

# PERSPECTIVES

THE JOURNAL OF THE AMERICAN PROBATION AND PAROLE ASSOCIATION

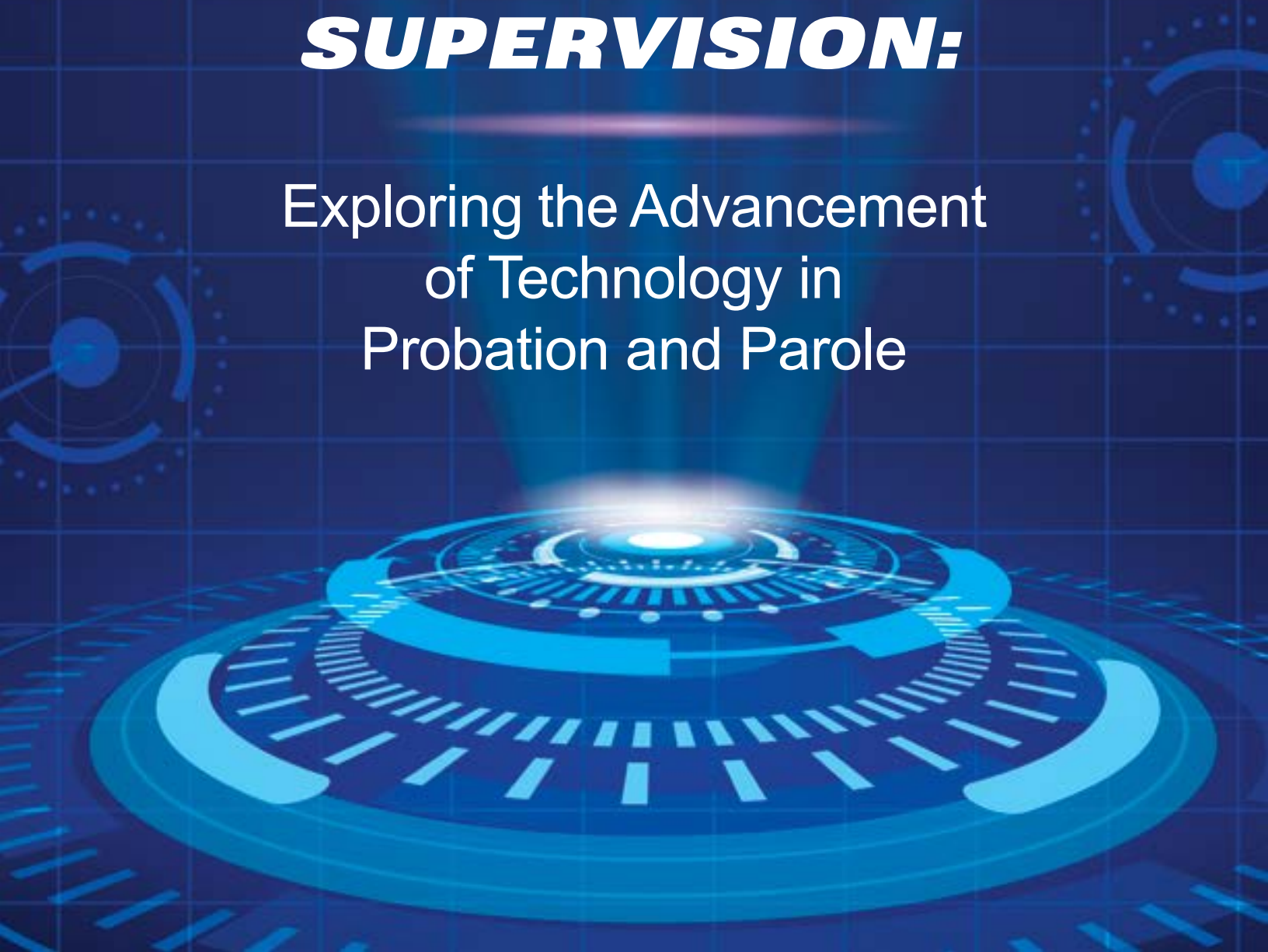
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## ***INNOVATIONS AND CHALLENGES IN COMMUNITY SUPERVISION:***

Exploring the Advancement  
of Technology in  
Probation and Parole



A background image of the Seattle skyline at dusk, featuring the Space Needle prominently on the left. The city lights are visible against a soft, hazy sky.

# SAVE THE DATE

American Probation and Parole Association

## 2024 WINTER TRAINING INSTITUTE

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AMERICAN PROBATION AND  
PAROLE ASSOCIATION

# executive director/ceo's message

Greetings to all as we advance toward the end of this (for many) hot, hot summer. APPA's 48th Annual Training Institute is approaching, and the host city this year is the always exciting New York! In keeping with the technology theme of this Perspectives issue, you may participate either in person (August 27-30, 2023) or attend virtually (August 22-September 22, 2023)—an option that includes the ability to connect with other virtual attendees. All Events | 48th Annual Training Institute | August 27 - 30, 2023

When it comes to introducing new technologies in our field, I've observed over the years that some eagerly embrace what is newly possible, while others tend to be much more hesitant. Well, the articles in this edition won't let us forget the importance of technology. Of course, in the case of remote reporting during the pandemic, we all had to plunge ahead. No one wants to revisit those circumstances, but the leap forward in use of remote reporting technologies has proved beneficial. I am happy to share my summary of some of the articles.

In the first article, having technological tools available does not mean that planning can be neglected in adopting them for optimal use. Even a task that may seem simple or common sense can benefit from thoughtful analysis, as Dr. Samuel Scaggs, Pamela Lattimore, and Nicole Jaspersen make abundantly clear in "Lessons Learned from the Design and Development of an Automated Appointment Reminder Tool for People on Probation." Issues such as confidentiality and interagency communication must be addressed. Moreover, it is worth taking the time to determine the best wording of reminders and, as the article eloquently states, "the optimal cadence of notifications." This article will prove invaluable to any agencies planning to initiate a similar automated reminder system.

"Aspects of this Virtual Reporting: Reforming Probation for the Modern Age," Drs. Isabel Perez-Morina and Jamie Newsome provide a useful discussion on this subject, including covering a case study in which a dedicated room/virtual probation office was developed through a licensed Zoom account where clients could have private face-to-face interactions with their probation officers. Reading this article brings insight into the need for careful planning regarding issues such as tools, access, eligibility, and staff scheduling.

Next, as described by Charise Hastings in "Simulations for Community Supervision: From Virtual Reality to Serious Games," a considerable number of bright minds are working to make simulated environments more and more valuable by developing tools that promote the development of real-world skills via virtual practice. While correctional facilities have been taking more advantage of simulations than probation

and parole offices, the article describes the learning and therapeutic benefits that such technology may bring to clients in the community supervision setting. Consider what an asset it would be, for example, to have simulation that helps clients hone job interview skills—increasing their interview readiness and decreasing interview anxiety. Sounds like a win-win to me.

One of the points made in both the simulations and appointment reminder articles is that smartphones are widely used by those under community supervision—but not by all. This may sometimes be due to financial constraints, the same financial constraints that take center stage in the final article, "Financial Requirements within Diversionary Programs: Critical Issues and Innovative Strategies" by Drs. Clare Strange, Jordan Hyatt, Nathan Link, and Kathleen Powell. These researchers emphasize the need to understand how financial obligations imposed for those under supervision can mount up and scuttle their chances for successfully completing court-ordered mandates. The special case of fees needed to pay for substance abuse evaluations, treatment, and classes—payments presenting a "hidden burden" not always included in administrative court data—is carefully examined. These authors do much to elucidate this issue, but they also emphasize—as do all authors in this issue—that more research is needed.

It is certainly true that, while we have made advances, more research is needed, and I want to thank all the authors in this issue for doing their part. Perspectives is just one way APPA proudly offers information about our field to external stakeholders both far and near. My sincere appreciation to the contributors, the editorial chairs and committee, and our sponsors for their contributions. Having recently concluded countless amazing PPPS Week celebrations, I want to again thank all community supervision employees for your yearlong commitment to this important work; and especially to our members for your support of our organization and for your enthusiasm to move the field forward. Everyone, let's continue to read, learn, and work together.

Every success!



**VERONICA  
CUNNINGHAM, M.S.**  
EXECUTIVE DIRECTOR/CEO

A handwritten signature in black ink that reads "Veronica Cunningham". The signature is fluid and cursive, written in a professional style.



# board president's message

I am excited to have assumed the role as your president of APPA on July 1st of this year. I am fortunate to step into a position which has been filled by many leaders in the field, including our immediate past president, Dr. Brian Lovins. Dr. Lovins began his role as president at a time when we had made several changes to our board structure and there were many unknowns. With his leadership, we have worked through the challenges of operating in a new and different manner, and I believe we are in great shape to move forward and make this association stronger and larger than it has ever been. Thank you to Dr. Lovins for his leadership and vision during this critical time.

The past several years have been filled with changes for both our association and the agencies we serve. As we have worked our way out of the pandemic, we have seen many new and innovative ways of doing business. Out of necessity, agencies were forced to find alternative methods of providing supervision which allowed for safety of officers and the clients they supervised, while continuing to meet minimum standards required to ensure community safety. I can still remember my own initial thoughts questioning how we could adequately accomplish this, but soon learned that supervision officers and clients were all quite adaptive, and willing and able to welcome change.

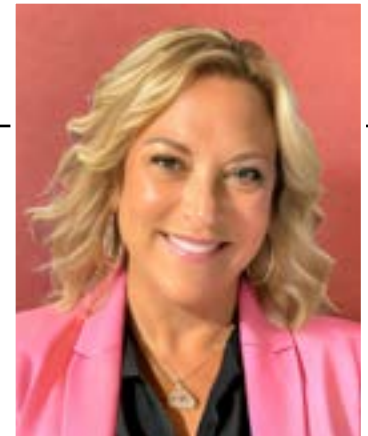
Without missing a beat, agencies embraced technology as an alternative to in-person reporting requirements. Although we all had to spend a bit of time learning to utilize things like video chat, mobile supervision apps, and court hearings by Zoom, we learned together and found there were advantages for all, but specifically for our clients. Individuals with transportation issues, health problems, or young children at home could report remotely. Those who were employed did not have to take an entire day off work for a quick check-in with an officer. Ideas for better ways to provide supervision which had been discussed for years were quickly put into action and many agencies have never looked back.

This issue of Perspectives explores the use of technology within the field of community supervision, and I encourage you to read about many of the initiatives which started during the pandemic and have continued to allow for better use of time for both officers and clients. Rather than slipping back into our old ways of doing business,

we must continue to push forward and embrace the advantages provided using technology. Many agencies are also beginning to look at the utilization of virtual reality as a tool for assisting clients with behavior change. While the use of technology should never replace the advantages of personal interaction with those under supervision, a multifaceted approach to developing supervision plans which are most beneficial to individual clients should help to improve outcomes.

Finally, the issue looks at financial requirements for individuals participating in diversionary programs. The imposition of fines and fees connected to supervision has been a hot topic for years and it is time we seriously start to look at the impact they have on one's ability to successfully exit the system. Coming from a department which was forced to rely heavily on the collection of fees to meet budget requirements, I know this is a difficult topic as leaders work to find solutions which are equitable for all.

I am looking forward to the next two years as we continue our work to move the field in a forward direction. Our goal is to be the go-to association for those working in community supervision and I believe we are well positioned to accomplish this. We have a board of directors who are committed to our advancement and a wonderful staff who do the hard work of turning ideas into reality. I hope you will join me as we work together to bring community supervision into the spotlight.



**SUSAN RICE**  
BOARD PRESIDENT

A handwritten signature of Susan Rice in black ink. The signature is cursive and stylized, with the first name 'Susan' and the last name 'Rice' clearly visible.

## editor's notes

Technology is an essential tool in our fast-paced society. In fact, you may be reading this document on the latest smartphone or e-reader. The task of community supervision has been transformed by these advances, making the job more efficient, more effective, and, arguably, more innovative. This issue of Perspectives, curated by Dr. Jill Viglione (University of Central Florida), focuses on some advancements in technology used by community corrections professionals. These are innovations emerging from needs in our industry related to supporting client progress and improving job performance. The articles in this issue offer relevant insights for planning and implementation of these types of innovations that can also be generalized to other areas for testing.

In the first article, “Lessons Learned from the Design and Development of an Automated Appointment Reminder Tool for People on Probation,” Dr. Samuel Scaggs, Dr. Pamela Lattimore, and Nicole Jaspersen of the Research Triangle Institute provide a behind-the-scenes view of creating and implementing automated appointment reminder tools for people on probation in North Carolina who are receiving behavioral health treatment from a partnering service provider. The authors describe the process of determining what the reminder messages should contain, issues involved in working with HIPAA-protected information, technical aspects of deploying the reminder tool in routine practice, and assessing the effectiveness of the tool in helping people under community supervision meet their reporting requirements. Perhaps most instructive is the overview of the lessons learned during the project, as this information can be used by other agencies seeking to implement reminder technology. This is a first of its kind review of how a research-practitioner partnership took steps to develop these automated reminders, gleaned information from staff and clients on what works best.

