convictions based on such behaviors have filled the rolls of probation. Added to the problem is that the people who are arrested and convicted of such offenses may well have a record of other similar offenses. Given the widespread use by probation agencies of risk and need assessment instruments, the number of arrests and convictions, even if for relatively minor infractions, affects the calculated risk level when taken collectively.

While it is out of scope for this essay to provide a detailed discussion of the interface between criminal justice issues and mental health and/or substance abuse issues in those at risk of being put on probation, these are certainly complicating factors. A major challenge is to reduce the criminalization of behaviors that aren't really criminal. An equally difficult challenge is to come up with

an alternative set of punishments that are proportional to the behaviors for which the punishment is being exacted. Developing such proportional penalties is far from easy and can seem to be an insurmountable task.

In the just deserts era of sentencing reform, proportional penalties were attempted, but the focus slowly shifted to making the penalties proportional to the individual—which meant bringing in prior misdeeds and criminal history, often regardless of the severity of the prior offenses. This tendency in the “tough sentencing” phase led to increased lengths of incarceration as well as increased length of probation terms with more conditions. Collectively this is what has swollen the size of the probation population, since people are on probation for longer periods of time. Even misdemeanor offenders receive longer periods of probation than they used to (and with more conditions).

This brings us back to the twin challenges of assessing and remedying excessive sentencing lengths and considering what options are available as alternatives to probation and incarceration. Continuing to use the same tools of punishment—albeit in a shortened form (less incarceration, less probation)—may not result in any drastic changes in probation rolls unless we also have different options in our punishment toolkit. What are some of these options?

DAY PENALTIES

During the 1990s Sally Hillsman (then at the Vera Institute) offered up day fines as an alternative penalty. Modeled after a system used in many European countries, this is a way of handling many offenses ranging from nuisance behaviors to misdemeanors to many felony offenses. The concept is that the punishment is a fine where the number of days is proportional to the offense, but the value is adjusted to the income of the individual. 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.

A modified version of the day fine is day penalties. These are work assignments requiring an individual to do community service on a project for a set number of days adjusted to the severity of the offense. The number of days might be capped at 15 days, and the work assignments could be carried out either during the work week or, to minimize intrusion into jobs, on weekends. Individuals would not be placed on supervision, so no intake process is involved. Instead, the goal is to use a punishment that repays the community for the offense.

DE-CRIMINALIZATION OF NUISANCE BEHAVIORS

Nuisance and disorder offenses are now considered criminal offenses in many

jurisdictions and are therefore treated similar to more serious felony offenses. In some states, certain traffic infractions that result in arrests and/or convictions are maintained in a separate system and not considered criminal (even if incarceration is attached to the conviction). This may alleviate some of the add-on penalties for prior convictions. Some consideration should be given as to whether such behaviors, if given a day penalty, should be considered as a criminal conviction.

NEIGHBORHOOD JUSTICE CENTERS

Also adding to probation rolls are people who are convicted due to conflicts among neighbors or community members. In their efforts to handle these situations, oftentimes the responding police officers find their hands are tied due to their limited options in responding to conflicts. The expansion of community justice centers that provide mediation services for neighbor disputes and disruptive behaviors can offer solutions that do not need to result in an arrest or criminal conviction.

THERAPEUTIC CENTERS

Communities need alternatives for individuals who create disorder in the community, either due to mental illness or substance abuse. Police are often called on to respond to such individuals, and one of the barriers to advancing policies is the lack of non-criminal-justice locations where they can be taken. 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 affect the well-being of the community. Expanding these centers gives options in communities for police, courts, and community members.

While we are addressing the need for reforms, the time might be right to begin discussing the need for a public health approach to mental health and addiction disorders. Nearly 30% to 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 demand for justice system involvement and use of system resources for addressing behavioral health disorders. An example might be the open access treatment system in Portugal, which provides resources for individuals and their families when they need assistance with behavioral health issues.

Funding for behavioral health services would need to be made available, of course. One hidden resource in terms of funds could be to reallocate funds already provided to the criminal justice system for its attempts to handle this population. Consider the costs incurred as these individuals enter the justice system and cycle repeatedly through courts, probation, short periods of incarceration—also factoring in the extensive costs for

prosecutors, judges, defense attorneys, probation officers, etc. A good argument can be made for shifting this funding, as it stands to reason that behavioral health services would be better equipped to address the needs of these individuals than the criminal justice system, as we have learned over the last several decades.

