

PERSPECTIVES

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the **PRETRIAL ISSUE**



executive director/ceo's message

What is gained from reading a professional journal? Having read innumerable articles pertaining to the field of corrections, it does sometimes seem that what is written is “old hat,” especially in introductory paragraphs that may present a same-old, same-old recap of the problems faced in community supervision. Reading on, though, you’ll find that the writers start to home in on what matters. It is truly rare to read an entire article without getting something new, something fresh, something useful. Perhaps it is new data, perhaps an insight gleaned from understanding a different person’s perspective, or perhaps a fresh take on a problem—a fresh take that energizes me.

Reading a journal such as *Perspectives* also gives me a sense of community, of linking arms with others, and of being part of a wonderful community of committed professionals who are continually driving for improvement. I also come away with a sense that we can and are in the process of truly learning more, of advancing in our field, and of improving our tools and approaches.

The articles in this issue are no exception. Lauren Morgan, Faraneh Shamserad, and Beth Huebner have definitely improved my understanding about issues pertaining to the right to legal counsel in their article on the Initial Appearance Program in St. Louis County, Missouri. As they say, “Legal representation is a constitutional right, yet it is unclear when the right to counsel begins in the legal process.”

Linda Brady, Eric Grommon, Troy Hatfield, Brian Lovins, Evan Lowder, Miriam Northcutt Bohmert, and Michelle Ying present their findings on how to write rules of supervision using Action Research Teams in order to reduce the number of revocations. Focusing on Monroe County, Indiana, they conducted multi-phased research and then used their findings to identify core interventions that could be implemented, offering promising policy and practice changes that can cut down on the number of revocations. Two of the points in their conclusion hit home for me—that it can take time to implement high-level reforms (though the final outcomes are worth it) and that we should seek progress, not perfection.

Finally, the Crime and Justice Institute (CJI) teamed with Arnold Ventures to conduct an assessment of sentencing and community supervision practices in Colorado, Florida, Mississippi, and Montana. The article we’ve been provided by Valerie Meade, Caitlin Flood, Maja Vlajnic, Amanda Coscia, and Andy Tisdell does an excellent job of

presenting and commenting on CJI’s findings. They emphasize the need to focus on the initial phase of supervision and to make appropriate administrative improvements. I especially appreciated their extensive “Next Steps” section, which pointed out areas worth further exploration and a “deeper dive.”

Each of these interesting articles is, in essence, a deeper dive into some important topics. All the information we can glean that broadens our perspective and improves our practices is something to be treasured. I extend my appreciation to all the authors.

I am appreciative of another noteworthy issue of APPA’s field-focused e-journal. The research, the literature, and the experiences add tremendous value to the work we do each day in the name of changing lives and enhancing public safety!



VERONICA CUNNINGHAM
EXECUTIVE DIRECTOR/CEO
APPA

A handwritten signature in dark ink that reads "Veronica Cunningham".

editor's notes

This issue of Perspectives begins our effort to be more inclusive of topics and authors. As we step away from the “themed” issue format, we embrace the opportunity to invite practitioners, academics, and many others to contribute their work to the future volumes of Perspectives. While we will still include themed issues during the course of each year, we are enthusiastic about the range of topics and research that can be brought to the APPA audience.

The first article in this issue, by Lauren Morgan, presents findings from a St. Louis, Missouri based pre-arraignment program to improve assigning counsel to defendants, including those who appear for probation violations. The study shows that individuals who receive counsel at arraignment have better outcomes than those who don't, indicating that representation is essential for upholding an individual's rights and more efficient and effective legal processing. These findings have important implications for probation officers whose clients may face the court system during their period of supervision.

Next, we consider new information about the back end of the violation process. In nationwide efforts to reduce reliance on probation revocation, contributors from the Criminal Justice Institute examine shifts in practices in Colorado, Florida, Mississippi, and Montana. They found that agencies engaged in various strategies to create policy and practice shifts aimed at reducing the revocation rate, including adopting graduated sanctions matrices and revising supervision conditions; however, they identified considerable challenges like legal restrictions and implementation fidelity. They offer important recommendations for agencies looking to adopt and implement new approaches to reducing violations and revocations.

Finally, and in the same vein, Linda Branch and colleagues profile the use of Action Research Teams to redesign and redevelop probation conditions in Monroe County, Indiana. The ARTs aimed to create innovative strategies to disrupt the cycle of behaviors or circumstances that lead to probation violations and offer an inside look to this collaboration. The authors provide a step-by-step process and lessons learned for agencies to consider should they engage with “rewriting the rules” in their jurisdiction, as



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THE BAIL PROJECT

well as how to develop these ARTs and individuals and stakeholders that should be at the table.

This issue focuses on legal representation and probation conditions, including strategies to reduce probation violations and revocations and identifying the need for legal representation in the face of incarceration. If the primary goals of community supervision are public safety, rehabilitation, and restoration, then we must think about the realities of how best to support the individuals we serve – including those who are system-involved, victims/survivors, and communities. In particular, considerations that protect individuals' due process rights, while also holding them accountable; providing reasonable and realistic expectations to those on supervision – particularly in relation to the goals of supervision and tailoring to individuals' needs.

In this new era of Perspectives, we hope you enjoy the variety of information provided and see this as an invitation and opportunity to contribute articles about the innovative things happening in your communities.

Kimberly R. Kras Lily Gleicher

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Articles must be emailed to 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.
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12

RIGHT TO COUNSEL? LESSONS FROM A PROGRAM EVALUATION IN ST. LOUIS COUNTY, MISSOURI

LAUREN MORGAN, FARANEH SHAMSERAD, & BETH M. HUEBNER

20

PROMOTING SUCCESS ON COMMUNITY SUPERVISION: STRATEGIES FOR IMPROVING OUTCOMES AND REDUCING REVOCATIONS

VALERIE MEADE, CAITLIN FLOOD, MAJA VLAJNIC, AMANDA COSCIA, ANDY TISDEL

30

RE-WRITING RULES OF SUPERVISION TO REDUCE REVOCATIONS WITH ACTION RESEARCH TEAMS

LINDA BRADY, ERIC GROMMON, TROY HATFIELD, BRIAN LOVINS, EVAN M. LOWDER, MIRIAM NORTHCUTT BOHMERT, MICHELLE YING

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RIGHT TO COUNSEL?

Lessons from a program evaluation
in St. Louis County, Missouri



By Lauren Morgan, PhD, Faraneh Shamserad,
and Beth M. Huebner, PhD

RIGHT TO COUNSEL? LESSONS FROM A PROGRAM EVALUATION IN ST. LOUIS COUNTY, MISSOURI

Do you assume that indigent defendants are routinely provided counsel during legal proceedings pertaining to probation violations and pretrial release decisions? The truth is that most legal jurisdictions do not provide counsel to indigent defendants during these key legal processes (Gross, 2017; Heaton et al., 2017), even though access to legal counsel is an important factor in the probation violation process. In Missouri, individuals are eligible for representation, including from a public defender, if the result of the hearing could lead to revocation; yet, as will be described below, access to legal counsel is often not sufficiently considered in policy work pertaining to probation. This is a significant omission, given the overall size of the probation population and the proportion of people who violate their probation conditions, often for non-criminal, noncompliance issues (Roth et al., 2021). Although there have been declines in the national probation population over the past decade, one in 84 adult US residents is currently on probation (Kaeble, 2021), and the number of probation violations in this population is sizeable. Moreover, in Missouri—and many other states—individuals can be detained in jail awaiting a probation violation hearing, so consider the impact on the individuals involved as well as the collective outcome of not having adequate legal advice and guidance in the probation violation process.

Legal representation is a constitutional right, yet it is unclear when the right to counsel begins in the legal process. The need for representation is large, given that more than half of individuals charged with a felony in state courts and eight of ten persons in the largest county courts used the services of a public defender (Harlow, 2000). Public defenders in most states do not have adequate time to dedicate to representation at all phases of adjudication—including probation violations—in view of staffing shortages (American Bar Association, 2014). Advocates argue that critical decisions around pretrial detention and bond setting require legal representation and have enormous consequences for individuals and the community's safety (Gerstein, 2013; Gross, 2017; Mrozinski & Buetow, 2020), particularly for people of color, individuals without the economic means to secure legal representation, and other minoritized groups. The same is true for violations of probation.

People of color are disproportionately represented among

What is an initial appearance?

- Defendant is advised of their charges
- In some jurisdictions, combined with the bond hearing
- Usually within 48 business hours of the arrest
- Many jurisdictions do not provide counsel at this hearing (Heaton et al., 2017)
- Pretrial stage with major decisions: ROR, set bail, detailed until hearing

the probation population. In 2018, the percentage of the US probation population that was Black was 30%, twice their proportion in the national population, and Black individuals were approximately 2.6 times more likely than White individuals to be on probation (Phelps, 2018; Roth et al., 2021).

Black individuals, particularly young men, are also more likely than White individuals to struggle on probation, to be given multiple conditions of supervision, and to have their probation revoked (Steinmetz & Henderson, 2015; Steinmetz & Anderson, 2016). It is the growth in probation violations overall, which include technical violations and new crimes, that further necessitates the consideration of representation for this population. The racial disparities in probation populations and revocation rates require interventions that mitigate some of these inequalities.