The next article reviews the onset and evolution of virtual reporting processes for people on community supervision, particularly in the wake of the COVID-19 pandemic. In “Virtual Reporting: Reforming Probation for the Modern Age,” Dr. Isabella Perez-Morina and Dr. Jamie Newsome identify a set of key questions that should be asked when designing a plan for moving reporting from in-person to remote. In addition, the authors present a case study that illustrates how such practices were adopted in Miami-Dade County, Florida, where the pressure from the pandemic and resulting legislation became the driver for innovating remote reporting practices that could move probation into a more modern and virtual era.

Virtual reality is another advance in technology that has found a place in the client services space. Author Charise Hastings’ “Simulations for Community Supervision: From Virtual Reality to Serious Games” discusses the increased use of simulations/virtual reality to support training and preparation for the release of incarcerated individuals. Hastings describes various aspects of virtual reality technology in the correctional setting and how gamification (gameplay) of instructional programs can



**KIMBERLY R. KRAS**  
ASSISTANT PROFESSOR,  
SCHOOL OF PUBLIC AFFAIRS,  
SAN DIEGO STATE UNIVERSITY



**LILY GLEICHER**  
SENIOR SUPERVISORY  
RESEARCH SCIENTIST  
THE BAIL PROJECT

support reentry experiences. This article does an excellent job of describing how simulations have the potential to improve delivery of education, training, and therapy, with the prevalence of smartphones making this technology a more accessible and viable tool in the community supervision space, potentially allowing us to be more effective in delivering treatment and promoting engagement with probation activities.

Finally, alternatives to traditional justice system punishment, like diversion programs, are an innovation whose time has come. However, the use of financial requirements has grown in the past few decades and their impacts have been increasingly studied. In “Financial Obligations, Diversionary Programs, and Community Supervision: Critical Issues and Innovative Strategies” by Drs. C. Clare Strange, Jordan Hyatt, Nathan Link, and Kathleen Powell, the authors describe how legal financial obligations proscribed in diversion programs may create additional challenges for people on community supervision. They offer a case example from the Accelerated Rehabilitative Disposition program, Philadelphia’s version of a statewide diversion program where preliminary data show that these fees are a substantial barrier to enrollment and completion of diversion programs. The authors also provide policy solutions to address the financial barriers to successfully implementing punishment alternatives.

In summary, this issue of Perspectives provides readers with insights into technological developments and innovations and their potential as tools for criminal justice professionals—tools that can help us interact more effectively with clients, that remove barriers between clients and needed services, and that do so much more. I am grateful to all the knowledgeable authors who’ve outlined the various benefits, the issues to be considered, and the planning and implementation steps necessary to adopt such innovations to avoid potential negative impacts and make them most useful to clients and staff.

Handwritten signatures of Kimberly R. Kras and Lily Gleicher in black ink.

# 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](mailto:perspectives@csg.org) in accordance with the following deadlines:

- Unless previously discussed with the editors, submissions should not exceed 12 typed pages, numbered consecutively, and double-spaced. All charts, graphs, tables, and photographs must be of reproduction quality. Optional titles may be submitted and selected after review with the editors.
- All submissions must be in English and in American Psychological Association (APA) Style.
- Authors should provide a one-paragraph biography, along with contact information.
- Notes should be used only for clarification or substantive comments, and should appear at the end of the text.
- References to source documents should appear in the body of the text with the author's surname and the year of publication in parentheses, e.g., to (Mattson, 2015, p. 73).
- Alphabetize each reference at the end of the text using the following format:
  - Mattson, B. (2015). Technology supports decision making in health and justice. *Perspectives*, 39(4), 70-79.
  - Hanser, R. D. (2014). *Community corrections* (2<sup>nd</sup> ed.). Thousand Oaks, CA: Sage.

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

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## DIRECTORY

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Communications should be addressed to:  
American Probation and Parole Association  
c/o The Council of State Governments  
1776 Avenue of the States, Lexington, KY, 40511  
Fax: (859) 244-8001, E-mail: [appa@csg.org](mailto:appa@csg.org)  
Website: [www.appa-net.org](http://www.appa-net.org)

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### CO-CHAIRS

**LILY GLEICHER**  
Senior Supervisory Research Scientist  
The Bail Project  
PO Box 750  
Venice, CA 90294  
Phone: (312) 869 - 4806  
[lgleicher3@gmail.com](mailto:lgleicher3@gmail.com)

**KIMBERLY R. KRAS, PHD,**  
San Diego State University  
Department of Criminal Justice  
School of Public Affairs  
5500 Campanile Drive  
San Diego, CA 92182  
Phone: (619) 594-1158  
[kkras@sdsu.edu](mailto:kkras@sdsu.edu)

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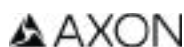
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Acivilate, Inc.  
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**Averhealth**

Justin Manni, Director of Business Development  
2916 W. Marshall Street, Suite A  
Richmond, VA 23230  
Phone: (848) 992.3650  
Email: [jmanni@averhealth.com](mailto:jmanni@averhealth.com)  
<https://www.averhealth.com>

**Axon**

Zach Austin, Director of Sales, Corrections  
17800 North 85th Street, Scottsdale, AZ 85255  
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<https://www.axon.com/industries/corrections>

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<https://www.changecompanies.net>

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Brentwood, TN 37027  
[Shannon.Carst@Corecivic.com](mailto:Shannon.Carst@Corecivic.com)  
(303) 842-8301

**Corrisoft**

Susan Harrod, VP, Sales & Marketing  
1648 McGrathiana Pkwy, Suite 225  
Lexington, KY 40511  
Phone: (217) 899.5323  
Email: [sharrod@corrisoft.com](mailto:sharrod@corrisoft.com)  
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**Corrections Software Solutions**

James Redus, President  
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Phone: (512) 347.1366  
Fax: (512) 347.1310  
Email: [jredus@correctionssoftware.com](mailto:jredus@correctionssoftware.com)  
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**Fieldware**

Ken Tomlinson, Director Customer Engagement  
13012 Harmony Parkway  
Westminster, CO 80234  
[ktomlinson@fieldware.com](mailto:ktomlinson@fieldware.com)  
(312) 258-1000

**FRSH**

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Dallas, TX 75230  
[chrisheckler@hotmail.com](mailto:chrisheckler@hotmail.com)

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Boca Raton, FL 33487  
Phone: (800) 241.2911 x 1230  
Email: [monica.hook@bi.com](mailto:monica.hook@bi.com)  
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10710 Midlothian Lane, Suite 430  
North Chesterfield, VA 23235  
Phone: (804) 423-8919  
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**Intoxalock**

Linda Vadel, Affiliate Marketing Coordinator  
11035 Aurora Avenue, Des Moines, IA 50322  
Phone: (515) 251.3747  
Email: [lvadel@intoxalock.com](mailto:lvadel@intoxalock.com)  
<https://www.intoxalock.com>

**Journal Technologies**

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Senior Account Executive

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Roy G. Whiteside, Jr., Vice President  
Micro Distributing II, Ltd.  
PO Box 1753, 620 Kennedy Court  
Belton, TX 76513  
Primary: (254) 939-8923  
Office: (254) 939-5867  
Email: royw@micro-distributing.com



## National Curriculum and Training Institute

Gary Bushkin, President  
319 East McDowell Road, Suite 200  
Phoenix, AZ 85004-1534  
Phone: (602) 252-3100  
Email: gbushkin@ncti.org  
<https://www.ncti.org>



Noble

## Noble Software Group

1320 Yuba Street, Suite 212  
Redding, CA 96001  
Diana Norris  
sales@noblesg.com  
<https://www.noblesg.com>



## Premier Biotech

Todd Bailey, President  
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1 Faraday Drive  
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Scram Systems  
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Littleton, CO 80120  
Phone: (720) 261-6576  
<https://www.scramsystems.com>



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<https://www.sentineladvantage.com>



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Robert L. Magaletta  
Shadowtrack Technologies, Inc.  
ONE LAKEWAY  
3900 North Causeway Boulevard  
Suite 1200, Metairie, LA 70002  
Office: 985-867-3771  
Email: robert@shadowtrack.com  
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Phone: (919) 604.2513  
Email: michelle.whitaker@smartstartinc.com  
<https://www.smartstartinc.com>



## TRAC Solutions

20 N Wacker DR  
Chicago, IL 60606  
Catherine Nienhouse, Marketing Manager  
(312) 637-9567  
catherine.nienhouse@cam-sys.net



## Track Group

Matthew Swando, VP of Sales and Marketing  
1215 North Lakeview Court  
Romeoville, IL 60446  
Phone: (877) 260.2010  
Email: matthew.swando@trackgrp.com  
<https://www.trackgrp.com>



## Tyler Technologies

Larry Stanton  
Director of Sales - Courts & Justice  
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Plano, TX 75024  
Phone: (904) 654.3741  
Email: larry.stanton@tylertech.com  
Website: <https://www.tylertech.com>



## Vant4ge

Sean Hosman  
National Sales Leader – Public Sector  
Vant4ge  
P.O. Box 802, Salt Lake City, UT 84110  
Phone: (877) 744-1360  
Email: shosman@vant4ge.com  
Website: <https://vant4ge.com/>



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David Kreitzer  
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from the Design and  
Development of an Automated  
Appointment Reminder Tool for  
People on Probation



*Samuel J. A. Scaggs, Pamela K. Lattimore, Nicole Jasperson  
Justice Practice Area, RTI International*



## LESSONS LEARNED FROM THE DESIGN AND DEVELOPMENT OF AN AUTOMATED APPOINTMENT REMINDER TOOL FOR PEOPLE ON PROBATION

In 2017, 45% of state prison admissions resulted from probation and parole technical violations (Council of State Governments, 2019). The incarcerations resulting from violations have led states to consider reforms to address technical violations; reforms have focused on incentivizing compliance and alternative responses to violations (Pew Charitable Trusts, 2019). A relatively recent advancement—most notably in the court system—has leveraged lessons learned from behavioral economics to improve compliance of justice-affected people (Fishbane et al., 2020).

In the criminal legal system, “behavioral nudges” include postal mail, phone calls, and text messages that notify and remind justice-affected people to attend appointments that could lead to additional sanctions if missed (e.g., scheduled court dates, probation appointments). The messages usually provide recipients with the date, time, physical address of the appointment, and contact information of the agency or office scheduling the appointment. In the past decade, a small but growing body of research has investigated the use of automated appointment reminders in the criminal legal system. A subset of this research has assessed the impact of automated text appointment reminders on court and community supervision outcomes (Chivers & Barnes, 2018; Fishbane et al., 2020; Hastings et al., 2021; Lowenkamp et al., 2018). However, to our knowledge, none of these legal system studies have discussed the development of those automated systems. Given that deploying such tools requires an unknown amount of planning and troubleshooting with program and application developers, this dearth of information is a considerable limitation.

This article describes efforts to implement the Interactive Computer-Assisted Recovery Enabler (ICARE) messaging system to provide appointment reminders to people on probation. This research involves a partnership between RTI International and Coastal Horizons, a nonprofit behavioral health organization providing nonclinical care management to people on probation in North Carolina. The brief summarizes the study’s formative assessment findings, lessons from preparing to launch this tool (e.g., working with HIPAA data, managing COVID-19 impacts), and the next steps for assessing this tool in the field. This study builds on a relatively new body of work around automated appointment reminders in the criminal legal system and shares lessons learned about developing and implementing the ICARE system.

### Prior Literature

People choose to engage in treatment and comply with their probation conditions in an environment that contains observed and unobserved features that influence their decisions, a construct known as choice architecture (Pogarsky & Herman, 2019; for a more general description of choice architecture and nudges, see Thaler & Sunstein, 2021; Thaler et al., 2010). We focused on understanding the type of behavioral nudge that pertains to the transmission of informational content—specifically, appointment reminders for behavioral health care management—to people under community supervision and required by the state correctional agency to receive this care management as a condition of their probation. Individuals may miss these appointments for a variety of reasons, knowingly or unknowingly, due to forgetfulness, emergencies, lack of transportation, or child care needs, among others. These reminders are not meant to threaten punishment but rather to remind recipients about their appointment(s) with a care manager (CM), like reminders anyone might receive from a doctor or dentist. They are not meant to directly deter criminal behavior but to indirectly elevate the recipient’s assessment of the consequences of not attending their probation-mandated appointment. These nudges are meant to help people receive necessary care management and treatment and to reduce the likelihood of receiving a sanction.