CONCLUSION

Reengineering of probation is critical to reduce the bloated system and allow more attention to be focused on those that truly need to be on probation. Such reengineering needs to focus on reducing the number placed on supervision, the length of supervision, and the conditions of supervision, given that current policies and practices have been revealed as too onerous and even counterproductive in terms of achieving punishment goals. And, also troubling is that the current system has subjected many individuals into the servitude of the justice system for extensive periods of time. We have learned that the unintended consequences of these practices are not good for individuals, families, communities, or our society at large.

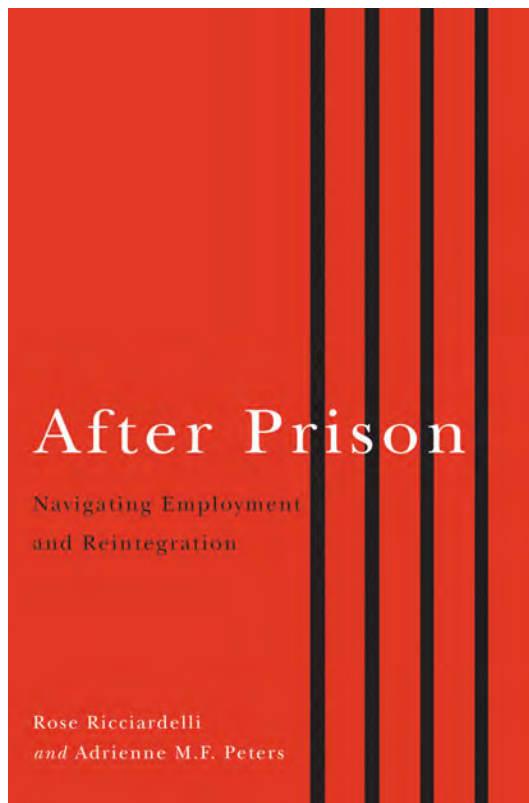
We have an opportunity and we have swift and certain options for proportionate, parsimonious responses. The end result will be a smaller probation system with hopefully better outcomes that reduce the justice career ladder our mass supervision policies have fostered.

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**AFTER PRISON:
NAVIGATING EMPLOYMENT
AND REINTEGRATION
(2017)**

EDITED BY ROSE RICCIARDELLI AND
ADRIENNE M. F. PETERS. CANADA.
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There is no doubt, from a practitioner's point of view, that finding appropriate and meaningful employment for those released from prison is a challenging task! Most of those who work with released offenders have a basic awareness regarding the types of obstacles that need to be overcome if the reintegration effort is to begin. For example, assistance may be required in getting identity documents, finding safe and affordable accommodation, navigating parole conditions that interfere with finding employment, managing the stigma of having a criminal record, securing vocational/educational certifications, and, crucially, securing a job. The editors of *After Prison*, Rose Ricciardelli (Associate Professor and Coordinator of Criminology, Department of Sociology, Memorial University of Newfoundland) and Adrienne Peters (Assistant Professor, Department of Sociology, Memorial University of Newfoundland), give us an opportunity for gaining further understanding on this topic by bringing together an informative collection of articles by reputed scholars that also includes the voices of practitioners and those with lived experience. The overarching aim of the book is to assist practitioners and future researchers in navigating the relationship between employment and reintegration.

This collection had its origins in the observations and experiences of one

of the editors and a practitioner who had access to the development and implementation of a Day Reporting Center in a large Canadian city. The objective of the center was to assist parolees in their transition from prison to the community and eventually to a pro-social, crime-free life. Although there are many challenges facing an offender's return to the community, this book has limited its scope to the issue of employment as a possible gateway to overcoming some of the other obstacles in the road away from a life of crime.

The editors clearly state that their purpose is to focus on "exploring the issues and challenges related to the role employment plays in reintegrating released offenders back into society." In their introduction, the authors discuss the two processes of reintegration and desistance, the importance of community stabilization, the interplay between employment and education, aspects of the current labor market, and the growing impact the age of released offenders has on employability. These brief notes provide a context for the employment reintegration conversation in a way that connects to the contributions of the various authors represented in this collection. The collection is divided into four sections and contains 11 chapters plus the introduction and conclusion. This arrangement makes it easy for the reader to select topics and themes that are immediately relevant to current needs and interests.

Section One, "The Employment Re-Entry Enigma/Dilemma," contains three chapters. The first of these presents the experiences of a life-sentenced parolee who provides his personal observations on work after prison. After recounting the ups and downs of finding a job, the author insightfully notes: "To live a life is about more than just getting through the next month or the next year. So, in my mind the need for a job is not about survival, it's not about meeting needs or wants. It's about who I am and who I want to be tomorrow." The second chapter discusses

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Experiences vary, but there are also some common challenges, and this chapter does an excellent job of presenting their real-life impact. It is a good example of what can be learned from engaging with releasees and giving them an opportunity to speak for themselves.

the important role that employment plays in desistance from crime, and the third chapter provides a helpful exploration of issues pertaining to employment for offenders with mental illnesses.