In this context, we focus on recommendations based on our research experience to guide jurisdictions that are interested in establishing an initial appearance program. It is crucial to consider how pretrial procedures can affect individuals who are currently under community supervision and how these findings may be applicable to initial appearances for violations of community supervision. These individuals sometimes return to jail for minor offenses or violations. Pretrial detention may hamper any progress made in community-centered treatment services, lengthen the time under supervision, and increase the resources that probation officers—and the courts—have to expend to manage the case process. Therefore, we describe the importance of adequate counsel for individuals on probation and what it means for probation and parole officers working with individuals in pretrial status. While the current study focused on initial appearance at pretrial, there are implications for legal representation at all phases, including post-adjudication violations, where the possibility of incarceration exists.

THE INITIAL APPEARANCE PROGRAM PROJECT

St. Louis County, Missouri, implemented the initial appearance program (IAP) project with MacArthur Safety and Justice Challenge Grant funds and support from the Missouri State Public Defender's Office to address growing pretrial detention rates and racial disparities in the jail population. Implemented in 2019, the program provides grant-funded attorneys to serve clients during the initial

pretrial stages, including people on probation facing new charges or held for probation violations. In what would otherwise be a holding period while defendants wait to be assigned a public defender, initial appearance attorneys serve as interim representation at arraignment and the first bond reduction hearings. The attorneys offer services to anyone who is detained at first appearance and has not retained counsel, regardless of financial circumstances and the nature of the current charge. The application process for a public defender can take time, so this program serves as a bridge while people seek to obtain private counsel or wait for their public defender application to be processed (See Figure 1).

The primary goals of the program were to reduce the length of stay for individuals held pretrial and to increase releases to the community. As part of the program, the attorneys worked to reduce the amount of monetary bond set and to increase the number of people released on recognizance. The program was also centered on ultimately reducing racial inequalities in the jail, given the strong association between an individual's race/ethnicity and whether that individual is held in pretrial detention (St. Louis, 2023). Together, the hope was that defendants, including those who may currently be on community supervision, would

receive timely and equitable representation in the early stages of their cases, such as arraignment and the first bond review hearing.

To understand if and how providing counsel at initial appearance affects bond amounts, release type, and length of pretrial detention, we conducted a mixed-methods evaluation of the IAP implemented in St. Louis County, Missouri. The data used in our study were gathered from official jail and public defender records and interviews with project staff and stakeholders. The sample was limited to individuals who were admitted to jail on pretrial admissions for new Class C, D, and E felony charges, including individuals facing new charges related to probation violations. In order to determine the impact of participation in the initial appearance program on bail and pretrial outcomes, the sample was split into pre- and post-IAP groups, with the pre-IAP group representing individuals booked into the jail in the year 2018, prior to IAP implementation.

Our findings suggest that providing early, no-cost representation at arraignment can lead to release on recognizance and lower bail amounts. Our results also indicate that this approach may help reduce racial

disparities. Additionally, the courtroom stakeholders perceived value in the program for defendants, the criminal process, and the courtroom workgroup dynamics during pretrial stages.¹

WHAT DID WE FIND?

The results, overall, suggest that the presence of counsel at the initial stages of the court process is associated with improved court outcomes. For instance, a significantly larger percentage of those

FIGURE 1

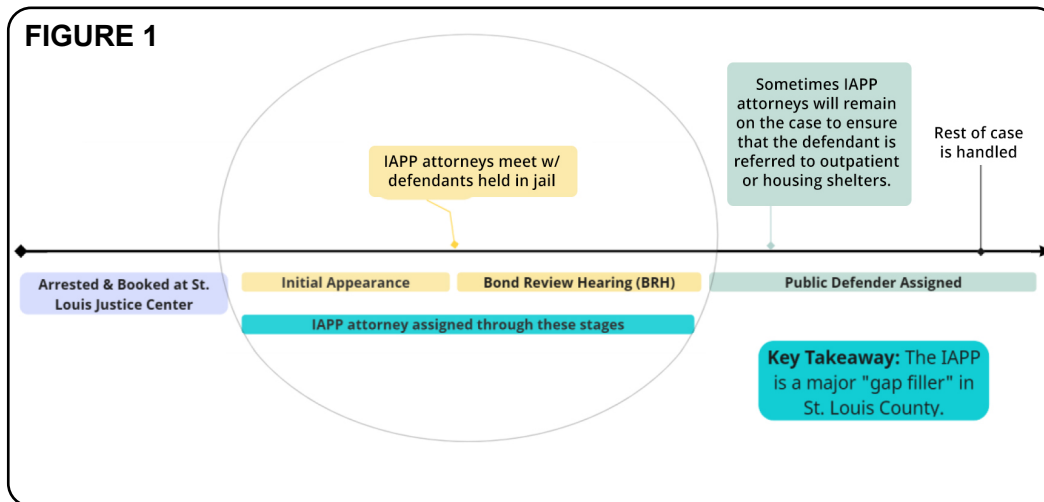


FIGURE 2

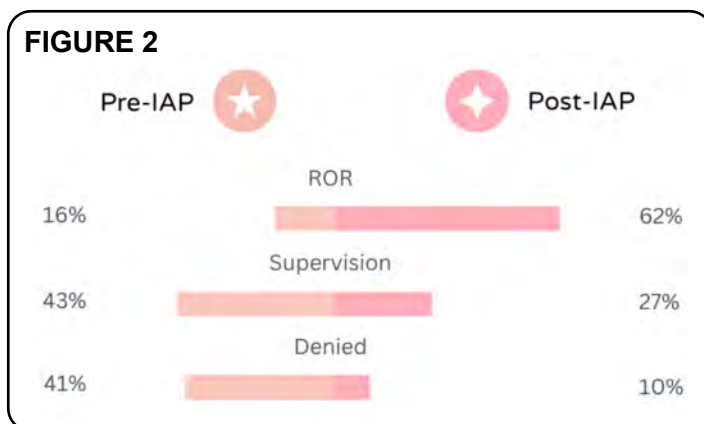


FIGURE 3

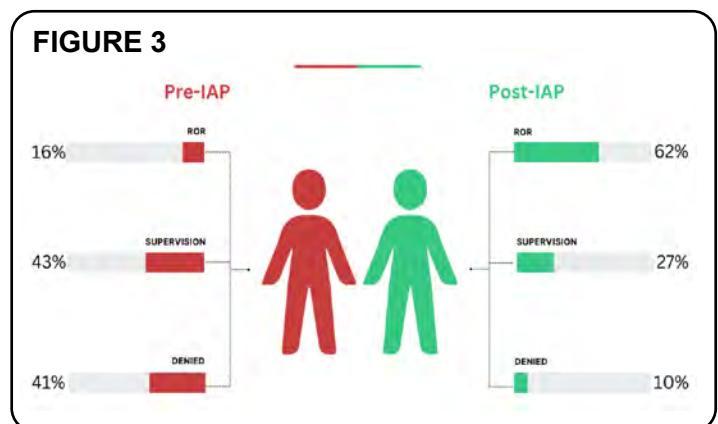
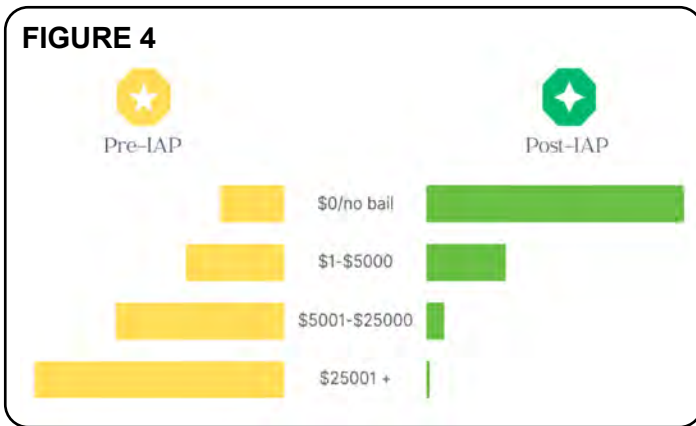


FIGURE 4



who had counsel were released on their own recognizance as opposed to pre-program defendants, and pre-program defendants were more likely to be denied the opportunity to post bail.

More than twice as many individuals from the pre-IAP sample faced bail between \$5,001 to \$25,000 compared to those from the post-IAP sample (17% vs. 6%), and three times as many pre-IAP individuals had bail set higher than \$25,000 relative to individuals in the post-IAP sample (11% vs. 3%). Participation in the IAP program significantly reduced the probability of higher bail being ordered.

In our interviews with local stakeholders, we found that court actors involved in the program overwhelmingly supported it. Many felt that the program provided important guidance and information to judges as well as support to defendants during what can be a fast-paced, chaotic process and that this likely contributed to improved court outcomes. Further, all of the court actors we interviewed shared how the program made the dockets flow more efficiently and helped cases move through the system fairly yet productively.

There are a lot of tears, and yeah people are grateful, some people are confused, which is understandable. You know, I try to explain all these legal things such as the first appearance, you know, just kind of trying to give them a rundown of the criminal justice system in a tiny amount of time can be very overwhelming, especially when they have not previously been involved in the system, so with that there's some confusion, and, basically, as counselors and advocates, we have to take some extra time to explain things. I think it's very, very beneficial because it sets them up to be in a better position when they do get their attorney. They have a bit more understanding of the process so that the public defender can represent them better.

-IAP Attorney

RECOMMENDATIONS

If jurisdictions choose to adopt an initial appearance model that mirrors the St. Louis County model, we propose several recommendations.