Technological tools accessed through mobile phones are increasingly being integrated into rehabilitation to improve justice-affected people’s outcomes (Michalek et al., 2015). By enhancing communication channels between CMs or service providers and clients, these tools could increase service receipt and retention. Lack of treatment compliance, a major issue in the criminal legal system, is attributed to system-level barriers to program receipt (Chandler et al., 2009; Taxman et al., 2007) and lack of client motivation and readiness to change (Walters et al., 2014). A growing body of research suggests that the short message service (SMS) function (texting), which delivers messages through mobile phones, is effective in reaching populations to affect health behaviors (Fjeldsoe et al., 2009). Also, texting can affect the most vulnerable people because mobile phone use is high among adolescents, younger adults, those of lower socioeconomic status, young adults with lower educational attainment, and those who rent or frequently move (Faulkner & Culwin, 2005; Franklin et al., 2003; Koivusilta et al., 2007). Mobile phone

technology enhances substance use treatment (Dahne & Lejuez, 2015; Litvin et al., 2013; Muench et al., 2013; Tofighi et al., 2015); HIV/AIDS testing, assessment, and prevention (Dowshen et al., 2013; Reback et al., 2012); and mental health treatment (Berrouguet et al., 2016). Recent research suggests that appointment reminders via mobile phone may be effective for reducing negative criminal legal system outcomes among individuals from underserved communities (Fishbane et al., 2020) and among people of color (Ferri, 2022).

Except for studies of court-based appointment reminders (Bent-Koerick et al., 2021; Bornstein et al., 2013; Chivers & Barnes, 2018; Ferri, 2022; Fishbane et al., 2020; Hastings et al., 2021; Kohler-Hausmann, 2020; Lowenkamp et al., 2018; Zottola et al., 2022), little empirical assessment has been done on informational content nudges in the criminal legal system. To our knowledge, Hastings and her colleagues conducted the only study of automated appointment reminders for community supervision populations. Overall, the results of this evaluation suggest automated appointment reminders increase attendance and reduce canceled and missed appointments for participants on community supervision (Hastings et al., 2021). A few studies with a design using a randomized controlled trial (RCT) of people assigned to a treatment group that received automated text message reminders or a control group that received reminders as usual (mail or phone reminders) found that these nudges significantly reduce failure-to-appear (FTA) rates (Bent-Koerick et al., 2021; Fishbane et al., 2020). Another study employing an RCT found no difference in FTA rates between the treatment group that received a text message the day before a court date and the control group that received standard postal notifications (Chivers & Barnes, 2018). However, Chivers and Barnes (2018) acknowledged an important limitation: 58% of their sample did not have a valid phone number, which limited the intervention's efficacy. Separately, some studies have explored the optimal cadence of notifications. Although one study reports that time or frequency do not impact outcomes such as FTA rates (Ferri, 2022), others report that receiving a notification the day before an appointment is the most effective at reducing FTA rates (Bornstein et al., 2013).

Some studies have also experimented with the content of text message reminders for court appointments (Bornstein et al., 2013; Fishbane et al., 2020; Thomas & Ahmed, 2021). Fishbane et al. (2020) explored the relative effects of three conditions: a consequences condition where assigned defendants were notified of the ramifications

of missing their appointment, a plan-making condition where defendants were informed of the date and location of their court appointment and then prompted to make a plan, and a combination group who received a mix of messages from the first two groups. The participants in the treatment group that received consequences and combination messages had fewer failures to appear compared to the control group (Fishbane et al., 2020). In a study of postcard reminders, Borenstein and colleagues (2013) found that while a warning message was the most effective for improving court appearance, messages with a reminder-only or a combination of both a reminder and a warning were also effective at improving court appearance. Similarly, Thomas & Ahmed (2021) also found that using a combination of plan-making and warning message (about the consequences of non-attendance) was the most effective approach for improving court appointment attendance. Still, studies in this area have shown some promising findings that automated appointment reminders are effective at reducing missed appointments (Fishbane et al., 2020; Hastings et al., 2021; Thomas & Ahmed, 2021). None of the studies using a text message notification system describe its development and application.

### Current Study

The ICARE study is the first to design, implement, and assess use of an automated appointment reminder tool to nudge people on probation to attend their behavioral health care management appointments. RTI's partner Coastal Horizons operates Treatment Accountability for Safer Communities (TASC) in the eastern half of North Carolina. TASC provides nonclinical care management to people with substance use or mental health issues. As part of typical business practices, TASC CMs may notify clients about their care management appointments ahead of time via phone call. ICARE extends TASC CM reminder efforts by automating the process.

The ICARE study includes two broad phases: (1) development of the ICARE tool, and (2) its deployment and assessment among TASC clients enrolled in the study. As the first step in using a user-centered design approach for creating the ICARE tool, RTI staff sought input from TASC clients and CMs via focus groups and interviews. The purpose of the focus groups and interviews was to learn about clients' access to and use of cell phones and clients' opinions and suggestions on potential tool content and features. One cognitive interviewer from RTI conducted three focus groups with TASC CMs, one focus group with TASC clients, and 11

one-on-one interviews with TASC clients during November 2019 and January 2020.

### Findings

#### TASC Care Management as Usual

During focus groups with TASC CMs, we asked questions regarding the care management process at TASC to better understand its operations. The purpose of TASC care management is to track client progress and ensure clients attend appointments with treatment providers. From conversations during the project's planning stage, we learned that TASC clients are typically required to meet with their CM once a month after their initial intake appointment. TASC meeting frequency is determined by CMs, who consider clients' needs. If a client is failing drug screens or treatment programs, CMs may seek to meet with that individual more often (e.g., every two weeks). TASC CMs in the locations we visited typically manage caseloads of between 100 and 200 clients.

TASC clients are mandated to comply with TASC care management for a minimum of 30 to 90 days (translating into one intake and one follow-up appointment), but they can continue to receive TASC services contingent on their needs. CMs reported that most TASC clients receive services for between three and nine months. Clients who receive short-term services may have been referred by the court and been determined to have no substance use history or to have achieved sustained remission. More serious cases require greater interventions, including inpatient treatment, which can prolong clients' receipt of TASC services.

The absence or "no-show" rate for intake and regular appointments varies across TASC offices. Statewide, 38% of TASC referrals did not attend their intake appointment (NCTOPPS TASC Initial Reports for Fiscal Year 2018/2019). CMs in one office reported that as many as 60% of clients miss appointments, whereas CMs in another office reported that no-shows were uncommon. Practices for handling no-shows differed significantly across TASC sites and even among CMs at the same site. In some cases, CMs reported that they honored a grace period after a scheduled appointment during which a client could reschedule the appointment without repercussions. Other CMs took a stricter approach, sending a missed appointment letter to the client's probation officer 15 minutes after the missed appointment start time and directing the client to contact their probation officer to reschedule. The probation officer may use personal discretion in deciding whether to charge a technical

probation violation once being notified that a client missed an appointment. Policies, practices, and consequences for attending TASC appointments appear to vary greatly depending on TASC site and individual CM, further underscoring the need for a reliable and consistent text appointment reminder system.

#### ICARE Content

The ICARE project's main focus is to conduct an RCT to assess the effect of text appointment reminders for clients' TASC care management appointments. During interviews, we asked CMs and clients what these appointment reminders should contain, when they should be sent, and whether they would be helpful. CMs and clients agreed, often enthusiastically, that text appointment reminders were a good idea. To avoid confusion, CMs observed that reminders should specify that the appointment is with TASC, because many clients are seeing other providers. They added that reminder messages should also include the name of the client's CM and the TASC office address, but some of the clients felt differently. When provided examples of an appointment reminder text message, clients often preferred simpler, shorter reminder messages.

One CM expressed concern that the messages might cause confusion for clients. What prompted this concern is that the TASC office is in the same building as the probation department in some counties. Because clients typically have appointments with their CM and probation officer on the same day, usually back-to-back, clients often associate their probation appointments with their TASC appointments. Thus, if a probation appointment is rescheduled, a client may miss a TASC appointment. Moreover, when a client's probation officer reschedules a probation appointment, the TASC appointment does not change. A canceled probation appointment is not always conveyed to TASC, complicating efforts to reschedule a TASC appointment. Because scheduling practices and the degree of coordination between TASC staff and probation officers differ significantly across TASC offices, special considerations may need to be made for certain sites.

In general, appointment reminder text messages often facilitate interactive communication with participants and ask them to reply "Yes" or "No" to determine whether an appointment should be canceled or remain scheduled. This feature allows for the business to be more efficient, as it both reschedules appointments without terminating someone's care management and re-referring them and helps fill open appointment slots. For our study, we wanted to determine the extent to which study participants

responded to the reminders. Many clients said they would respond to the text appointment reminder message if it asked their plans to attend the appointment. Some said they would respond only if they were not planning on attending but would probably not respond if they were going to attend. Others noted that—depending on the time of day—they may respond but not immediately (e.g., if they received the text while at work). Other clients described entering appointment information into calendar or reminder applications on their cell phones that would trigger reminder alerts before the appointment and noted that although they may not respond to a reminder text, receiving one would prompt them to double-check that the appointment had been entered in this way. Even without a calendar, some clients stated that the appointment reminder would help them regardless of their willingness to respond.

To clarify, answering “No” or “N” does not automatically cancel the TASC appointment. CMs suggested that if the client responds “No” or “N,” the automated response should clearly convey the message that the client needs to call the TASC CM promptly and that the appointment will not be canceled until that is done.

## Discussion and Conclusion

Using input from clients and CMs provided by RTI during this formative assessment, ICARE was developed by Uptrust, a public interest company. Functionally, ICARE is simple and involves mobile phone SMS technology that includes (1) appointment reminders with the date and time of the TASC appointment and the address and phone number of the TASC office (transmitted by Uptrust on behalf of Coastal Horizons) and (2) a question about whether the client plans to attend the appointment. A client’s answer to this question activates a follow-up response of either a “Thank you” for responding or instructions to contact the TASC office. The system automatically sends reminders to clients both one week and one day before their intake and check-in appointments. ICARE is being deployed in all 53 counties where Coastal Horizons operates a TASC office. The message content is straightforward. To abide by HIPAA’s privacy rule and our Institutional Review Board’s guidance, and given that clients often share their phones with family members, we did not include any information about the purpose of the appointment in the text message body.

**REM.** Hello. You have an appointment with the [location] TASC Office on [DAY], [DATE], at [TIME]. [Fill phone number if virtual] [Fill address and phone number if in-person] Do you plan to attend? Reply Y for Yes and N for No. If you do not want to receive these reminders, reply STOP.

Y > GO TO CONFIRM

N > GO TO CANCEL

STOP > GO TO UNSUBSCRIBE

### WAIT FOR RESPONSE.

**CONFIRM.** Thank you for your response.

### CANCEL.

Please <call the office> as soon as possible to reschedule your appointment. Your appointment is NOT CANCELED until you call to reschedule it.

**UNSUBSCRIBE.** You have successfully been unsubscribed. You will not receive any more messages from this number. Reply START to resubscribe. [STOP ALL TEXT MESSAGES TO THIS NUMBER UNTIL USER RESUBSCRIBES]

**START.** You have successfully been re-subscribed to messages from this number. Reply HELP for help. Reply STOP to unsubscribe. Msg&Data Rates May Apply.

**HELP.** Reply STOP to unsubscribe. Msg&Data Rates May Apply.



## Other Lessons Learned Through Development

During the ICARE project's development stage, we learned several important lessons. The first pertains to the sensitivity of HIPAA-protected data and the difficulties in serving as the intermediary for information exchange between a covered entity and a vendor offering notification services. To meet the HIPAA security rule, we would have been required to transmit data through several secure storage systems, which would not have been practically possible to do each day. After consulting with Uprust, they agreed to enroll people into the study and send us summary information weekly, so we could monitor enrollment on the back end. Because of the sensitivity of the data, RTI and Uprust were required to execute a Business Associate Agreement with Coastal Horizons to access and receive any identifiable information on TASC clients.

A second lesson is that coordinating the direct exchange of information daily between Coastal Horizons and Uprust was a nontrivial effort. Importantly, Uprust had to access information from Coastal Horizons' record management system, Lauris Online, on a daily basis to ensure that it had the most recent appointment and contact information for participants. Because CMs meet with clients regularly, this information is updated in Lauris Online. The planning process for this exchange required months of planning to define Uprust's process of automatically extracting contact and appointment information from Coastal Horizons' case management system, developing mock reports that Uprust would use each day, enrolling people in the study based on eligibility criteria, randomly assigning people to the treatment or control group, and securely transmitting administrative records to RTI weekly. To administer retroactive quality checks on the process, we arranged for Uprust to transmit summary information on ICARE enrollment and number of text messages transmitted to RTI each week. We also conducted a two-week soft launch of ICARE to confirm enrollment procedures were adhered to as instructed. We used this time to identify any inconsistencies in the tool as planned and modified the system accordingly. From start to finish, this process lasted about four months.