The two chapters in the book's second section discuss criminal histories, employment prospects, and moving forward. In chapter four the author examines various aspects of job searching, with an emphasis on record suspension (which was initiated when Canada's pardon program was changed) and the impact that implementing this has had on the process of finding work. The next chapter looks at vulnerabilities and barriers in post-release employment from the perspective of parolees. Experiences vary, but there are also some common challenges, and this chapter does an excellent job of presenting their real-life impact. It is a good example of what can be learned from engaging with releasees and giving them an opportunity to speak for themselves.

In the book's third section, we find four chapters organized under the theme of employment reintegration programming: supportive strategies and related outcomes. Chapter six presents an intriguing study whose findings challenge the notion that the stigma of a criminal record means poor employment outcomes, with findings indicating there could be a more positive outcome than anticipated if employers hired those with a record. We could use more studies of this kind, as empirical data regarding the benefits of employing releasees can possibly reduce stigma. This chapter provides a very interesting and helpful overview of this research.

The subsequent three chapters in this section cover a range of topics important to practitioners, including an evaluation of barriers encountered in a rehabilitation program for South Asian/Muslim offenders, promoting employment opportunity through mentoring gang-involved youth, and the benefits of a client-centered case management approach and pre-employment skills training. Each of these insightful entries is well worth reading.

The final section of the book explores employment reintegration of unique populations. Its two chapters focus on the challenge of an offender trying to find work in a neo-liberal late capitalist economy and on the question of whether the “wrongful” part of being “wrongfully convicted” has an impact on employment chances in the labor market. Both are interesting explorations of these topics.

In the conclusion of their book, Ricciardelli and Peters summarize some highlights from the collected articles and go on to discuss the theoretical underpinnings informing the material presented. They emphasize anew the reasons why employment for those returning from prison is of crucial importance, and they call our attention once more to the concurrent benefits for employers of such individuals.

Overall, this book is certainly a valuable resource for probation and parole practitioners. The material provides ideas for improving employment reintegration and provokes questions that hopefully can propel both practitioners and academics toward further exploration—exploration that holds the promise of enriching both research and policy agendas in this area of practice. A further benefit is that reference lists are included with most articles that contain a rich source of additional information, allowing for a deeper understanding of the issues under discussion. The reader will understand more than ever before

the tangible benefit to the well-being of each supervised person that comes from being employed. Employment contributes toward an increased likelihood of remaining in the community, promotes successful completion of periods of supervision, and decreases the probability of returning to prison. It also signals stability and progress toward desistance from a criminal pathway.

To the extent that job seekers are denied the possibility of employment due to their criminal records, we are left with the problem of how to provide income security to the marginalized populations in our midst—populations that are ever increasing in the age of mass incarceration, mass supervision, and mass migration. Are these individuals going to be a new “precarious” class? The vagaries of the market tend to present most after-prison job seekers with seasonal, part-time, and generally low-wage jobs, and such unreliable and inadequate work situations inevitably lead to precarious, stress-filled lives. Clearly, the more we can learn about programs and practices that offer a chance at stability and reduce the precariousness of after-prison experiences, the safer society will become.

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“APPA’S COMMITMENT TO IMPROVING OUTCOMES AMONG WOMEN AND GIRLS”

Movements such as “Me Too” and “Time’s Up” have ushered in new opportunities to amplify the voices and experiences of all women and girls, and especially those who have been persistently marginalized—such as those of color and who identify as LGBTQI. At the same time, we are seeing significant increases in the involvement of women in the justice system and a corresponding call for support from corrections professionals. The work of the Justice-Involved Women and Girls Committee represents a robust response to that call.

Our committee has been inspired by President Erika Preuitt’s leadership at this important time in our nation’s history in regard to the treatment of women and girls. We also benefit from the Committee’s past successes. As a result of former Committee Chair Francine Perretta’s years of pioneering leadership and the hard work of the Committee members, APPA adopted a July 2016 Policy Statement that called upon community corrections agencies to “recognize and respond to the specific and unique risks and needs of justice-involved women and girls” and provide a set of principles to guide their supervision and support in our communities.