Recommendation 1: Funding for vertical representation processes

Sixty years ago, the United States Supreme Court recognized in *Gideon v. Wainwright* that individuals charged with a crime were given the right to counsel. In theory, this decision broadened access to representation, but in practice states were given wide discretion on how and when to implement this right. Far too often, the bare minimum is provided, leaving defendants unrepresented at critical stages of the criminal justice process, including their initial appearance in the court (Gross, 2017) and during probation violation proceedings.

So, I think it has affected my decision making in the sense that the court has a more complete picture of the situation. We now have someone who's able to speak for the defendants who understands the court system and who understands, you know, the factors of the supreme court rule that we have to take into account and things of that nature.

-Judge

Emerging evidence suggests that early representation can prevent individuals from incriminating themselves, can provide knowledge of the complex court process (Dinerstein et al., 2003), and can improve bail outcomes (Colbert et al., 2001; Worden et al., 2018; Worden et al., 2020).

Our results confirm the importance of the initial appearance phase of court processing. Ideally, courts would adopt a vertical representation process in which an individual is represented by the same attorney (often a public defender) throughout the court process, including cases involving probation violations (Davies & Worden, 2017). For many courts, true vertical representation would require additional funding from local communities or state legislatures, given the additional workload that is required. Missouri has begun to experiment with holistic advocates, with AmeriCorps funding, which provides additional assistance and social support throughout a case. More information on the program can be found here: <https://publicdefender.mo.gov/employment/americorps>

Recommendation 2: Increase Funding and Resources for Indigent Defense

In communities like St. Louis County, the prosecutor's staff outnumbers the public defender's staff by over two-fold (Stemen et al., 2022). Barriers to effective

representation will continue to exist unless action is taken to lessen the workload of public defenders (American Bar Association, 2014). While the Gideon decision clearly outlined the necessity for counsel, it never outlined what was envisioned as effective representation, including standards, training, and public defender resources.

Aside from the obvious recommendation of securing more funds for public defense, our discussions with the IAP working group revealed some other budget-friendly suggestions. One popular suggestion was for attorneys to have a dynamic database to house information for community-based resources, bed spaces, and referral information. Attorneys frequently find themselves in situations where they need to make quick recommendations regarding housing and referrals to judges. By having access to more information, they would be better equipped to present their case effectively. Additionally, attorneys representing individuals appearing for probation violations would have greater bargaining power if they had relevant information readily available.

Recommendation 3: Bridging Public Defense and Community Corrections

As research continues to reveal a high number of individuals returning to jail for minor offenses or technical violations, the findings of this evaluation highlight the need for probation officers to understand the movement to pretrial programs targeted at this population of individuals. A growing number of jurisdictions are implementing pretrial probation programs to support and supervise defendants before their trial, reducing the likelihood of reoffending and helping them successfully navigate the criminal justice system. Jurisdictions should work together to implement pretrial probation and early representation programs simultaneously. Collaborating during this phase could potentially reduce the workload on attorneys and improve the safety of the community while undermining justification for imprisonment. Implementing pretrial probation programs alongside early representation initiatives could potentially offer individuals appearing in court for probation violations access to more supportive resources and guidance, ultimately increasing their chances of successfully navigating the legal system and avoiding further incarceration.



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PROMOTING SUCCESS ON COMMUNITY SUPERVISION:

Strategies for Improving Outcomes and
Reducing Revocations



By Caterina Spinaris and Daria Mayotte
Desert Waters Correctional Outreach

PROMOTING SUCCESS ON COMMUNITY SUPERVISION: STRATEGIES FOR IMPROVING OUTCOMES AND REDUCING REVOCATIONS

INTRODUCTION

Statement of the Problem

Nationally, 1.7 million individuals are incarcerated in jails or prisons across local, county, state, and federal corrections systems, while almost 4 million individuals are on some form of community supervision (Bureau of Justice Statistics, 2022; Kaebler, 2021). Community supervision is viewed as an alternative to incarceration, but many states are struggling with increasing or stagnant revocation rates, often resulting in an admission or return to incarceration (Kaebler, 2021; Klingele, 2013). To understand the sources of this trend, the Crime and Justice Institute (CJI), with support from Arnold Ventures, began a comprehensive assessment of sentencing and community supervision practices in four states: Colorado, Florida, Mississippi, and Montana. The goal of the project was to provide state leaders with the information necessary to inform the adoption or expansion of evidence-based supervision practices that have demonstrably made a positive impact on success.

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CJI employed a mixed-method analysis using the available data, which encompassed a decade (2010-2019) of

quantitative data, 54 stakeholder interviews, focus groups made up of 517 correctional agency personnel, surveys of 804 correctional agency personnel, and a file review of 874 supervision cases. Interviews were carried out in person and, after the advent of the COVID-19 pandemic, virtually. This assessment took place between 2019 and 2022 and led to five state-specific reports and a national report summarizing findings and recommendations in July of 2022.²

REVOCATIONS

Range of Revocation Rates

Revocation rates varied across states and supervision types. Among the agencies CJI surveyed during the 2010-2019 period, average revocation rates ranged from 25% to 47%, with the highest incarceration rates among people on post-incarceration supervision. By comparison, in 2019 more than 25% of probation sentences as well as 37% of parole sentences nationwide resulted in revocation (Oudekerk & Kaebler, 2021). When considering different forms of supervision within the same state, revocation rates showed even greater variation. For example, revocation rates in Florida ranged from a low of 8% for administrative

probation (phone check-ins for lower-risk people) to a high of 85% for individuals under community control (a form of house arrest). By identifying different revocation rates across supervision types, agencies can focus on the practices leading to better outcomes.

Revocation Rates by Risk Level

In three out of five agencies where risk-based data were available, revocation rates were

highest for those assessed as high risk. In Colorado, more than half of individuals on parole assessed as maximum risk were revoked in 2019, compared to 18% of those assessed as minimum risk. For those on probation in Colorado, 53% of individuals assessed as high risk were revoked in 2019, relative to a 9% revocation rate for low-risk supervisees. In Montana, revocation rates among people on parole were higher for people assessed as moderate-risk than for people assessed as low- or high-risk.

2019 Data	Colorado Parole	Colorado Probation	Florida	Mississippi	Montana
Population Size*	11,155	82,677	208,500	38,900	11,100
Revocation Rate**	45%	35%	47%	N/A***	43%

TABLE 1: Community Supervision Population Sizes and Revocation Rates, 2019

*Population size as of December 31, 2019 (source: BJS).

**Revocation rates based on CJI's analysis of agency data. Percentages may not match BJS reports due to differences in methodologies.

***Mississippi's definition of revocation (a return to incarceration or absconding) differed from the definition used by other agencies.

Revocation Rates by Time on Supervision

Across the four states, most revocations occurred after individuals had served less than a year on supervision, with peaks in revocation rates around the third month of supervision for people coming from carceral settings. There were also notable differences in the length of time on supervision by outcome and risk level. In Montana, low-risk men who were ultimately revoked spent more time on supervision than high-risk men.

Revocation Rates by Race

CJI's analysis found that Black and Native American individuals were overrepresented on community supervision, sometimes by two to three times as many people as their share of the state population. For example, 6% of Montana's population is Native American, but Native people make up 16% of the supervision population. Additionally, once on community supervision, people of color were often disproportionately revoked. In most cases, Black and Native American individuals were revoked at a rate 5-10 percentage points higher than the statewide revocation rate.

Drivers of Revocations

When taken together, CJI's quantitative data analysis and case file reviews indicated that technical violations were prevalent, but absconding and new crime violations more often resulted in a revocation. Revocations were generally the result of repeated violation behaviors, with individuals averaging two or three technical violations and a new offense prior to revocation.

CJI also examined trends in violations among the community supervision population regardless of whether those violations ultimately led to a revocation. Most agencies reported positive/missed drug tests, treatment noncompliance, and missed reporting requirements among their top five violations in 2019. For example, in Montana, half of individuals revoked from parole, 61% of individuals revoked from probation, and two-thirds of individuals revoked from conditional release in 2019 had at least one violation related to substance use. A review of case files indicated that methamphetamine and amphetamines were the most prevalent substances on positive drug screens. Reporting violations were also frequently cited. In Colorado, two-thirds of individuals revoked from probation in 2019 had at least one missed appointment, compared to 23% of people who successfully completed probation.

CONDITION-SETTING AND MODIFICATION

Disconnect Between Conditions and Risk/Needs

CJI's assessment included an examination of the condition-setting process in each state, which determines the requirements supervisees must abide by and officers

must enforce. Research has found that when conditions of supervision are tailored for the individual, with an effort to address that individuals' specific needs and risks, they are more effective at reducing recidivism and producing successful outcomes (Solomon et al., 2008b). Studies show that having too many conditions imposed, especially ones not linked to public safety, can cause people on supervision to struggle to achieve compliance (Uggen & Stewart, 2015).

In all four states, state law empowers the sentencing judge or parole board to impose a series of standard conditions at the time of an individual's sentencing or parole hearing, and these conditions do not typically vary based on individuals' needs or risk factors. Such conditions generally include abiding by the law, obtaining a job or education, forbidding gun ownership, and regular reporting. Judges or parole boards may impose special conditions, most commonly pertaining to drug use and treatment/testing requirements. CJI's analysis of special conditions from three agencies revealed that these conditions are often not individualized or reflective of what the individual needs to be successful on supervision. For example, an analysis of the most frequently imposed special conditions for individuals on probation in Colorado showed that their application was based on the individual's underlying offense, as often required by statute, rather than their risk level or criminogenic needs.³ A file review analyzing all supervision conditions in Montana revealed special conditions often duplicated standard conditions, leading to officers spending time enforcing conditions that do not further rehabilitation or public safety.