A third lesson is that CM and client feedback in the process of refining the text message specification was important to ensure clients' needs were met. Because of CM feedback during the focus group, we decided to forego allowing two-way messaging between CMs and clients. Separately, given social distancing policies, and because some TASC

offices operated by Coastal Horizons did not operate out of an office in the counties where some clients lived, we had to tailor messages so as to not confuse clients who would just be checking in with their CM via phone or engaging in a telehealth appointment.

## Conclusion

The ICARE study is a proof of concept that an automated text message system, providing appointment information, is a feasible approach to improving behavioral health uptake and probation compliance. To this end, we shared some findings from our user-centered formative assessment and lessons learned from working with a HIPAA-covered entity and technology vendor. In our case, the formative assessment allowed us to tailor message content and features to the needs of the end users of the automated messaging system (e.g., people on probation and receiving nonclinical behavioral health care management). We hope this research brief serves as a resource to others who are considering deploying a similar system.

Since development of this brief, we started enrolling people in the ICARE study and conducting telephone interviews with ICARE participants to investigate their satisfaction with the tool and its usefulness for prompting them to attend their appointment. We are actively collecting administrative data from Coastal Horizons on ICARE study participants' TASC appointment attendance and care management completion and will request administrative data on their probation outcomes in the coming months from the North Carolina Department of Adult Correction. The next steps in this study include analysis of differences in outcomes between the ICARE and TASC reminders as usual practices.

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## Author Biographies

Samuel J. A. Scaggs, PhD, is a program manager in the Corrections and Reentry Research Program at RTI International. His research interests include corrections and court systems practice and program evaluation, use of technology in criminal legal systems, crime and victimization over the life course, and the role of community context in affecting reentry outcomes. Dr. Scaggs has published his research in *Perspectives*, *American Journal of Criminal Justice*, and *Journal of*

*Offender Rehabilitation*. He has served as an evaluator and training and technical assistance provider to judicial, prosecutorial, correctional, reentry, and public health practitioners in several jurisdictions across the country.

Pamela K. Lattimore is a Principal Scientist for RTI's Justice Program Area. She has evaluated criminal justice interventions, investigated the causes and correlates of criminal behavior, and developed approaches to improve criminal justice operations for more than 35 years. She is currently the principal investigator for research studying pretrial policy, community supervision risk assessment, probation reform, prisoner reentry, and criminal record expungement. She is a Fellow of the Academy of Experimental Criminology, and a recipient of the ACA Peter P. Lejins Researcher Award, the ASC Division on Corrections and Sentencing Distinguished Scholar Award, and the AEC Joan McCord Award.

Nicole Jasperson, MS, a research public health analyst in the Corrections and Reentry Research Program at RTI International, has specialized knowledge and practical experience in the areas of corrections and reentry policy and practice. Her research interests include barriers to reentry, recidivism, desistance, and leading quantitative and qualitative data collection and analysis tasks. Before joining RTI, Ms. Jasperson served as a research and data analyst for the Colorado Department of Corrections and the Minnesota Sentencing Guidelines Commission.

# VIRTUAL REPORTING:

## Reforming Probation for the Modern Age



*Isabel Perez-Morina, PhD, Advocate Program, Inc., Miami, FL*  
*Jamie Newsome, PhD, REFORM Alliance*



## VIRTUAL REPORTING: REFORMING PROBATION FOR THE MODERN AGE

**C**OVID-19 forced community supervision departments across the nation to quickly modify how they did business (Schwalbe & Koetzle, 2021; Viglione et al., 2020). Suddenly, the need for expanded remote reporting practices exploded, especially the use of virtual platforms (e.g., Zoom, Facetime, Teams, and Google Meet). The resiliency of leaders and staff during this challenging time allowed them to adapt quickly, and it was shown that supervising agencies could still uphold court conditions, and provide meaningful opportunities, support, and resources for people on supervision in a semi-virtual or completely virtual environment. As we gradually enter a post-pandemic world, the issue of continued remote reporting as part of the community supervision toolbox looms large, and important policy decisions need to be made.

This paper identifies key components to successfully implement ongoing remote reporting policies that will continue to move supervision practices into the modern age. A real-life example from Miami-Dade County will illustrate how the pandemic and resulting legislation led to embracing remote reporting as a tool to enhance and modernize supervision strategies. The paper concludes with implications for other jurisdictions looking to establish effective remote reporting within their agencies.

### Understanding Remote Reporting and Its Key Components

Definitions of remote reporting vary. For the sake of this paper, we define remote reporting as an alternative to having an in-person, face-to-face interaction between an officer and a client on supervision. There are a number of different terms used to describe alternative methods to face-to-face contact which include, but are not limited to, administrative reporting, virtual reporting, mail-in reporting, and virtual engagement. These alternatives to in-person reporting are tools that can be implemented and individualized for the identified risk, needs, and responsivity factors presented by people on supervision and the needs/capabilities of the agency.

While the specifics of a remote reporting program may differ based on individual agency, officer, and

client needs, four components are critical to success across jurisdictions:

### Who? Eligibility for Remote Reporting

Agencies must consider who will be eligible to participate in remote reporting. Pre-pandemic, many agencies used remote reporting as a mechanism for individuals on unsupervised, administrative, or low-risk supervision. As we think about expanded uses of remote reporting, higher need individuals on supervision can benefit from intermittent virtual supervision strategies, which can supplement and increase treatment dosage. As agencies contemplate what will work best in their jurisdictions, it should be considered that the more individuals who are eligible to participate in remote reporting, the greater the return on safety, time, officer autonomy, and cost. It is important to remember that eligibility for remote reporting can be fluid, with a person qualifying for it and then, if there is a change in his or her risk or needs, shifting back to more in-person contact to ensure adequate support is provided.

### What and How? Methods of Reporting Remotely

A successful remote reporting practice will work to align the methods of remote reporting with the needs of people on supervision and the capacity of the department in ways that benefit both. Expanded remote reporting practices should seek to create a continuum of different methods that may include telephone reporting, written reporting, video reporting, and other strategies. Organizations must determine what types of reporting can be supported by their agencies, which includes training staff, making sure the needed technology/organizational supports are in place, and ensuring the requisite buy-in from leadership and stakeholders. An equally important consideration requires assessing the availability of remote reporting methods for the clients the agency serves. For example, in a rural area with limited internet access, simple telephonic reporting may be preferable to video or even cellular reporting. The continuum of remote reporting options can also specify what segment of the population should be utilizing certain methods of remote reporting based on their unique factors. No matter what methods an

agency chooses, utilizing remote reporting practices promotes an inclusive way to adapt to the changing needs of staff and the clients that they supervise.

### When? Context for Remote Reporting

Establishing when and in what ways officers can utilize remote reporting is critical for any department-wide policy to be effective. Leadership must work to establish the parameters of the practice and determine how remote reporting will function within the departments. Ideally, the frequency of remote reporting as a tool should increase over time as officers assess and build effective working relationships with people on their caseloads (Sturm et al., 2021). This may be especially true for people on medium to higher-risk caseloads, who often begin supervision with more frequent reporting requirements that can stifle their success. Pursuing prosocial activities such as work or school, two known need areas to target to reduce recidivism (Bonta & Andrews, 2017), can be difficult to initiate and maintain while also meeting in-person reporting requirements. Remote reporting offers a solution that meets the needs of individuals on supervision, employers or other community stakeholders who may be relying on individuals on supervision to fill various needs, and supervising officers.

Remote reporting can be a tool that officers use to reinforce behavioral incentives for individuals working toward developing pro-social skills, values, and beliefs. It puts decision-making power in the hands of officers who know the case best and gives them the autonomy to address the needs of the individual on supervision and support their continued success. Additionally, remote reporting can be a great tool to be responsive and flexible to barriers that arise for people on supervision. For example, recent research suggests that the use of remote reporting provided a way to meet with supervision officers for individuals on probation who would otherwise have difficulty making in-person meetings due to a lack of transportation or childcare needs (Vuolo et al., 2023).

### How Well? Remote Reporting Program Evaluation and Maintenance

When expanding or implementing remote reporting or any new initiative, it is imperative to clearly define what officer behaviors and actions need to occur for it to go as intended. These clear expectations

act as the foundation for staff training and ongoing assessment and allow coaches and trainers to measure improvement from officers utilizing the new initiative. Once a program has begun in earnest, the above components determine how to evaluate what is going well and what needs improvement. Qualitative and quantitative data bolster the assessment of how remote reporting impacts the person on supervision, the benefits to the officer, and how it helps meet the agency's mission. An example of collecting this information could include surveying people on supervision before and after implementing expanded remote reporting to see if people see the supervision office as more or less responsive to their needs. Creating an environment for ongoing feedback and improvement lends itself to increased fidelity, accountability, and development for staff in addition to increasing the opportunity for clients to have a good experience on supervision.

### Case Study: Florida SB 752 and Miami-Dade Misdemeanor Probation

On July 1, 2022, Florida Senate Bill 752 (SB752) went into effect, which codified the use of remote reporting supervision strategies by requiring state and local community supervision departments to develop and implement written remote reporting policies. Prior to SB752, Florida Statute 948.013 defined limited options for alternatives to face-to-face reporting. Statute 948.013 defined administrative probation as “a form of no contact, nonreporting supervision in which an offender who presents a low risk of harm to the community may, upon satisfactory completion of half the term of probation, be transferred by the Department of Corrections to this type of reduced level of supervision” (FL s.948.013., 2018). This definition specifies who is eligible for administrative reporting at the time of sentencing, as indicated by the court in the sentencing order, while also affording the Florida Department of Corrections (FDC) the discretion to reduce down to this level of supervision if appropriate based on one's risk and needs levels and public safety using the XX risk assessment as a guide.

In the pre-pandemic years, Florida, like many other states, restricted remote reporting to administrative probation. For example, pre-pandemic, many jurisdictions allowed administrative reporting only for individuals identified as low risk. These administrative

reporting methods and specifics may have differed across jurisdictions, but the focus was generally on a subset of the supervised population. The pandemic forced organizations to rethink their use of virtual tools and expand the use of technology to supervise a wide variety of caseloads on community supervision rather than just a small, less demanding subset (Viglione et al., 2020). SB752 allows organizations to take what they have learned from shifting practices during the pandemic and standardize them in local policy and procedure.

To better understand the impact of SB 752 on remote reporting, we examined virtual reporting through Advocate Program in Miami-Dade. Advocate Program is a private, nonprofit organization that uses a community-based approach to supervision. In Miami-Dade, misdemeanor probation is contracted to the Advocate Program and misdemeanor probation officers are private employees of this nonprofit. As such, the probation population described in the case study presented here is primarily limited to people convicted of misdemeanor offenses, although the program also supervises clients convicted of domestic violence incidents and those participating in felony diversion programming. The use of remote reporting by the Advocate Program provides an instructive case study, but it is important to note that this particular program is just one example of how remote reporting can be used as a responsive and innovative tool. Any organization looking to create systemic change must do an evaluation on the who/what/how/when to create a framework that would succeed within their specific jurisdiction.

### Program Design

Advocate Program, like many other community corrections organizations, trained probation officers on how to facilitate reporting through Zoom during the pandemic. As part of the organization's continuous quality improvement, an analysis was done to determine how Zoom was being used. This utilization review noted that despite the training on reporting through Zoom, some officers continued to direct their clients to the office. Additionally, even for those officers who utilized remote reporting through Zoom, turnover among officers created issues with future virtual appointments that had been previously scheduled. To increase and enhance effective use of remote reporting, Advocate Program created a

“virtual office,” open to all justice-involved clients as a standing and systemic measure of reporting within the organization.

The “virtual office” was simply a dedicated Zoom room, created through a licensed Zoom account, that replicated the function of the physical office and included a similar flow for clients who were reporting. This room had a waiting area, check-in lobby, and breakout rooms where clients were able to have private, live, face-to-face interactions with a probation officer. To achieve effective, complete, and safe use of the remote reporting option, Advocate Program engaged in a planning and preparation phase focused on answering the essential questions outlined above: who; what/how; and when. Advocate Program dedicated approximately one month to planning. The planning period included (1) identifying a project lead and key personnel for the initiative; (2) identifying who would be eligible for remote reporting; (3) identifying what would be required for the virtual platform, including licensing, costs, and number of accounts needed; (4) identifying when remote reporting would be permissible, including hours of operations and staffing needs for the virtual office; (5) developing client rules for remote reporting; (6) developing procedures to accommodate clients with disabilities; and (7) developing a process to maintain client confidentiality. Advocate Program's remote reporting team included program supervisors, as well as team members dedicated to social media, website, and information technology. The team obtained a licensed Zoom account and created the virtual waiting room, client check-in procedures, and data collection methods. Finally, Advocate Program designated one specific day per week to implement virtual reporting.