Building upon this foundation, the Justice-Involved Women and Girls Committee decided to take important new steps to amplify the voices of justice-involved women and girls, to raise awareness about the importance and value of gender-responsive and trauma-informed approaches, and to support our members in their efforts to implement such approaches. We take the position that improved practices and innovations in this area are critically needed to make a real difference in the lives of women and girls, improve the safety and well-being of children and communities, and transform justice.

WHY A GENDER-RESPONSIVE APPROACH WITH WOMEN AND GIRLS?

Definition of Gender Responsive: Being gender-responsive requires that we intentionally use research and knowledge on girls and women to guide policy and practice. This requires that we implement relational, strengths-based, trauma-informed, culturally-responsive and holistic approaches at all levels of programming and service delivery (Benedict, 2005).

Over the past 30 years, there has been a substantial change in the extent to which women have come under the purview of our nation's criminal justice system. Women represent the fastest growing correctional population nationwide, and the vast majority of these women are under community supervision. In fact, the number of women on parole or probation has almost doubled since 1990 to more than a million. Unfortunately, most supervision models were designed for men and do not address women's unique risks, strengths, and needs. They are less effective with women, create unnecessary stress for staff, limit positive outcomes, and waste precious human and fiscal resources.

Consider one common characteristic of justice-involved women and how it illustrates the importance of a gender-responsive approach. Specifically, practitioners understand that many justice-involved women and girls are survivors of trauma. Agencies may not give sufficient weight to the needs of this population and may fail to understand the significant impact a trauma-history should have on their supervision practices. If so, they are missing out on opportunities to improve outcomes and save limited resources.

GENDER-RESPONSIVE POLICIES AND PRACTICES IMPROVE OUTCOMES

Research demonstrates that using gender-responsive and trauma-informed approaches with women improves

outcomes. Studies have also shed light on the types of strategies that tend to reduce revocations, rearrests, and reincarceration and overall increase rates of supervision completion for this population. Our committee is focused on using this information to transform practices. We want to emphasize the steps that agencies and systems can take to increase their capacity to meet the needs of women and girls—steps that include not only the development of agency-specific gender-responsive and trauma-informed policies, but also the effective engagement of justice-system stakeholders, the directly impacted women and their families, and community leaders.

COMMITTEE ACTIVITIES AND SUCCESSES

In Houston, we began a dialogue about how to take our committee's work to the next level. We also solidified our priorities, as follows: (1) Transform the narrative about justice-involved women and girls; (2) Generate valuable information for and with the field on the strengths, challenges, and opportunities associated with effectively implementing "gender responsive practices" in our communities; and (3) Actively engage women and girls in solutions.

The committee kicked off the 43rd Annual Training Institute in Philadelphia with a very special event featuring nationally recognized women working on the front lines to transform lives of women and girls struggling to survive gender-

APPA POLICY STATEMENT PRINCIPLES

- Acknowledge that gender makes a difference in what is most effective for women and girls in the development and review of all policies and practices.
- Use validated gender-responsive risk and need assessment instruments.
- Develop specific and comprehensive gender responsive programs and services to address poverty, parenting, trauma, physical health (including reproductive and gynecological issues), behavioral health, education, and training.
- Offer safe, nondiscriminatory, supportive environments for women and girls under supervision. Programs should be designed to expand the economic self-sufficiency of women and girls with emphasis on education, career counseling, life skills, and wellness programs.
- Offer comprehensive, least restrictive alternatives to incarceration/detention, including pre-trial, probation, restitution, community residential and post release services to meet the needs of women and girls.
- Ensure that all staff, including contract agencies and volunteer services, are carefully screened and trained in gender responsive policies and practices.
- Promote research on and evaluation of effective interventions for women and girls.

based violence, exploitation, and abuse. The event kicked off with a screening of the award-winning documentary film, *The IF Project*, and concluded with a dynamic panel discussion about the realities faced by justice-involved women and girls, and the power of coming together to promote their safety, health, and well-being. Our panel featured Topeka Sam, Director of the National Dignity Campaign at Cut50# and Soros Advocacy Fellow who oversees the Probation and Parole Accountability Project; Kim Boguki, the Seattle police officer who co-founded The IF Project and is prominently featured in the

documentary film about it; APPA President Erika Preuitt; and former APPA President Carmen Rodriguez. Attendees were encouraged to wear white to acknowledge that “Time’s Up” for all women and girls, including those in the shadows of justice who either cannot tell their stories or have not been heard when they tried.