Modifying Conditions Is Uncommon

One way to improve the effectiveness of conditions is to give officers the ability to modify or align conditions accurately with the needs of their supervisees. However, in all four states, officers either had limited ability to make changes to conditions without permission from the sentencing authority or had that authority but only used it in response to violations rather than as needed throughout supervision to reduce the number and types of conditions where risk/need levels decreased over time. For example, officers in Montana and Mississippi need to request permission from the judge or parole board to alter supervision conditions and cannot independently make changes.

RESPONSES TO BEHAVIOR

CJI examined states' policies and practices surrounding the use of responses to behavior and procedures for initiating a revocation. Research has found that when behavior responses are not applied in a timely, clear, and proportional manner, supervised individuals can struggle to achieve compliance because they may be left unsure of expectations or consequences (Kleiman

et al., 2014). To achieve swift, certain, and proportional responses, officers need autonomy to address behaviors—both prosocial and antisocial—in objective and impartial ways that reinforce positive behavior change (Wodahl et al., 2011). In particular, the use of incentives such as reductions in the duration of one's supervision sentence for good behavior has been effective at motivating positive behavioral changes (Wodahl et al., 2017). Resources such as graduated response matrices can also assist officers in delivering timely, neutral, and proportional responses that both reinforce positive behavior and effectively respond to misconduct (Latessa, 2011).

Graduated Response Matrices' Adoption Challenges

All five supervision agencies have a graduated response policy in place to guide decisions around responding to supervision violations, but the consistent implementation of these policies has been a challenge. For example, Colorado Probation developed and implemented the Strategies for Behavior Change (SBC) initiative to reinforce positive behavior and minimize probation violations. Still, the supervision matrix was not adopted in every district, producing confusion for individuals who are transferred between jurisdictions. Montana's supervision grid also lacked guidance on how to exhaust response options prior to revocation, leading to regional variations and frustration among officers. Some agencies did not track when behavioral responses were being used, making it challenging to analyze agency performance, while other agencies struggled to update their graduated response policies over time. Finally, all four states struggled to implement the use of incentives for positive behavior across their systems, although some agencies and offices were able to implement compliance incentives such as earned time-off credits or fewer office visits.

EVIDENCE-BASED SUPERVISION PRACTICES

Lack of Fidelity when Using Evidence-Based Practices

CJI's assessment included an examination of the states' use of evidence-based practices (EBPs), including overall adherence to the Principles of Effective Intervention (PEI). Research has found that to have the greatest impact on reducing recidivism, supervision practices should adhere to PEI, including the risk, need, responsivity, and fidelity principles. This includes using a validated risk and needs assessment to identify an individual's risk to recidivate and directing supervision and treatment resources to high-risk people, while ensuring that low-risk people are not over-supervised (Latessa, 2011). This also requires case management practices that are driven by the result of a risk and needs assessment and are individualized to target criminogenic behavior (Latessa, 2011). To promote responsivity, agencies should train staff in Core Correctional Practices (CCP) and address barriers that impact success on supervision, such as lack of transportation or mental

health issues (Bonta & Andrews, 2007). Finally, to ensure fidelity to the model, staff must receive proper training and coaching to effectively implement evidence-based policies (Bonta & Andrews, 2007).

Each agency has taken steps to adopt the use of EBPs but are at very different places with respect to implementing these practices. Potential areas of improvement included more training on administering risk and needs assessments, validation of assessments' accuracy and utility, and development of individualized case plans based on assessment results. CJI found that Montana, Mississippi, and Colorado Parole were not using the results of their risk and needs assessments to inform individuals' case plans, although case plans are sometimes required by statute (Mississippi) or policy (Colorado). Colorado Probation effectively uses assessment results to tailor case plans and has established a system to group people with similar risk/need scores together to improve supervision and resource delivery. However, the agency lacks a formal quality assurance or coaching process to ensure that its success continues. Staff in all four states expressed a need for additional training and support in developing quality assurance processes.

PROGRAMMING AND RESOURCES

An individual's success on supervision relies heavily on whether the underlying criminogenic risk factors that brought that person into contact with the justice system have been met through treatment and intervention. Once an individual's risk factors and needs are identified, supervision agencies need to match individuals to services based on their unique characteristics. These include responsivity factors such as gender, age, ethnicity, learning style, motivation to change, cognitive abilities, mental health, culture, and strengths (Cobb et al., 2013). It is also important to make sure that people have access to needed resources such as outpatient and inpatient treatment, therapy, and vocational training, without geographic or financial disruption (Lowenkamp et al., 2006).

Behavioral Health

Staff across all four states noted the lack of mental health programming and resources as a significant barrier to successful completion of community supervision. Although mental health is not a predictor of future criminal behavior, mental illness can impact an individual's ability to successfully complete programming and interventions, making it a responsivity factor that needs to be addressed to ensure success on supervision (Bonta & Andrews, 2007). In a survey of officers in Montana and Florida, 43% of Montana officers reported their area of the state had insufficient mental health resources to meet the needs of their caseload, and 54% of officers in Florida reported a lack of mental health programming as the biggest treatment need for their supervisees.

Substance use treatment was also lacking in some areas in all four states. In Florida, a third of officers indicated that inpatient and outpatient treatment was needed but not readily available in their district. In Montana, 98% of people who were revoked during the study period had substance use issues. For Colorado probation, substance use treatment was a special condition ordered in 41% of the cases, and for Colorado parole, the most frequent “destabilizing factor” cited in the response matrix as a reason for increasing violation severity was increased substance use. The high concentration of violations related to substance use may indicate that treatment needs are not being met.

Housing, Transportation, Poverty

Stakeholders in all four states noted that housing, transportation, and financial barriers impeded supervision successes, particularly in rural areas. Supervision officers in Montana noted that a lack of available housing has contributed to homelessness and subsequent increases in absconding, as individuals move to try to find stable housing. Officers in Colorado cited the out-of-pocket costs of required drug testing as a challenge for individuals, particularly those who are already struggling to obtain and maintain employment. In Florida, sweeping license-suspension policies result in many individuals losing access to transportation and struggling to comply with reporting requirements. Among those officers in Florida who felt access to services was inadequate, 86% cited transportation as being one of the primary factors impeding this access. Supervision staff in Mississippi noted a lack of local job opportunities as a driver of noncompliance with supervision conditions; specifically, officers cited a need for more trade skills programs both inside prisons and in the community.

RECOMMENDATIONS

CJI’s assessment encouraged the continued use of EBPs that contribute to fewer people being revoked and promote long-term success for justice-involved individuals. CJI’s recommendations fell into five categories:

- Removing barriers impacting supervision success;
- Ensuring evidence-based supervision practices are implemented with fidelity;
- Focusing resources on the initial period of supervision and high-risk individuals;
- Ensuring supervision agencies have the tools and resources necessary to effectuate lasting behavior change; and
- Developing infrastructure to support sustainable policies and practices to improve outcomes.

Removing Barriers

CJI’s qualitative and quantitative data review revealed that conditions are often set without consideration of an individual’s risk level or criminogenic needs, leading to inefficient use of officers’ time and significant challenges for supervisees. In some states, CJI found that individuals with the greatest number of conditions of supervision had the highest rate of revocations. This impedes agencies’ ability to effectively supervise someone based on needs and direct resources towards people at the highest risk to reoffend. To address this barrier, CJI recommended that partner states limit supervision conditions to those that address each person’s identified risks and needs to foster behavior change and promote public safety, including by mandating the use of risk and need assessments to create case plans and establish conditions. States such as Arkansas⁴ and Kentucky⁵ have instituted such a requirement, while Ohio⁶ and Michigan⁷ have eliminated some standard conditions of supervision in favor of ones tailored to the individual. CJI also recommended that states make it easier to remove or modify conditions of supervision, as existing modification processes are cumbersome and generally underused.

Departments can also take steps to address other barriers to success on supervision. By expanding the post-pandemic use of remote reporting, such as virtual visits or phone check-ins, agencies can make it easier for people to meet with officers without barriers including transportation, childcare, or employment. Agencies can also provide transportation vouchers and text-message notifications to assist with access. CJI also recommended that drug testing, which has not been found to reduce reoffending or drug use (Robina Institute, 2020), should be used for tailored interventions rather than as a widespread monitoring tool. Additionally, to address potential financial barriers, CJI recommended that states consider administrative or statutory opportunities to adopt payment plans, create automatic waivers of payment for the first few months of supervision, and implement the use of ability-to-pay hearings to determine an individual’s ability to pay prior to levying fines and fees.

Ensuring Fidelity

Leaders in all four states have taken steps to enact EBPs through legislation and administrative policies to reduce recidivism. However, additional policy and practice changes are needed to ensure that policies intended to improve outcomes are implemented with fidelity (Sperber, 2020).

To ensure that officers and supervisors are using graduated response matrices as intended, agencies should regularly review policies related to those matrices,⁸ confirm that they are standardized across districts, establish an oversight system, and prioritize officer training, including, skill development, coaching, and booster training sessions.⁹ Another CJI recommendation is for agencies to improve

fidelity by validating their risk and needs assessments at regular intervals and developing standardized definitions of technical violations and absconding^{10,11} to promote transparency, fairness, and equity across cases. Agencies should also continually solicit and implement staff feedback to promote continuous quality improvement.^{12,13} Finally, CJI recommended that supervision agencies prioritize effective case management in their policy development and training.