After the planning phase concluded, Advocate Program advanced a soft release to test the platform and update procedures. The testing phase consisted of approximately two full-day testing sessions over the course of one month to identify and address issues and challenges prior to the full release of the virtual reporting platform. The soft release consisted of a small number of selected clients scheduling and participating in Zoom reporting sessions. Staff involved in the planning sessions facilitated the virtual office to get first-hand information on potential gaps and barriers. The main takeaway from this phase was identifying the number of staff that would be needed to operate the virtual office. This included

virtual “front desk” staff that would be responsible for client check-in and assigning clients to breakout sessions with their probation officer or the officer on duty. Finally, during this phase, Advocate Program planned for dissemination of information to clients for proper access to virtual reporting and updates to the agency’s website to reflect the remote reporting policies and practices.

After the initial testing sessions, the program finalized the procedure for reporting and created a dedicated webpage to facilitate client entry to the virtual office. Crucially and distinctively, all clients were deemed eligible to participate, but some clients were required to report in person in addition to the reporting remotely. For example, some clients needed to come on site to submit to a urinalysis and others were required to report more than once a week, a requirement which couldn’t be accommodated by Advocate Program’s single weekly virtual office day.

During the launch of the virtual office day program, in-person offices remained open, and no disruption to the physical office schedule occurred. The organization’s website has a dedicated page where information on the virtual office can be found, and the meeting link can be accessed. This page contains the general rules clients must follow, virtual reporting hours of operation, and the designated meeting/Zoom link. Existing clients were provided with this information by their probation officers. Given the challenges with coordinating staff for court appointment and physical office rotations, a rotation schedule was developed. In general, clients reported to the probation officer working in the virtual office. However, in cases where there was a need for the client to see their dedicated officer, that client could be placed in another breakout room and that officer could be messaged instantly to join and complete the report. This is similar to how this agency handled in-office reporting.

Importantly, to answer the final question of how well the remote reporting processes were working, Advocate Program created a process to ensure continuous communication between program staff and clients. The program actively sought out client and employee testimonials to review the impact of the virtual reporting office.

## Methods for Data Collection

As part of the procedure for virtual reporting, the following client data is captured:

- Client name and case number
- Client call back information and email
- Type of program
- Time of check-in
- Reporting officer

To obtain client testimonials, an open call was sent by email in English and Spanish to all probation clients who had participated in the initial remote reporting implementation phase. This was an open-ended email that invited clients to submit a description of their experience, of which five respondents submitted feedback commentary.<sup>1</sup> As part of the testimonials, staff were also invited to provide an open-ended testimonial on their experiences with the new virtual reporting process. This was not an anonymous survey, but rather a method to get feedback from staff as part of the initial development of the project. Plans to create a continuous, automated, and uniform method of client feedback are still in the works.

## Results

The virtual reporting office has been open one day a week since September 2022. On average, the program facilitates between 50-60 reports each day. For comparison, across the two physical offices, Advocate Program typically has between 20-40 reports during a normal business day. As noted above, feedback was solicited from both clients and employees. The following are excerpts from testimonials received:

### Client Testimonials

There were no negative testimonials received, and notably, the responses were not anonymous. A few of the responding clients did, however, offer constructive recommendations for improving the use of virtual reporting. The following is a sample of testimonials received:

1. “The virtual report greatly benefited me. Thank you, I was able to clear up several issues surrounding my case and the individuals that served me were very kind. Thank you very much.”
2. “This is my first encounter with the system and I believe it is absolutely fantastic. The communication and connection were flawless. Did it from my mobile phone. Can’t imagine a better way.”



3. “I feel the program has many benefits versus having to report in person. In this day and age, it is probably even safer to check in through the format you guys have created. My only issue is I would like to get notified with more anticipation to be able to schedule accordingly.”
4. “I believe this is a great way to be able to report and have a flexible balance between work, family and getting my life back on track. I believe the way it is being done right now, meets the criteria. The only thing is adding a text for reminders besides email so people don't miss their session due to their busy life. Thanks for letting me leave constructive feedback.”
5. “Much, much better. Saved me an Uber roundtrip of one hour each way and \$125.”

### Employee Testimonials

1. “I love being able to offer this option to clients. We have made it so simple for clients to be able to connect virtually with their case manager, even people like me who struggle with technology are able to navigate the virtual report. Personally, technology doesn't come easy for me and I was apprehensive about learning something else. But from the staff side, this has been easy. We no longer are hearing excuses like I couldn't get a ride or public transportation is too much etc.”
2. “I believe the reports are going very well. It's not only beneficial to the clients, but to us as well. The only issues I see are on the client's end, not ours which we can't control. Such as their video, audio, and driving at times. No complaints!”

The client and employee testimonials reveal common themes relating to the benefits to agency-wide virtual reporting, including:

- **Increased access to case information:** Often clients have difficulty reaching officers by phone and getting the needed information via email. A consistent virtual lobby allows the client to log on and have a one-on-one conversation with an officer. Simple questions that take 10-15 minutes to settle are resolved without forcing the client to miss work or travel.
- **Ease of use:** Clients can access the virtual office through any device, including their phone. Clients do not have to be experts in technology. Additionally, clients who call the office by phone can be transferred into the virtual lobby and meet with an officer by phone.

- **Balancing demands:** As a field, we want individuals under supervision to be employed and engage in prosocial activities. Stable employment and healthy family relationships can improve outcomes and reduce criminogenic risks. Most probation offices are not open evening and weekends, forcing clients to miss work, arrange for childcare, etc. A virtual office reduces these barriers and does not disrupt the client's commitments in other equally important areas. It can also communicate that the field is responsive to their needs and invested in their success.
- **Saving time and money:** Individuals on supervision often have high financial demands to succeed. As a private agency with no public funding, Advocate Program is sustained on the cost of supervision. While much controversy exists around this topic, finding ways to reduce the financial impact on probationers is a priority for all. In addition to reducing the impact on employment, a virtual lobby can eliminate or reduce the cost of transportation and gas, which can be significant. This allows probationers to use their time and money on other necessary areas and interventions that can make a positive impact in their life, such as treatment.
- **Benefits to Employees:** Having an agency virtual reporting process that does not burden the individual probation officer can be a benefit. Some officers may be savvy and able to schedule appointments and send calendar reminders to their clients. Others may not have the capacity and feel overburdened. Creating an agency virtual space can be an additional tool and can provide a solution independent on officer ability and preference. Additionally, officers are always looking for ways to help. The feedback they receive from clients can be very rewarding.

### Discussion

Remote/virtual reporting helps advance supervision into the modern age, optimizing use of available technologies and offering a myriad of benefits for people on supervision, officers, and community supervision agencies. Most importantly, emerging research suggests it offers a means of promoting responsivity by removing many barriers to success (Vuolo et al., 2023). Community supervision offices should be a place where people can feel safe when they visit, learn, and are supported and encouraged to reach their desired goals. Being responsive to the needs of people on supervision helps officers build an effective working relationship without compromising

the prosocial aspects of the clients' lives that may aid in desistance, such as meeting family obligations or fully engaging in the workforce. Another benefit is that several methods of remote reporting are adaptive and can ensure accommodation to clients with disabilities. Moreover, the reporting requirements of high-need individuals can be easily addressed, as virtual reporting can be used intermittently.

For officers, remote reporting allows for more flexibility and intentionality with their time, so they can focus on clients with higher risk and need levels. Community supervision agencies as a whole benefit from implementing systemic forms of remote reporting because it lowers agency costs, increases safety for staff, increases flexibility of staff's time and increases positive impact. Notably, for smaller probation offices or those serving rural areas, systemic forms of remote reporting can increase the likelihood of success and improve client attitudes towards supervision by recognizing barriers that may be beyond the client's control and offering sensible solutions.

While more studies need to be done, preliminary findings suggest that increasing access and participation in remote reporting could yield better results and outcomes for clients, staff, and organizations. Remote reporting should not be limited to a subset of people on supervision but should instead be seen as a supervision tool that can be used to incentivize/reinforce behavior, address unforeseen circumstances such as an illness, or provide flexibility when resources prove limited.

### Challenges and Lessons Learned

As mentioned by an employee testimonial, all virtual services are subject to the client's connection, attention, and behavior. Much like organizations review their office safety practices and rules, time should be spent considering how to deal with potentially unsafe or disruptive behavior. How to handle clients who are driving or others who may appear impaired must be considered. Additionally, ensuring the platform has a closed-caption option for the hearing impaired and breakout sessions where clients can have private conversations with their supervising officers are also critical.

Common technological issues can also create challenges. This includes loss of power, poor connection, or clients who may not connect to audio. While these challenges are real, it is clear that most criminal justice systems are increasing their use of technology. In many jurisdictions, hearings are done via Zoom. Therefore, these challenges

are likely ones that will remain and plans should be developed to mitigate the potential issues that arise. For example, the organization has implemented redundant systems so that if one internet provider loses connection, another system turns on to avoid loss of connection. As a response to client-related issues, working tutorials into client intakes and the orientation process can help prevent difficulties. Often staff do a practice session with clients so that they can become comfortable with the platform if virtual reporting is a method they would like to use.

Another challenge is managing a hybrid environment where clients can report in person or virtually. Essentially, this process creates another office that has to be staffed and resourced. While staff have not demonstrated resistance, a recent analysis shows that both office foot traffic and virtual reporting participation have increased. Agencies are encouraged to set up processes for continuous quality improvement that evaluate staff time, morale, and resources. Ensuring proper resource management is essential. Should the need to expand the hours of the virtual office increase, changes to the in-person office schedule may be considered.

Finally, planning should include preparations to handle situations where there is a loss of connection or an emergency. When incidents occur in the office, or when clients present in crisis, most agencies have response protocols in place. When clients report virtually, similar incidents can take place. Clients may be in crisis, be victims of an assault, or be observed engaging in criminal behavior. Protocols to respond to these critical incidents that arise during virtual contacts should be developed, and staff training on such protocols should be conducted prior to implementing virtual reporting. Examples of strategies include obtaining the client's exact location, call back information, and emergency contact at the time of check in during the virtual report.

### Considerations and Limitations

Agencies should consider their client population and create responsive policies based on the clientele served and other program requirements and regulations. As indicated above, the Advocate Program is a private nonprofit that supervises misdemeanor probationers and clients on diversion. For such individuals there are no requirements for home or field visits. As a result of the client population, the virtual reporting platform is open to all clients. Nonetheless, even in this group some clients are required to report in person in lieu of or in addition to a virtual report. Agencies who supervise a higher risk

population may have other considerations in designing their remote reporting policies.

It should also be noted that research does not yet exist indicating whether virtual reporting as a practice improves client success and/or outcomes. What research is available, however, does point to some evidence that virtual reporting is a valuable tool that can increase opportunities for meaningful contact between supervising officers and individuals on community supervision with benefits beyond minimizing the spread of COVID-19 (Powell et al., 2022; Schwalbe & Koetzle, 2021; Sturm et al., 2021; Viglione et al., 2020).

### Conclusion

Overall, the practice of establishing a virtual office has several benefits and merits consideration. Despite the short time that the Advocate Program's virtual office has been utilized, considerable positive feedback has been received from both clients and staff. The field of community corrections has an opportunity to capitalize on what was learned during the pandemic and integrate these new tools into their system practices. This will allow the field to be responsive to its clients and improve overall success.