After the institute, we launched a research project to gain feedback from our colleagues in the field and learn about their strengths, challenges, and successes in this area. We developed a comprehensive survey designed to determine the extent to which the field has

implemented the policies and practices identified in APPA's policy statement and any barriers and successes they have experienced in their efforts. Over 350 members responded to the survey, and we presented preliminary findings at our committee meeting in Miami at the 2019 Winter Training Institute.

LOOKING AHEAD

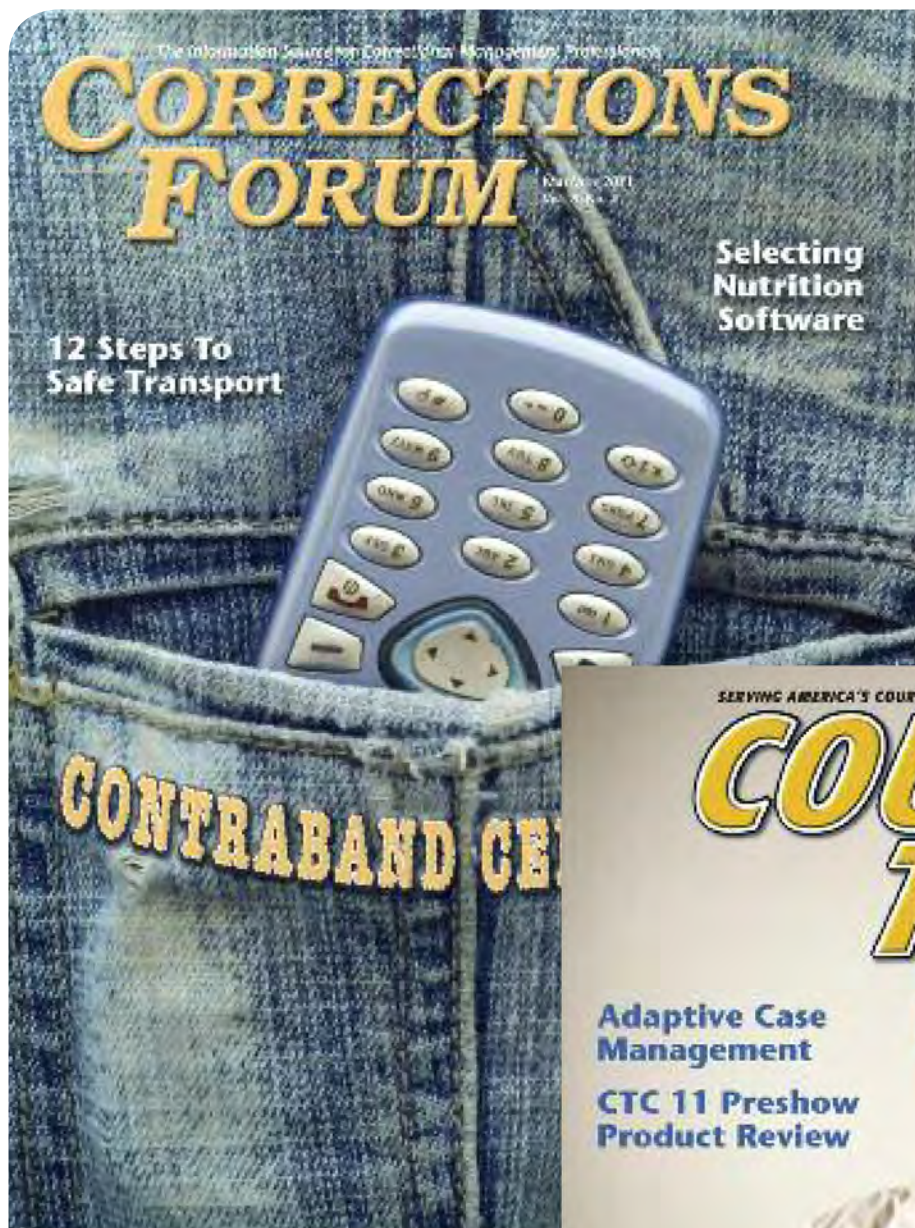
At the 2019 Winter Training Institute in Miami, we discussed ways we can work together to leverage our findings to prepare for a larger discussion at the 44th Annual Training Institute in San Francisco that focuses on solutions. Ultimately, the committee will do its best to provide important resources to the field. We are committed to sharing and promoting cutting-edge research and

evidence on what works with women and girls, including policies and practices that can transform supervision practices and outcomes. We remain committed as well to inspire corrections professionals, administrators, and policy makers around the country to review all policies for gender responsiveness and to make research-based, gender-responsive and trauma-informed choices that improve supervision outcomes among women and girls.

ABOUT THE AUTHORS

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