Focus on Initial Period of Supervision

CJI's assessment revealed that revocation rates were highest for those assessed as high risk and that most revocations occur when an individual has served a year or less on supervision. Furthermore, in some states, individuals assessed as low risk are serving lengthy supervision terms. Research shows that focusing supervision resources on individuals who have the highest risk to recidivate yields the greatest reduction in recidivism (Andrews & Dowden, 2006), while placing unnecessary supervision requirements on individuals identified as low-risk can increase the likelihood of recidivism (Lowenkamp, 2004).

CJI's partner supervision agencies can best serve people on supervision and protect public safety by taking steps to reduce the duration and intensity of supervision for lower-risk individuals, allowing officers to focus time and resources on people at high risk of recidivism or during vulnerable periods of supervision. Research has found that longer terms of probation are not correlated with lower rates of reoffending and are more likely to result in technical violations (Pew Charitable Trusts, 2020). Accordingly, CJI recommended reducing the statutorily authorized probation supervision period, as well as expanding eligibility for early termination, earned-time credits, and administrative supervision.

States should also ensure that tools and resources are available to officers and the people they supervise during the critical first year of supervision (Solomon et al., 2008a). CJI recommended that officers receive training and ongoing coaching in CCP skills, which are used to enhance long-term behavior change and include components of cognitive behavioral interventions. Research shows that individuals supervised by officers proficiently trained in CCP skills had lower recidivism rates than those supervised by officers who do not receive this training (Robinson et al., 2012). Staff can also successfully use CCP skills with the individuals they supervise without increasing the time spent in one-on-one interactions (Robinson et al., 2012). Additionally, CJI recommended agencies identify the criminogenic needs of individuals on supervision, the availability of services to address these needs throughout the state, the average time between referral and accessing the service, and the quality of services provided. The results of this analysis can then be used to improve treatment quality and accessibility.

Administrative Improvements

One barrier to effectively implementing evidence-based practices mentioned by staff during interviews was the lack of time and resources needed to fully use them, and a disconnect between staff and leadership that impacts buy-in. The perceived lack of support from staff regarding the use of supervision EBPs is not an indication that these practices do not work to effectively change behavior. Rather, this feedback is evidence of the need for more staff training and better communication to ensure officers and leadership are aligned around the goals of taking a proactive approach to behavior change.

Agencies can improve staff buy-in by gathering feedback from staff about policy and practice changes that impact their daily work, as well as by developing and using mechanisms for staff to provide meaningful feedback on those changes. Other initiatives include educating policymakers and community members on evidence-based practices, ensuring that job descriptions align with the agency's mission, and investing in enhanced data infrastructure that may help officers manage their daily work more efficiently and allow for real-time decision-making. Additionally, the data did not explain why certain trends in revocations occurred, such as the high percentage of those under supervision who absconded or failed to appear during the course of supervision. Finally, racial disparities existed across the four states, both related to who was initially sentenced to supervision and to rates of unsuccessful terminations from supervision. CJI recommended that the agencies conduct further analysis around both absconding and the factors driving racial and ethnic disparities to paint a fuller picture of these supervision challenges.

NEXT STEPS

Since the release of its state-level and national reports, CJI has had conversations with each supervision agency about how to implement the recommendations, and all these agencies have incorporated lessons from the report as they advance multiple initiatives to improve supervision practices. In Montana, for example, CJI is providing support to Montana's Department of Corrections (DOC), the Montana Legislature's bipartisan, the bicameral Criminal Justice Oversight Council (CJOC), and the Montana Board of Pardons and Parole (BOPP), among other state partners. The DOC has implemented several of CJI's recommendations, such as updating its policies to define absconding, providing guidance on the use of its graduated supervision response matrix, and establishing a quality control department to collect supervision data and identify trends. This Quality Assurance department was developed to ensure policy and practice changes are implemented with fidelity, and it is working alongside CJI to facilitate workgroups addressing the report recommendations and measuring outcomes. Additionally, all DOC staff will receive training in evidence-based practices by the end of 2025.

To improve effective case management practices, the Montana DOC has also convened a workgroup of officers and supervisors to recommend further improvements on case management guidance, contact standards, referrals, and building more informed case plans throughout supervision. The group has coalesced around a proposal to create a phased supervision model in which supervisees receive specialized attention to mitigate barriers during the beginning of their supervision period, focusing on skill development and connection with resources, and they will graduate to lower levels of supervision once they have shown skill acquisition that supports successful completion of supervision. A second workgroup, composed of DOC personnel as well as judges, public defenders, and county attorneys, is examining the state's system of assigning supervision conditions, in alignment with CJI's recommendation. In addition to recommending changes to the state's existing approach to assigning supervision conditions, that group is also considering whether to recommend changes to the condition modification process so that officers can more easily modify conditions that are not necessary to ensure public safety and create barriers to an individual's compliance on supervision.

In addition, the CJOC is also interested in re-evaluating the pre-sentence investigation (PSI) process and has asked for CJI's assistance in learning more about other states' processes. In Montana, PSIs are developed prior to a person's sentencing hearing and inform sentencing decisions, but they also continue to be used as a source of background information as the person moves through the justice system. The CJOC wants to ensure that the PSIs contain the appropriate information for judges to make sentencing decisions based on the person's individual needs, while also ensuring that people are not detained for undue amounts of time while the PSI is being completed. CJI is providing statutory information and examples of promising sentencing practices from other states as the CJOC considers what changes to recommend to that process.

Based on recommendations from the revocations analysis, CJI is also assisting the BOPP in evaluating the decision-making framework that it uses to help decide whether to release people from prison. This involves analyzing BOPP's Guidelines Score assessment to determine whether these scores align with BOPP decision-making and are predictive of individuals' success on parole, as well as other factors that might contribute to release decisions.

A promotional graphic for RECONNECT. At the top, the word "RECONNECT" is written in white capital letters with a registered trademark symbol, set against a dark blue background with abstract light blue wave-like patterns. Below this, the text "Built to solve the challenges of" is in white, followed by "Everyday Heroes™" in large orange letters, and "like you." in white. On the left, there is a QR code inside a white square frame, with a dark grey button below it that says "SCAN ME" in white. A large orange arrow points from the QR code towards the right. Inside the arrow, the text "See How Today!" is written in white. On the right side of the graphic, a hand is holding a white smartphone. The phone's screen is white and displays the "RECONNECT" logo in orange and blue. At the bottom of the graphic, the URL "https://reconnect.io/" is written in white.

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Lastly, at the request of the DOC, CJI is doing a deeper dive into the drivers of absconding, which was identified as an area requiring further review in the first phase of CJI's project. As part of this work, CJI has examined quantitative data, reviewed case files of supervisees, and is in the process of holding focus groups with people currently or formerly on supervision to determine why individuals might stop reporting to supervision. The results of this study will be presented back to the DOC and used to identify policy and practice changes that can be made to reduce rates of absconding and improve outcomes on community supervision.

CONCLUSION

Revocations from supervision highlight challenges both supervisees and supervision agencies face when advancing sustainable behavior change. Some of these challenges are related to unmet needs that can be addressed by changes to supervision practices. Observations from the data and feedback from practitioners across the four states have led to recommendations that reflect evidence-based practices, which, when implemented with fidelity, may lead to not just a reduction of revocations but also to improved positive outcomes on supervision across several metrics.

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Valerie Meade has worked in criminal justice for over 20 years, with expertise in the areas of cognitive behavioral interventions, case management, model fidelity, and continuous quality improvement, and extensive experience with adult and juvenile populations on community supervision, in correctional facilities, and in substance abuse treatment.

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Caitlin started her career as a public defender and has provided training and technical assistance to different jurisdictions working towards criminal justice reform through treatment courts, pretrial interventions, and community

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Amanda Coscia brings extensive experience in graphic design and justice-system communications to her role on the CJI communications team. Amanda began her career in criminal justice reform at a nonprofit organization where she conducted policy work at the federal and state levels. At CJI, Amanda designs and produces top-quality content that enhances project work and strengthens the brand.

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Andy primarily supports CJI's pretrial justice work, providing technical assistance and contributing to the assessment of pretrial systems in various states, as well as CJI's implementation team. Andy is committed to analyzing and communicating effective, evidence-based policies that help states reform their justice systems and improve their outcomes.

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RE-WRITING RULES OF SUPERVISION

to Reduce Revocations with
Action Research Teams



By Linda Brady, Eric Grommon, Troy Hatfield, Brian Lovins,
Evan M. Lowder, Miriam Northcutt Bohmert, Michelle Ying

RE-WRITING RULES OF SUPERVISION TO REDUCE REVOCATIONS WITH ACTION RESEARCH TEAMS

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Jurisdictions around the country are seeking solutions to temper the use of incarceration. Decreasing probation revocations is one avenue to achieve that goal. From 2019 to 2023, the Monroe Circuit Court Probation Department (MCCPD) in Bloomington, Indiana, worked with a team of researchers to better understand the dynamics leading to probation revocations in their county. During the first phase of this project, from September 2019 to July 2021, MCCPD and researchers from Indiana University and George Mason University collaboratively reviewed six years of administrative records for all clients ordered to probation. The partners also carried out primary data collection by developing and administering surveys and interviews to supplement administrative records. During the second phase, from September 2021 to September 2023, the teams worked together to implement interventions to interrupt probation revocations in Monroe County, Indiana, and tracked the impact of those interventions. One intervention focused on re-writing the rules of supervision and integrating Justice System Partners into an Action Research Team (ART) of practitioners, researchers, and change makers. This brief covers what we have learned to date and includes discussions of our approach to driving policy change through action-research, our preliminary findings, the process we engaged in to rewrite the rules, and lessons learned.