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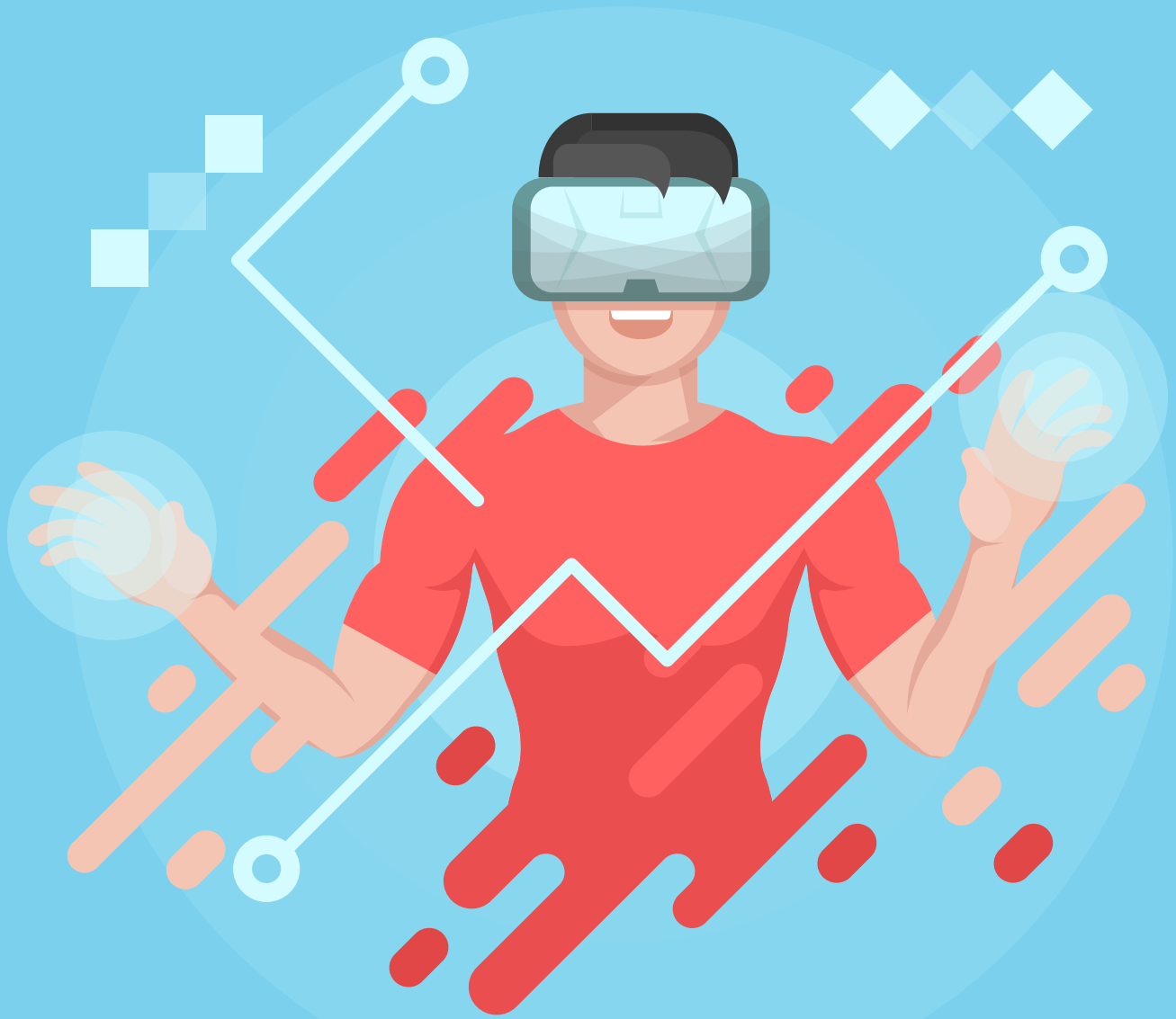
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# SIMULATIONS FOR COMMUNITY SUPERVISION:

From Virtual Reality to  
Serious Games



*Charise Hastings*



## SIMULATIONS FOR COMMUNITY SUPERVISION: FROM VIRTUAL REALITY TO SERIOUS GAMES

For decades simulations have served as effective tools for education and training. Simulations provide safe, controlled environments for learning skills that would otherwise be difficult to acquire or practice. They have been used in fields as diverse as aviation, medicine, psychology, construction, and the military. Despite its long history in other areas, the use of simulations in criminal justice has developed only recently.

In 2012 the Supreme Court ruled that life sentences for juveniles are unconstitutional, and in 2016 that ruling was made retroactive. Correctional agencies were suddenly faced with a major challenge: to prepare people, many of whom were never expected to be released, to reenter a world vastly changed from the one they had left 20-30 years ago. Several agencies turned to virtual reality simulations to meet this challenge (Cuervo, 2022).

Since then, correctional agencies have further explored how simulations can help with reentry, vocational training, and treatment programs, with pilot programs occurring in Ohio, Pennsylvania, Colorado, and Michigan (Russo, 2021). Although research on best practices is still growing, studies show that virtual reality can be particularly effective at treating a variety of psychological disorders and reducing recidivism through cognitive behavioral therapy (Ticknor, 2019).

### What Exactly Are Simulations and Virtual Reality?

The broadest definition of a simulation is a two- or three-dimensional environment with interactive elements that emulates and, to some degree, replaces a physical environment. The power of a simulation lies in its ability to make people feel “present” in the virtual world and thus respond to the virtual stimuli as though they are real.

Virtual reality is a subcategory of simulations. It refers to a computer-generated environment and often uses specialized hardware to make individuals feel more immersed in their environment. In this context, hardware often refers to headgear and hand controllers, but it may also refer to laptops, tablets, smartphones, or fully enclosed spaces.

Different kinds of computer-based simulations are defined by their hardware and software. The hardware determines the degree to which the physical world is excluded from a participant’s senses so that the virtual world is more fully experienced. This phenomenon is called immersion and can range from non-immersive to semi-immersive to fully immersive, as Figure 1 shows.

The software determines the amount and kind of interactivity between the computer and the participant. With minimal interactivity, a person may only have the ability to look around the virtual environment by clicking keyboard arrows or turning their head while wearing a headset. In scenarios with greater interactivity, the participant can activate objects and initiate actions, such as constructing machinery or completing specific tasks to progress through levels. When biofeedback devices are introduced to measure a person’s



Figure 1



Figure 2

heart rate and other physiological responses, there can be even greater levels of interaction. Figure 2 depicts this continuum.

Some software programs add game-like features to increase a person’s motivation and interest in a simulation. Such features include following a storyline, completing quests or tasks, winning achievements, and progressing through increasing levels of difficulty. A simulation with gamified features whose primary purpose is to educate is called a serious game.

An example of a serious game is Project: EVO by Akili Interactive (Figure 3). This game is designed to help

people with ADHD or depression train their brains to focus better and ignore distracting information. Players steer a spaceship over glowing targets in an icy river while catching red fish and ignoring other fish. The game is adaptive, adjusting the speed of gameplay to push players to keep improving. Studies have demonstrated a positive impact on adults with depression (Areán et al., 2016). Project: EVO is the first serious game to receive FDA approval as a prescription-based treatment for children with ADHD.



Figure 3

### Therapeutic Treatment

Those who suffer from conditions such as post-traumatic stress, addiction, depression, paranoia, and anger can benefit from programs that incorporate simulations. A number of virtual reality scenarios have been developed for justice-involved citizens to address anger management, aggression, and intimate partner violence.

One example is Virtual Reality Aggression Prevention Therapy (VRAPT), a simulation developed by CleVR BV, in which participants role-play with their therapist, who can play a number of avatars in various settings (Figure 4) (CleVR, 2022). The therapist controls the avatar's movements and dialogue while participants practice de-escalation and self-regulation techniques. Participants' heart rate and skin perspiration levels are recorded to track arousal and to measure progress. After this treatment, participants demonstrated reduced levels of hostility and non-planning impulsiveness as well as improved levels of anger control (Klein Tuentje et al., 2020).

To reduce intimate partner violence, simulations have placed participants in the role of the victim or a bystander in a virtual scenario. This role-reversal increases feelings

of empathy for the victim: study results showed that participants demonstrated better recognition of fear or anger in others, a key component to reducing one's own aggressive tendencies (Seinfeld et al., 2018). An additional advantage of these simulations is that better results can be achieved in a shorter amount of time, in part by customizing the simulation towards the participants' greatest criminogenic needs (Barnes et al., 2022).

### Reentry

Returning citizens who have been incarcerated for a long time may have to learn everyday tasks. Colorado, for instance, has implemented a mandatory three-year reentry program that includes virtual reality scenarios designed for former life-sentence juveniles who are now eligible for release. These scenarios include using an ATM machine, doing laundry, and using self-checkout at a grocery store (Vice News, 2017).

The Pennsylvania Department of Corrections uses virtual reality as part of its InsideOut Dads and Parenting Inside Out programs. Developed by WRAP Technologies, these scenarios teach healthy parenting and communication skills, such as conflict resolution, in addition to accomplishing everyday tasks (Figure 5). Participants also have the ability to visit virtually with their children, who go to a designated community provider nearby to participate instead of traveling to the prison. Parents and children can bond in a variety of virtual settings, including coloring on a 360-degree canvas (Edinger, 2022).



Figure 4

Simulations can also teach more complex skills including job interviewing, planning for the future, and managing time and money. Many returning citizens have little experience with job interviews, and simulations provide a safe, low-risk





Figure 5

environment where they can practice answering difficult questions, increase confidence, and reduce anxiety.

Because steady employment is so important to successful reentry, several correctional agencies have partnered with technology companies to produce virtual job interview scenarios. Even though the simulations all have similar goals, their method of delivery is different. Two of the simulations which have been developed are non-immersive (the participant selects pre-scripted answers for a fully automated interviewer) and one is a semi-immersive experience where the participant speaks spontaneously to an interviewer avatar played by an instructor.

The Virtual Reality Job Interview Training (VR-JIT) is an example of a non-immersive, automated simulation for a laptop computer (Figure 6). It was developed by SIMmersion in collaboration with the University of Michigan Level Up Lab (2020). Participants begin by submitting a job application for a job for the fictional company Wondersmart, and the interview is customized according to their application (e.g., if participants admit they have a criminal conviction, they will be asked about it during the interview).

During the interview, participants select from a dozen or more answers listed on the computer screen (Adult Learners, 2020). Following each answer, a coach (circled in orange in Figure 6) provides non-verbal feedback including applauding or thumbs-up for good answers, and grimacing or thumbs-down for poor answers. The program draws from a bank of over 1,000 questions to tailor each interview.

Other feedback includes a numerical score for each learning goal and a detailed performance review. This simulation has been implemented in several reentry Vocational Villages in Michigan, and a randomized controlled trial found significant improvements in interview skills, interview training



Figure 6

motivation, and reduction of interview anxiety. Moreover, participants had increased rates of employment six months after release than the control group (Smith et al., 2022).

By contrast, the Virtual Interactive Training Agent (VITA) is an example of a more “natural” interview experience in which participants formulate and speak aloud their own answers, instead of selecting from a pre-determined list (Figure 7). This simulation was created by the University of Southern California Institute for Creative Technologies in partnership with the Dan Marino Foundation (Dan Marino Foundation, n.d.).

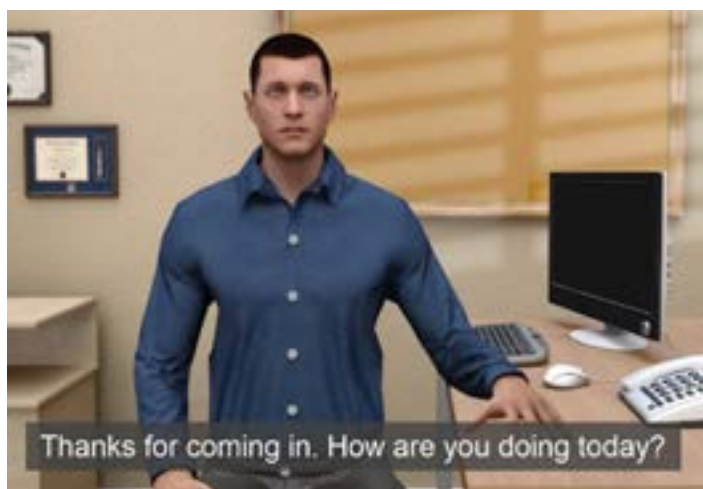


Figure 7

Participants can interact with the interviewer in a semi-immersive or non-immersive environment using a virtual reality headset, augmented reality goggles, or a computer monitor. The interviewer's disposition can be set to friendly, neutral, or hostile; there is also a choice of six interviewer avatars and seven background settings (Stuart, 2019). In “coach” mode, the interviewer's dialogue is controlled by an

instructor. In “solo” mode, the participant can practice alone, answering a standard set of questions and recording the interview for the instructor to review later. This simulation is being used in juvenile facilities across Florida.

A third job interview simulation focuses not only on good interview answers, but also on appropriate interview behaviors. Reentry: Next Step was developed by Simcoach Games in partnership with Marquis Software, for use on a tablet or smartphone (Figure 8).



Figure 8

Participants control an avatar who continually lapses into behaviors such as slouching, looking down, getting distracted, frowning, and fidgeting. These behaviors can be corrected by tapping the corresponding orange button on the right side of the screen. At the same time, participants select answers to the interview questions. There is a practice round where participants receive immediate feedback on their answers from the automated interviewer and a “real” interview round where feedback is only provided after the interview.

Participants are scored on how quickly they correct the problematic behaviors and on the answers they chose. If their score is high enough, their avatar is “hired.” The gamified features of having two levels and the achievement of winning the job motivates players to learn from their mistakes and play again until their character is hired. The simulation is designed to be self-explanatory, so no staff are needed to train participants or be involved during the simulation. Reentry: Next Step is being piloted by the Kentucky Department of Corrections on inmate tablets in facilities. Following the pilot, the simulation may be made available to individuals on supervision as a smartphone app.