The Research of the Action Research Team

In the first phase of our work, we investigated the pathways that lead to probation violations and revocation. We examined a large dataset of administrative records for over 4,000 clients ordered to adult probation supervision in Monroe County, Indiana. We supplemented these data with a richer but smaller dataset derived from manual case file reviews of nearly

300 clients who had accumulated a large volume of violations and administrative sanctions. Using regression analyses, our research team examined factors that influenced violations, revocations, and the length of time clients were subject to supervision. We also identified and distinguished between different pathways of client compliance and non-compliance across supervision terms using social sequence analysis and case management records. Complementing this quantitative study, we conducted a thorough review of the relevant state and local policies that govern probation conditions and their enforcement. Finally, we conducted surveys and interviews with employees of the MCCPD to capture their perceptions of the system and their attitudes toward their role in it. Surveys and interviews were also administered to judges, prosecutors, and public defenders. One notable absence in our approach was the lack of involvement of justice-impacted individuals during the first phase of our work.

Across all local- and state-run agencies reporting data to the Bureau of Justice Statistics, about 12% of all probation exits are due to incarceration (revocation) (Kaeble, 2023). The average revocation rate across all county-managed probation in Indiana is 26% for felony cases and 15% for misdemeanor cases (Indiana Supreme Court, Office of Justice Administration, 2022). Monroe County is aligned with these state and national numbers, as its revocation rate was 12%. Overall, the result of the quantitative analysis showed that approximately 60% of the violations filed with the court and 68% of the revocations were for technical reasons only. The main driver of revocation was client behavior, as opposed to client characteristics. However, probation officer (PO) characteristics and discretion also play a critical role in how non-compliance is handled. Our social sequence analysis showed that many clients follow a pathway characterized by an initial violation, which typically consists of a missed probation appointment or failed drug test, followed by a sustained period of compliance and a successful exit from supervision. The least successful pathways were characterized by repeated missed probation appointments or sequences of violations that alternated between missed probation appointments and substance use. Further, we noticed racial disparities in the clients who were caught up in these technical violations. Even after considering client factors, case factors, probation officer, and case assignment factors, the results showed that a larger

portion of Black clients had violations filed against them at the front end of the revocation process (i.e., in violations filed), but this disproportion was not found at the tail end of the process (i.e., revocations ordered). Overall, a closer look at the technical, or rule, violations was a top priority for the ART.

Regarding PO characteristics, we saw significant variance between POs in the rate at which they filed violations and revocations. The average revocation rate by officer (without adjustments for client demographics or case characteristics) was 23%. However, four officers revoked 33% or more of their clients, while five officers revoked 13% or fewer of their clients. We only found one strong predictor of this variation, which was officer experience, as less experienced POs were more likely to file violations while more experienced POs were less likely to resolve violations with formal filings. Overall, POs demonstrated a willingness to work with clients on noncompliance issues, particularly if the client had a previous period or periods of compliance, and this inclination was found across the quantitative, survey, and interview data collections. Together, findings from the first phase generated questions about timely and relevant interventions that might help shift clients who begin to accumulate technical violations and administrative sanctions toward a more successful pathway.

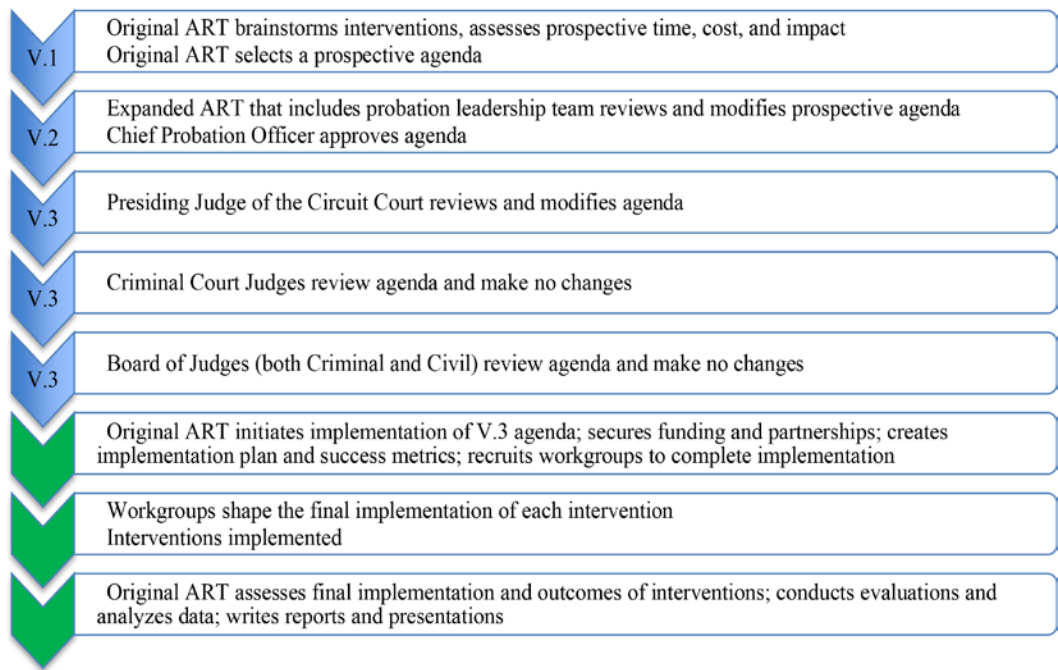
THE PURPOSE AND COMPOSITION OF THE ACTION RESEARCH TEAM: SELECTING AND IMPLEMENTING INTERVENTIONS

Once the initial research results were in, we began the challenge of pursuing actual policy and practice change, with the overarching goal of reducing the total number of revocations in Monroe County. As the task shifted from research to policy change, the composition and purpose of the ART also changed and expanded. Phase I research was primarily led by the researchers

who directed the interviews, surveys, and other data collection in coordination with the leaders of the probation department. However, during Phase II, the task changed from “research tasks” like observing and assessing to “action tasks” such as selecting appropriate interventions. For these tasks, the ART expanded to include many more stakeholders, described below, who could assess the most needed interventions and work together on implementation.

We employed a sequenced strategy summarized in Figure 1 to identify and build support around a subset of interventions. Figure 1 shows the eight steps that the original ART and the expanded ART teams went through to get from an exhaustive list of ambitious recommendations to a set of core interventions to implement. These eight steps involved a crucial deliberative process requiring significant time and resources.

FIGURE 1: Moving from Research to Intervention & Assessment



Using the research findings as a guide, the original ART team produced an ambitious list of nearly 30 interventions that may interrupt cycles of technical violations that led to higher revocation rates. This initial draft was made without regard to expense, time, or other resources needed to implement the interventions. Next, we assessed each intervention to determine whether it aligned with the principles described in the 2004 report produced by the Crime and Justice Institute under

National Institute of Corrections sponsorship that laid out eight principles of effective intervention (Bogue et al., 2004). Interventions that adhered to these principles were retained. Individual members of the original ART then engaged in “Shark Tank”-style proposals to each other, making the case for specific interventions to help narrow the pool of interventions. Following these competitions, the original ART needed to determine which interventions were feasible in terms of time, cost, and impact (Version 1 in Figure 1 above), and this challenge necessitated expanding the ART to include additional stakeholders.

To arrive at the second and third versions of interventions, internal discussions between the original ART and the expanded ART (which included MCCPD probation officers and judges) were held to prioritize interventions. MCCPD’s Chief Probation Officer was a key facilitator, advocating for select interventions to the presiding judge. The presiding judge, in turn, was essential to cultivating buy-in and consensus among the judiciary. These exchanges took several months, during which the reduced set of interventions was expanded and then whittled down and reframed based on stakeholder interest and support as well as time, cost, and anticipated impact. To gain final approval and support, prosecutors and public defenders were integrated into stakeholder meetings and deliberations with MCCPD, the presiding judge, and the original ART team. The final three core interventions consisted of (a) revising the probation conditions, (b) expanding client incentives, and (c) improving case plans.

Although these three core interventions were developed with wider input beyond the original ART, supervisory probation officers were ultimately the key to their successful adoption, because they were in charge of implementation. Thus, it was crucial to ensure that probation supervisors actively supported the interventions and worked to cultivate buy-in among probation officers in order to make these interventions lasting aspects of the Monroe County Probation Department’s organizational culture. As such, responsibility for implementation was achieved using distinct workgroups (see Figure 2) in which both supervisory and line

probation officers were able to have a voice. However, final approval rested with the chief probation officer and the judges.

THE ACTION OF THE ACTION RESEARCH TEAM: THE COLLABORATIVE PROCESS OF REWRITING THE RULES OF PROBATION

We focus below on one of the three interventions, the one that required the most consensus building and that involved the greatest range of stakeholders: revising the standard rules of probation.