Most simulations geared towards reentry target specific situations or scenarios. One novel simulation uses a gamified approach where participants play one week in the life of a parolee in the fictional town of Woolly Worm.

Reentry: Next Step is a serious game designed by Simcoach Games and Marquis Software for tablets and smartphones (Figure 9). Players learn life skills such as time and money management, balancing work and life responsibilities, caring for their physical and mental health, and meeting conditions of supervision such as paying fees and attending treatment (Lucke, 2022).



Figure 9

The game is an “open world” where players can explore any part of the map at any time. To succeed, they have to learn to manage their time and tasks and to make prosocial choices. They have an in-game smartphone with a calendar and to-do lists to help them stay organized. At the end of the week, players visit their parole officer who provides detailed feedback on their performance. This feedback is automated and allows players to learn from their previous decisions, so they can improve each time they play. This simulation, like Reentry: Next Step, is also being piloted by the Kentucky Department of Corrections.

## Considerations

Simulation technology is continuing to advance at a rapid pace, providing ever-evolving opportunities for application. At the same time, we still have a great deal to learn about which simulations are the most effective for justice-involved individuals. We know that simulations can be highly engaging, but this does not always translate to more effective outcomes compared to traditional methods. It would also be a mistake to assume that better technology (i.e., more immersive experiences) automatically leads to better learning (Howard & Gutworth, 2020).

Many more pilot programs and evaluative studies are needed before we can confidently identify “what works” for implementation and scaling in correctional settings (Russo et al., 2022). With what we know so far, here are some important considerations for introducing simulations into community corrections.



## TECHNOLOGY ADVANCES

**Hardware Costs and Maintenance:** The price of semi-immersive virtual reality equipment has plummeted in the last decade, but purchasing large numbers of devices can still be a significant expense for a department. Some setups require a computer with high-end processing capabilities. Maintenance costs are also important to bear in mind; if the equipment will be used by many different people, the likelihood of damage increases (Cornet & Van Gelder, 2020).

**Staff Resources:** Some simulations require significant staff involvement, particularly those that are part of therapeutic treatment. Staff may be needed to: train participants how to use the devices, role-play during the simulation, provide detailed feedback, and monitor participants for adverse reactions such as eyestrain or cybersickness (a condition similar to motion sickness that may include feelings of nausea, dizziness, and headaches). Such adverse responses are most common in semi-immersive environments.

**Accessibility:** The need for specialized hardware or staff involvement will limit participants' access to some simulations. Few individuals will own their own virtual reality equipment, so they would need to travel to specific locations to use it. If staff have to be involved, the need to schedule appointments will further limit accessibility.

It is worth noting that many of the simulations discussed above have been implemented only in correctional facilities, even though their content is completely relevant to individuals on supervision. There are many reasons for this, but one significant factor is the hurdle of accessibility, which is much higher for those in community corrections compared to those in facilities.

### Simulations for Community Corrections

Given the above considerations, certain kinds of simulations may be a better fit for community corrections agencies. Simulations that require no specialized hardware, are inherently engaging, and have minimal staff involvement will be more affordable and accessible.

**Available Hardware:** About 85% of Americans today own smartphones; in low-income and rural areas, the number is still 75-80% (Pew Research Center, 2021). Smartphones are therefore a common and convenient vehicle by which to provide simulations, and would solve several of the challenges presented above: there is no additional cost to the department for hardware or maintenance; staff are not needed to monitor participants for adverse effects; training is minimized because participants are already familiar with

the device; and participants can access the simulation without having to travel to a specific location.

**Gamification:** Adding gamified features can exponentially increase participants' motivation to practice the learning goals of a simulation. Numerous studies have demonstrated that, compared to non-gamified modes of learning, serious games produce higher levels of retention and procedural knowledge (Riopel et al., 2019). Participants also voluntarily engage with serious games and play them for longer periods of time, reinforcing their learning and increasing confidence in their abilities (Dankbaar et al., 2017). If individuals are using a simulation on their own without direct staff involvement, then making the simulation as appealing as possible will be an important component.

**Automation:** Simulations are more accessible and affordable when there is less need for staff to be involved. As already mentioned, the choice of smartphones for the hardware reduces the need for staff to train and monitor participants. The other areas of staff involvement—role-playing and feedback—can be addressed through automation. Many simulations already provide automated feedback, as we saw with the VR-JIT job interview simulation and the Reentry: Next Step and Reentry: Fresh Start simulations.

Simulations can also be automated to replace role-playing with adaptive programming. This means the simulation can adapt immediately to the participant's input by changing the scenario. We saw an example again with the VR-JIT job interview, where the computer selects from a pool of 1,000 questions based on the answer chosen.

Even with simulations which are usually staff intensive, such as therapeutic treatments, participants may be able to practice some aspects of the therapy with adaptive programming. An example could be an exposure therapy simulation which helps patients overcome fears by exposing them to objects of their fear in controlled amounts. The simulation could track the participant's heart rate and then adapt to show images that are more frightening, or more soothing, based on those physiological measurements (Lindner, 2020).

All computer-based simulations have the ability to record a participant's usage and progress. This feature can be particularly beneficial when a simulation is fully automated. The simulation can submit reports to staff, who can thereby see objective measures of how a participant is engaging with the simulation, rather than having to rely on the participant's self-reporting.

### Conclusion

Simulations can enhance education, training, and therapy. As a starting point, community corrections agencies may want to explore simulations for smartphones that are fully automated and gamified. These can be implemented and scaled at a fraction of the cost of immersive, customized virtual reality scenarios that require specialized equipment and dedicated staff.

The use of simulations in criminal justice settings is still new and will benefit from additional pilot programs and research to determine best practices. Future studies could explore what content is most appropriate for justice-involved populations; what learning and therapeutic approaches produce the best long-term results; and the most cost-effective methods to develop and deliver the simulations.

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# **FINANCIAL OBLIGATIONS, DIVERSIONARY PROGRAMS, AND COMMUNITY SUPERVISION:**

Critical Issues and Innovative Strategies



*C. Clare Strange, Ph.D., Drexel University*  
*Jordan Hyatt, J.D., Ph.D., Drexel University*  
*Nathan Link, Ph.D., Rutgers University, Camden*  
*Kathleen Powell, Ph.D., Drexel University*

## FINANCIAL OBLIGATIONS, DIVERSIONARY PROGRAMS, AND COMMUNITY SUPERVISION: CRITICAL ISSUES AND INNOVATIVE STRATEGIES

**L**egal financial obligations (LFOs), including court- and community supervision-related costs, fines, fees, and restitution, have received much recent attention for their potential impacts on justice-involved people, their families, and the communities they come from. In limited contexts LFOs have been associated with recidivism and extended justice involvement (Bannon et al., 2010; Cohen, 1995; Piquero & Jennings, 2017) as well as increased stress and issues with mental health and family relationships (Harris, 2016; Ruhland, 2021; Travis, 2005). Unpaid LFO debt has also been associated with reduced access to housing, credit, driver's licenses, and bank or educational loans (Bannon et al., 2010; Martin et al., 2018; Pager et al., 2022). These outcomes have important potential implications for the long-term economic stability of individuals and their families.

Scholars note, however, that many questions about LFOs remain (see Link et al., 2020; Ruhland & Link, 2020). The full range and extent of LFOs that individuals may be assessed when processed through the system, and how they may be differentially applied within and between jurisdictions, is unclear. Because of these gaps in knowledge, it is difficult to draw broad conclusions about their positive or negative impacts. One specific type of monetary obligation that has been insufficiently explored is the fees associated with front-end court programs that result in diversion to community supervision as an alternative to more punitive punishments.

Fees are a subset of LFOs that generally (but not exclusively) include charges that are imposed to reimburse courts or programs for mandated activities or services such as substance use assessments and treatment (Gleicher & Delong, 2018). What is the impact of diversion-related fees on individual and community outcomes? Again, research has been too limited to provide an answer, and this is a critical shortcoming in the literature, as such fees can uniquely influence an individual's progression through the criminal legal system. They not only add to the total financial cost of case processing but in practice may effectively shut the gate to successful participation in diversion programs for some individuals, especially since additional LFOs may be incurred by way of the costs associated with monthly supervision fees and mandatory substance use assessments and treatment. These combined barriers may prevent diversion program and/or community supervision completion, and, ultimately, record expungement. If diversion entry and completion hinge on fee payment, those unable to meet diversion requirements for financial reasons may face an increasingly

punitive criminal legal process, prolonged justice system involvement, and more collateral consequences. These adverse consequences are antithetical to the philosophical premise of diversion. Clearly, relevant research on the prevalence and true impacts of front-end diversion program fees is needed, and here we use prior research and preliminary data from Philadelphia's version of a statewide diversion program, Accelerated Rehabilitative Disposition (ARD), to support our call for a more rigorous research and policy agenda.

### Background

#### Community Supervision and LFOs

Diversion program participants are simultaneously under community supervision and expected to actively repay their LFOs to remain in compliance and eventually complete the program. This creates a complex landscape for repayment and also one in which non-payment could lead to both civil consequences (e.g., debt collection) as well as criminal consequences (e.g., revocation) (Gordon & Glaser, 1991; Pager et al., 2022).

The potential impacts of LFOs on community supervision outcomes has typically been studied in the "post-sentencing" diversion context in which an individual's sentence (including its maximum) is defined (see Table 1 in Iratzogui & Metcalfe, 2017). However, in many cases, such as in Philadelphia, the diversion program population is largely pretrial. While these cases are treated similarly from a supervision standpoint, the potential consequences of nonpayment for pretrial diversion participants are unique. Whereas nonpayment within a post-sentencing community supervision context may result in a revocation (for which the resulting sentence is capped at its predetermined maximum), the consequence of revocation for a pretrial diversion participant is sentencing for the first-time—potentially to the statutory maximum—and loss of the opportunity for expungement and all its collateral benefits. Given these key differences it is fundamental that we understand the policy structures within front-end diversionary programs and how program participants are impacted by LFOs. This information will further our limited understanding of access to justice, particularly among those living in poverty.

#### Front-end Diversionary Programs

Front-end diversionary programs redirect "low-level" defendants from punitive sanctions like incarceration to more rehabilitative, community-based ones. They

are a vehicle for tailoring interventions to defendants' criminogenic needs and thereby reserve prosecutorial, judicial, and correctional resources for more serious cases. Research shows that such programs are becoming a more central element within efforts to reduce the size of the prison population and may reduce recidivism among program completers (Chisholm & Altenburg, 2017; Loong et al., 2019; Lowder et al., 2018; Pfaff, 2017). However, some studies show that diversionary programs can tether individuals to the justice system and increase disparities in outcomes by necessitating prolonged programmatic commitments and increased financial obligations (Adamson, 2020; Epperson et al., 2022; Shannon et al., 2020; see also Pager et al., 2022).

District Attorney Offices (DAOs) commonly serve as gatekeepers to front-end diversionary opportunities by reviewing and approving cases for initial referral and advising judges as to the conditions, or requirements, for participation (Johnson et al., 2020; Wright & Levine, 2021). In some cases, the DAO may be the sole, discretionary gatekeeper for admission—and for this reason they are often referred to as “prosecutor-led diversion programs” (Epperson et al., 2022). In this model, eligible defendants, typically those with non-violent offenses and limited criminal histories can accept a referral, but in doing so may be required to plead guilty or no contest to the current charges, with the prospect of dismissal or expungement upon completion.

The conditions associated with participating in diversionary programs vary by court, case, and defendant. They commonly include time under community supervision (and, often, associated time-based fees throughout the term of supervision), community service, repayment of court fines and fees, substance abuse assessments, treatment programs, and educational classes. Once the conditions of community supervision and diversion are satisfied (i.e., costs paid, programs/classes completed, community supervision time elapsed), defendants' charges are typically dismissed, or records expunged, freeing them from the potential collateral consequences of a criminal record (Prescott & Starr, 2020; Selbin et al., 2018; Yee, 2017). Defendants who fail to complete front-end diversion, however, may find themselves in “legal limbo”—no longer under court or community supervision, and with no final disposition, charge dismissal, or record expungement (Johnson et al., 2020).