Monroe County mirrors the rest of the state of Indiana in that roughly half of its revocations are due to technical violations. In other words, people who cannot keep appointments or who fail to complete treatment are being revoked in similar numbers to those actively committing new crimes. Since client noncompliance resulting in technical violations is the largest driver of revocations in our data, it is important to clearly understand how the standard conditions define the set of problematized behaviors for which probation officers are instructed to file violations.

The standard conditions of probation are the mandatory conditions, or rules, automatically applied during sentencing (Table 1). These conditions direct why, and to some extent when, probation officers should file violations and revocations. Monroe County’s standard conditions focused on concepts of accountability without reference to ability. Moreover, standard conditions were somewhat negatively phrased and did not focus on

FIGURE 2: Composition of ART and Workgroups

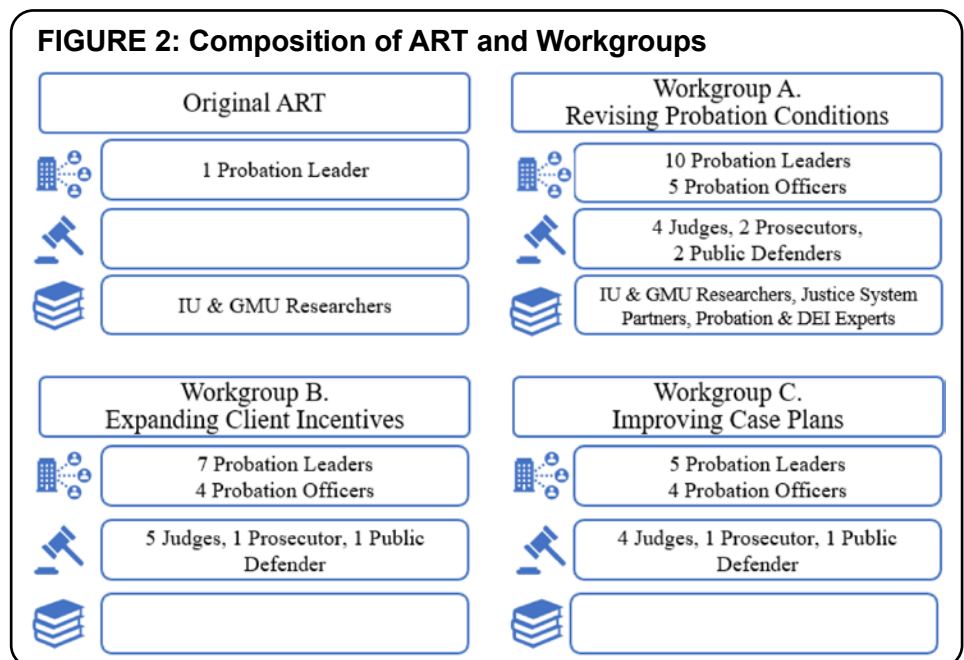


TABLE 1: Original and Revised Standard Conditions of Supervision

Condition Number	Original Condition	Revised Condition
1	You shall not commit a criminal offense or operate a vehicle without a valid license.	I will not commit a new criminal offense.
2	You shall report any arrest or criminal charge to the Probation Department within 24 hours.	I will report any new criminal charge to the probation department by my next scheduled appointment.
3	You shall report to the Probation Department immediately following your sentencing hearing or, if incarcerated, within 72 hours of release.	(Removed from conditions and included in a paragraph on the sentencing order.)
4	Thereafter, you shall report as directed to the Probation Department and... (continued in row 5)	I will maintain contact with my probation officer as directed.
5	(started in row 4) ...provide truthful information.	(Eliminated)
6	You shall notify the Probation Department in writing within 48 hours of any change in address, phone, employment or educational status.	I will inform my probation officer where I am staying at each scheduled appointment.
7	You shall permit authorized representatives of the Probation Department to visit you in your home and elsewhere at reasonable times.	I will allow the probation department to visit me in my home or elsewhere.
8	You shall maintain or seek suitable employment or pursue a course of study or vocational training.	(Eliminated; see row 13)
9	If convicted of a felony offense, you shall provide a DNA sample and you shall not leave the State of Indiana without written permission of the Court.	(Removed from conditions and is included in a paragraph on the sentencing order.)
10	You shall not carry, use or possess any firearms, air or gas-propelled guns, ammunition, explosive devices, or deadly weapons.	I will not carry, use, or possess any weapons and/or ammunition that could be used to harm myself or others.
11	You shall not consume alcohol and shall not possess, consume, inhale, inject, or apply controlled substances unless prescribed to you for valid medical reasons by a properly licensed healthcare provider.	I will not use alcohol and I will not use controlled substances unless prescribed to me for valid medical reasons by a properly licensed healthcare provider.
12	You shall submit to drug/alcohol tests, at your expense, when requested by the Probation Department or treatment providers.	I will submit to drug/alcohol tests, at my expense, when requested by the probation department.
13	You shall complete, at your expense, the terms of your probation case plan and provide proof of completion of any classes, counseling, groups, inpatient or outpatient treatment, or correctional programs directed by the Probation Department.	I will meet with my probation officer to develop and follow an individualized plan, at my expense, that focuses on goals designed to support my success.

positive goal achievement. With that set of standard conditions in place, probation officers tended to focus on enforcing a general list of rules that did not apply to all clients and did not assist clients in making positive changes. Therefore, one main goal was to reduce the number of rules and rewrite the remaining rules to be more positive and change-oriented.

Step 1: Frame Recommendations

The ART framed the recommendation for the larger Workgroup A tasked with revising the standard conditions (see Figure 2). The revisions to the rules were intended to align the rules with the Principles of

Effective Intervention (Bogue et al., 2004) so that the revised rules would enhance intrinsic motivation; target interventions on the basis of risk, need, and individual characteristics; and incorporate treatment. To align the old standards with these principles, Workgroup A worked on reframing each condition, moving from a narrow compliance model toward a strengths-based or positive outcome-based model. For example, “working toward sobriety” could replace “shall not use substances” as a basic probation condition. Conditions that are oriented toward positive growth give POs more tools for addressing the criminogenic needs of their clients and discussing progress rather than compliance (Lovins et al., 2022).

The number of conditions was also a consideration. Although there are nominally seven standard conditions, some had subparts. The ART analysis of policy and practice found that, functionally, probation officers were tied to tracking their clients' adherence to 13 standard conditions (see Table 1). Also, the standard conditions are only the baseline, as individual sentences sometimes include imposition of additional conditions. The ART interviews indicated that tracking compliance with all the mandatory conditions places a significant burden on officer time, despite a generally positive orientation toward the rules. Moreover, for the client more conditions meant more opportunities to fail. Thus, each condition needed to have true rehabilitative or community safety benefits. The ART's recommendation to Workgroup A was to reduce and revise the standard conditions of supervision. Judges would still be assigning additional conditions tailored to the individual client's criminogenic needs, but, given the improved standard conditions, probation officers overall would be better able to prioritize the most crucial issues in their work with clients.

Step 2: Dialogue and Building Consensus

The implementation of the revised standard rules involved the most decision makers and the most complex consensus process. Drawing on past experience with other efforts at systemic reform, we engaged Justice System Partners to provide professional outside facilitation. Prior to this project, in 2015 and 2016, Monroe County relied on outside facilitation from the National Institute of Corrections to establish a formal pretrial services program. At that time, an outside consultant proved to be the indispensable locus of momentum driving the discussion forward to a successful outcome. Thus, the department knew that collaboration with Justice System Partners would be essential in engaging the decision makers in the effort to change the standard rules.

Justice System Partners facilitated three group discussions between August 2022 and March 2023 in which probation officers, probation supervisors, members of the courts (i.e., judges, prosecutors, defense attorneys), the research team, and community research partners met. Two of the three meetings were in person with a Zoom attendance option, and one meeting was fully conducted via Zoom. Additionally, the workgroup met two additional times without the moderator present. All conversations covered sensitive and complicated topics such as, for example, whether the condition to ban firearms was crucial to field officer safety or an unintended barrier to probation success.

Many conversations would not have been successful or reached consensus if they had been led by department staff or by moderators with limited experience in probation.

Step 3: Compromise When Necessary

In these meetings, the majority of attendees were open to revising the conditions to more closely cohere to evidence-based principles and a strengths-based model of supervision. Some attendees were less inclined to do so and had concerns arising from perspectives related to their position and role. For example, prosecutors were concerned that language such as "working toward sobriety" would pose significant challenges to prove in a courtroom. Ultimately, to achieve the needed buy-in, the extent of the policy revisions had to be drastically reduced. Table 1 shows a side-by-side comparison of the old wording and revised wording. In the final revision, two sub-conditions have been merged, and a more active sentence structure shifts some of the remaining conditions toward a slightly more positive framing. Suggested rule changes aimed at reducing barriers for clients (i.e., drug testing) were not modified as a standard condition but, instead, could be excluded based on each individual's presenting factors when sentencing decisions are made by a judge.

Reflecting on the Revised Rules

The revised conditions went into effect for individuals with cases sentenced after August 1, 2023, at which point clients received the revised rules. As of this writing, only eight months later, it is too early for us to share the outcomes of the revised rules. Cases managed under the old conditions will continue to make their way through the courts for some time. We expect it to take approximately two years before we will see datasets that are composed exclusively of cases managed under the revised rules. At that point, we will be able to provide a better understanding of whether, and how, the revised rules influenced other outcomes.