### Program Fees and Diversion in Philadelphia—A Closer Look

In the front-end diversion context, program fees may uniquely contribute to the host of adverse outcomes of LFOs in ways that are less obvious, including through

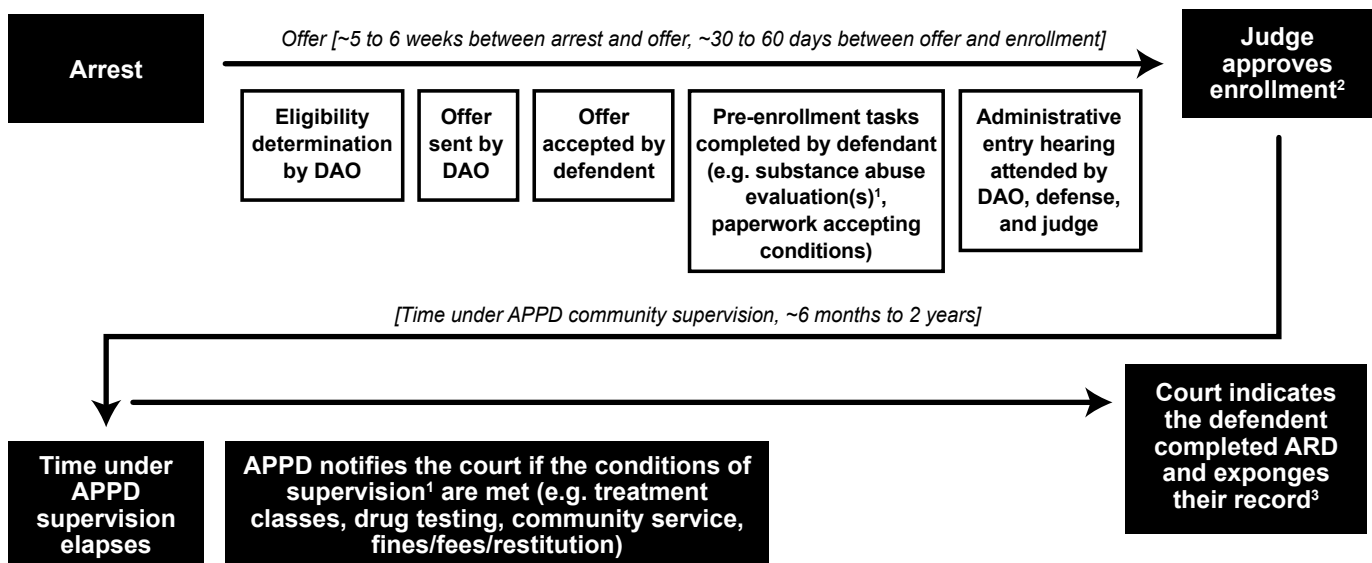
reduced program or treatment enrollment. This potentially additive impact has serious implications for defendants when program completion is linked to charge dismissal or record expungement. Failure to pay these costs may keep defendants tethered to or further entrenched in the criminal legal system, even when all other conditions of diversion are satisfied. Below we characterize these potential outcomes using preliminary data from Philadelphia's Accelerated Rehabilitative Disposition (ARD) program. ARD is a useful context to explore the interplay between program costs and diversion because it has the core elements of the “typical” pretrial diversion program: a prosecutorial-led referral process, close coordination with a community supervision agency, an emphasis on rehabilitation, and the prospect of expungement for the current charge upon program completion.

When a person is charged with an offense in Philadelphia, the DAO reviews the case and determines eligibility for one of two ARD tracks: standard (misdemeanor or felony) or driving under the influence (DUI). Generally, ARD is offered to those defendants “with a recent history of non-violent prior arrests and a limited number of convictions” (City of Philadelphia, n.d.). Defendants who accept the ARD offer and complete their pre-enrollment tasks then have their case reviewed by the judge during a status hearing for determining program acceptance. Once accepted, defendants must comply with a series of conditions while under community supervision for a period of between six months and two years depending on the charge. These conditions typically include community service hours and paying fines and fees. Those in the ARD-DUI track are also required to complete substance use assessments, treatment, education, and oftentimes drug testing. When all conditions are satisfied, the Adult Probation and Parole Department (APPD) informs the DAO, and the DAO makes a recommendation to the judge for program completion and ultimately, expungement. Figure 1 depicts the typical flow of cases through ARD enrollment and completion.

As the literature on implementation science would suggest, program eligibility, enrollment, and completion criteria are subject to a range of pragmatic and other influences that can result in low implementation fidelity (Carroll et al., 2007). In reality, any number of barriers exist at each of these stages. Some are obvious and intentional (e.g., crime type or severity barring people from eligibility), while others may be less apparent and unintentional. These latter barriers, when unexamined, may result in the systemic exclusion of certain groups or classes of people and runs the risk of exacerbating, or even creating, differential enrollment rates based on class, race, or another grouping by protected (or policy-relevant) class.



## TECHNOLOGY ADVANCES



<sup>1</sup> Area of high attrition associated with LFOs

<sup>2</sup> The judge may issue a preliminary rejection for enrollment at their discretion. The defendant may attend a follow-up hearing to request reconsideration.

<sup>3</sup> Expungement may be unavailable by statute for certain offenses. Records are not automatically expunged for those satisfying the conditions of supervision after the supervision period has elapsed (including payment of restitution and other LFOs). These individuals can pursue expungement through a separate administrative process.

Limited prior research has begun to address the key factors that impede defendant success in diversion programming. For example, as part of the Safety and Justice Challenge (SJC) initiative,<sup>1</sup> a Diversion Workgroup funded through the John D. and Catherine T. MacArthur Foundation tracked a subset of cases in Philadelphia in the 2018-2019 time period to uncover the reasons why individuals fail ARD diversion in Philadelphia. Drawing on a range of data from the DAO, court, and APPD records, staff surveys, and program documentation, a key finding became clear: the fees associated with front-end diversion (and treatment-related mandates in particular) are a significant barrier to program enrollment and completion.

The Diversion Workgroup's data show that there are three common reasons why defendants do not complete ARD: (1) failure to attend substance abuse class/safe driving school; (2) failure to get a treatment evaluation; and/or (3) failure to get treatment (Diversion Workgroup, 2020). The combined effects of these treatment-related barriers explained 84% of diversion non-completers. Other factors, including new arrests, failure to appear/report, and failure to complete community service hours, explained non-completion in far fewer cases (Diversion Workgroup, 2020). By and large, failure to comply with treatment-related mandates contributes to many defendants failing to complete ARD in Philadelphia and not having their records expunged.

The top three reasons for diversion non-completion match findings in the broader literature on community supervision failure suggesting that those mandated to treatment are sometimes noncompliant and that noncompliance may result in higher levels of supervision (e.g., more frequent drug testing or reporting), technical violations, or even the revocation of community supervision (Marlowe, 2003; Rempel & DeStefano, 2019; Skeem et al., 2011). In line with the Diversion Workgroup's data and that of others (see, e.g., Steinmetz & Henderson, 2016; Tapia & Harris, 2006), supervision failure is also more common among members of communities of color. What drives treatment noncompliance and whether it is another point of entry for racial and ethnic disparities in diversion outcomes remains to be seen.

When services are provided by third-party or non-public actors, treatment mandates can be associated with additional costs (e.g., fees, co-pays), which may explain, in part, why they represent such a barrier. To enroll in ARD-DUI one must complete a Court Reporting Network evaluation, which costs \$70 and cannot be scheduled without advance payment. Some defendants must also pay for a separate drug and alcohol assessment (\$80) before ARD enrollment. Other common costs during post-enrollment supervision include Alcohol Highway Safety School (\$165 to \$410), independent counseling sessions

(at \$65 each), an American Society of Addiction Medicine assessment (\$140), and/or DUI group counseling (\$490). The total average cost for ARD participants ranges from about \$350 to \$700, most of which stems from these treatment-related mandates (Diversion Workgroup, 2020).

Financial barriers not only reduce individuals' likelihood of diversion enrollment and completion, but preliminary data have shown that they may also increase racial and ethnic disparities and place a large burden on those of lower socioeconomic classes. Data from the Diversion Workgroup (2020) show that Black defendants in ARD represented a far smaller proportion of completed diversion cases (roughly 24%) than would be expected given correctional population statistics in Philadelphia. In fact, Black and Latinx people were diverted at less than half the rate of their White counterparts. When enrolled, Black and Latinx defendants took longer and were less likely to complete ARD. Given the totality of their findings, the Diversion Workgroup suggests that "program costs are a consequential barrier—if not the most important barrier—to [ARD] completion and expungement."

To sum up, the design of Philadelphia's ARD program falls in line with many prosecutor-led diversion programs. Eligible individuals are invited to participate by the DAO and are enrolled and placed under community supervision if they complete certain prerequisites, which often include payment for substance use assessments and other costs. Those who satisfy all conditions of supervision are then recommended for program completion and, if eligible, record expungement. However, the data shared here show that the diversion process can look different in practice. In line with the Diversion Workgroup's findings, there is evidence that front-end fees may serve as gatekeepers to diversion and perpetuate lower rates of program enrollment, completion, and record expungement. If this is the case, then front-end fees may inadvertently widen the net for continued or deepened justice involvement and its collateral consequences. These patterns are not likely exclusive to diversion in Philadelphia and support our call for more varied and generalizable research—including that which identifies the scope and impacts of front-end LFOs and considers how they may be uniquely harmful to communities of color and those who are unable to pay.

### Priorities for Research and Program/Policy Reform

Within the community supervision context, research must better account for the range of individuals, both pre- and post-sentencing, who may be under supervision and the different consequences that non-payment of LFOs may create. When considering the impact of LFOs on people

within the justice system, efforts to further distinguish front-end from back-end LFOs should be undertaken, especially to highlight how they may uniquely burden individuals and communities. In Philadelphia, this could include an examination of front-end LFOs and their impacts on low-income communities and communities of color, specifically. Such research would address an imbalance in the diversion literature, which to date has focused primarily on back-end costs (e.g., restitution, back pay for child support, see Roman & Link, 2017) and those that are specifically imposed by courts. As has been shown above, though, the fees attached to substance abuse evaluations, treatment, and classes are assessed by outside service providers and are not necessarily tracked in administrative court or correctional data. This renders them a hidden potential burden that may further marginalize individuals who are already more likely to become (and stay) justice-involved by failing diversion and/or community supervision programming.

In considering the nature and impacts of front-end diversion fees, critical fundamental questions remain. For example: (1) when in the diversion process are defendants expected to pay a cost, (2) what does the cost cover, (3) who is assessing the cost, (4) how do people pay these costs, and (5) what are the potential ramifications of non-payment (e.g., return to court for trial, referral to a collection agency)? It is also important to collect detailed data on secondary outcomes relating to racial and ethnic disparities in program enrollment and completion (particularly as they relate to known barriers like program costs), as well as social and legal outcomes that extend beyond recidivism (e.g., debt collections, child support payments).

There is a great need for the collection of detailed process data to understand how and why individuals move—or don't move—through the diversion process. From these data, we could identify the points when case attrition is the most likely and address these areas to improve enrollment and completion rates and better achieve the goals of diversion. The Diversion Workgroup (2020) provided an excellent example of improved data collection in the ARD context (e.g., staff from DAO's Diversion Unit now track the reasons why individuals are not recommended for the program), but more data are needed, including the collection of detailed information from non-court stakeholders such as service providers and community supervision agencies. This latter need is especially important in Philadelphia's diversion context, where the responsibility for ARD fee assessment is diffused across official agencies and service providers. An enhanced capacity for data integration across involved parties will, in turn, enhance research capacity for answering these outstanding questions.

Developing reforms at the programmatic and jurisdictional levels should follow efforts to improve data collection. If diversionary costs impede enrollment, delay or prevent program completion and expungement, and contribute to racial and ethnic disparities, then programs should take stock of and reevaluate their current policies and practices. The Diversion Workgroup asks how programs might intervene earlier in the process, prior to defendants landing in “legal purgatory” (i.e., when all diversion conditions except LFOs are met, preventing program completion and expungement on the account of non-payment alone). It also considers what might be needed to generalize findings from one program (e.g., ARD) to other front-end diversionary programs, suggesting that rigorous process and outcome evaluations take priority. Perhaps most intriguing, it asks whether there is a need, and an avenue, to abolish the costs to defendants that are associated with diversion programs.

## Conclusions

Front-end diversionary programs are a key element of a broader strategy to reduce correctional populations, racial/ethnic disparities, and the number of low-risk and non-violent individuals who are incarcerated (Chisholm & Altenburg, 2017; Loong et al., 2019; Lowder et al., 2018; Pfaff, 2017). However, participation in these programs may come with hidden financial costs, which vary depending on many factors including participation in diversionary programming and treatment (Adamson, 2020; Pager et al., 2022; Shannon et al., 2020). Preliminary data from Philadelphia support that the LFOs associated with front-end diversion, and treatment mandates in particular, may impact program enrollment and completion (Diversion Workgroup, 2020). These costs are often assessed by outside service providers and therefore have remained “under the radar” of researchers and policymakers who use administrative data to support policy decisions. Defendants who are unable to pay these types of costs are less likely to find success in diversion and may become trapped in the justice system or stuck in “legal limbo.” This is an understudied area that has important implications for community supervision policy and research, diversionary program enrollment and completion rates, and efforts to reduce unwarranted disparities. More detailed process and outcome data specific to front-end diversion programs, LFOs, and their implications for successful completion of community supervision are needed.

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