The focus of this brief is not on the impact of the rules on probation success but is instead on how to utilize Action Research Teams to change policies and practice. Our reflections are primarily related to what we have learned about cultural change at this stage. The deliberative process we developed to achieve the revisions enacted to date constitutes a cultural step in a positive direction. It has accelerated familiarity with EBP principles throughout the justice system. The ART team retained the trust and respect of the practitioners throughout this process. Of crucial importance, and

worth special emphasis, is that we formed a strong basis for ongoing reform work with Monroe County. The ART and workgroup partnerships have demonstrated that with patience and collaboration an action-research pairing allows successfully engagement with diverse stakeholders and builds a dialogue that leads to systemic policy and practice reforms.

LESSONS LEARNED FROM THE ACTION RESEARCH TEAM AND WORKGROUP PARTNERSHIPS

Professional Outside Facilitation Is Invaluable

The justice system is a human system: it derives stability from the repetition of routine interactions between its various parts, each with its own mandate, relational dynamics, and institutional memory. High-level change that affects this entire system is difficult to generate from inside the homeostasis of the organization. An outside facilitator can create a positive degree of disruption safely, break down habitual roles and power dynamics to make space for productive discussions, and consistently drive the process forward.

Involve Justice-Involved Individuals

Individuals with lived experiences have unique and valuable perspectives that should be central to reform efforts. They understand how evenly policies are implemented across departments. They understand the intended and unintended impacts of policies. What we learned is that creating spaces that will foster respectful conversation between a wide variety of stakeholders—from judges to attorneys to justice-involved clients—is a daunting task. Nevertheless, involving justice-involved clients would have benefited the project and its outcome, and we now strive to do a better job of this in our continuing work together.

The Higher Level the Reform, the Longer to Implement

Even though we built deliberative time into our implementation plans, the actual deliberations took even longer. There was change in scope of the reform effort, from the originally planned revisions (i.e., big step) to the more modest revisions (i.e., smaller steps). Our original proposal may have overestimated how fast the existing culture would be able to assimilate a new philosophy. In the end, patience and persistence were key.

Seek Progress, Not Perfection

Pursuing policy change at this level can be slow and frustrating. Nonetheless, whereas a standard research study might provide recommendations that go nowhere, our professionally facilitated dialogue cultivated the systemic buy-in necessary to result in a concrete action, however small. The long-term potential of these relationships is incalculable.

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AUTHOR BIOS

Linda Brady is the Chief Probation Officer for the Monroe Circuit Court in Bloomington, IN. She serves on the National Association of Probation Executives (NAPE) Board of Directors representing the Central Region of the United States.

Eric Grommon is a Paul H. O'Neill Professor in the O'Neil School of Public and Environmental Affairs at Indiana University Indianapolis. He is an applied criminologist who conducts research and evaluation on justice system policy and practice with and for practitioner and community partners.

Troy Hatfield, MS, is Deputy Chief Probation Officer for the Monroe Circuit Court Probation Department in Indiana. He oversees adult and juvenile probation, the court alcohol and drug program, and coordinates research activities for the department. He holds a Bachelor's degree from Indiana University and a Master's degree from Indiana State University.

Brian Lovins is the immediate past president of the American Probation & Parole Association and the president of Justice System Partners. He routinely works with agencies to improve the practices of the criminal justice system.

Evan M. Lowder is an Assistant Professor in the Department of Criminology, Law and Society at George Mason University. Her work examines strategies to reduce use of incarceration and connect individuals with needed services and supports in the community.

Miriam Northcutt Bohmert is an Associate Professor of Criminal Justice at Indiana University – Bloomington. Her work focuses on reentry, community corrections, and how these are experienced by marginalized individuals.

Michelle Ying, MS, is a research coordinator at Indiana University, Bloomington. Her work focuses on providing support to research in the Criminal Justice field across projects involving the courts and community corrections.



Membership Application



AMERICAN PROBATION AND
PAROLE ASSOCIATION

REFERRED BY: _____

YES! I WOULD LIKE TO JOIN APPA:

(U.S. currency)

- | | | |
|---|--------------------------|---------|
| <input type="radio"/> Student Membership | (1 year) | \$25 |
| <input type="radio"/> Individual Member | (1 year) | \$50 |
| <input type="radio"/> Individual Member | (3 year) | \$135 |
| <input type="radio"/> Level I Agency Member | (900+ staff - 1 year) | \$3,000 |
| <input type="radio"/> Level II Agency Member | (600-899 staff - 1 year) | \$2,000 |
| <input type="radio"/> Level III Agency Member | (300-599 staff - 1 year) | \$1,500 |
| <input type="radio"/> Level IV Agency Member | (50-299 staff - 1 year) | \$1,100 |
| <input type="radio"/> Level V Agency Member | (1-49 staff - 1 year) | \$600 |
| <input type="radio"/> Affiliate Member | (1 year) | \$250 |
| <input type="radio"/> Associate Member | (1 year) | \$1,000 |
| <input type="radio"/> Corporate Member | (1 year) | \$8,000 |
| <input type="radio"/> Educational Institution | (1 year) | \$150 |
| <input type="radio"/> Library Subscription | (1 year) | \$60 |
| <input type="radio"/> Lifetime Member | (Lifetime) | \$300 |

*For new Affiliate memberships a copy of the organization's current list of board of directors and/or elected officers and written mission statement. All Affiliate applications are subject to approval by the APPA board of directors. A vote will be taken at the next regularly scheduled board meeting to approve new affiliates.

(Individual must meet qualification criteria. Additional materials will be mailed to you upon receipt of this form to complete your application)

CONTACT INFORMATION:

First Name: _____ Last Name: _____

Title: _____

Email: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Agency/Organization: _____

☒ Check if same address as above

Agency/Org. Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Website: _____

Individual applicants, please complete the following:

LENGTH OF EXPERIENCE IN COMMUNITY CORRECTIONS

- ☐ Less than 2 years
- ☐ 2-5 years
- ☐ 6-10 years
- ☐ 11-15 years
- ☐ 16-20 years
- ☐ 21-25 years
- ☐ More than 26 years

GENDER

- ☐ Female
- ☐ Male

RACE/ETHNICITY

- ☐ African American
- ☐ Asian
- ☐ Caucasian
- ☐ Hispanic
- ☐ Native American/
Alaska Native
- ☐ Other: _____

HIGHEST LEVEL OF EDUCATION

- ☐ Associate's Degree
- ☐ Bachelor's Degree
- ☐ GED
- ☐ High School Diploma
- ☐ Master's Degree
- ☐ Doctorate

GEOGRAPHIC WORK AREAS

- ☐ Urban (Pop. >50,000)
- ☐ Rural (Pop. <50,000)
- ☐ Both Urban and Rural

JOB JURISDICTION

- ☐ City
- ☐ County
- ☐ Federal
- ☐ Province
- ☐ State
- ☐ Tribal
- ☐ Alaskan Village
- ☐ Other: _____

APPA OFFERINGS

- ☐ APPA Advocacy Stances
- ☐ Awards & Spotlights
- ☐ Career Center
- ☐ Executive Summit
- ☐ Leadership Institute
- ☐ Marketing Opportunities
- ☐ Online Training Courses
- ☐ Specialized Services
- ☐ Training Institutes
- ☐ Writing for Quarterly Journal

I AM INTERESTED IN:

- ☐ Case Management/Planning
- ☐ Controlled Substances
- ☐ Criminogenic Risk/Needs
- ☐ Diversity
- ☐ Domestic Violence
- ☐ DUI
- ☐ Electronic Monitoring
- ☐ Evidence-Based Practice
- ☐ Family Justice
- ☐ Fines, Fees & Restitution
- ☐ Gangs
- ☐ International
- ☐ Interstate Compact/Commission
- ☐ Judicial
- ☐ Juvenile Justice
- ☐ Offender Employment
- ☐ Offender Mental Health
- ☐ Officer Safety/Wellness
- ☐ Parole
- ☐ Pretrial
- ☐ Probation
- ☐ Professional Development
- ☐ Public Policy
- ☐ Public Relations
- ☐ Recidivism
- ☐ Research/Evaluation
- ☐ Restorative Justice
- ☐ Sex Offender Management
- ☐ Supervision Strategies
- ☐ Technology
- ☐ Victims Issues
- ☐ Workplace
- ☐ Other: _____

PRIMARY WORK SECTOR

- ☐ Academia
- ☐ Adult Correction
- ☐ Adult Parole
- ☐ Adult Probation
- ☐ Community Justice
- ☐ Juvenile Parole
- ☐ Juvenile Probation
- ☐ Judicial
- ☐ Non-Profit
- ☐ Pretrial Services
- ☐ Private
- ☐ Residential
- ☐ Treatment Provider

PROFESSIONAL CATEGORY

- ☐ Administrator
- ☐ Attorney
- ☐ Commissioner/Director/Chief
- ☐ Consultant
- ☐ Educator
- ☐ Grant Coordinator
- ☐ Judge
- ☐ Line Officer
- ☐ Parole Board Member
- ☐ Private
- ☐ Project Director
- ☐ Retired
- ☐ Specialist
- ☐ Student
- ☐ Supervisor
- ☐ Trainer
- ☐ Transition Specialist

METHOD OF PAYMENT:

☐ Check ☐ Purchase Order

☐ Check Enclosed ☐ Government Purchase Order Enclosed;
PO # _____

For credit card payments, please call Kimberly Mills at 859.244.8204.

Mail or fax application and payment to:

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