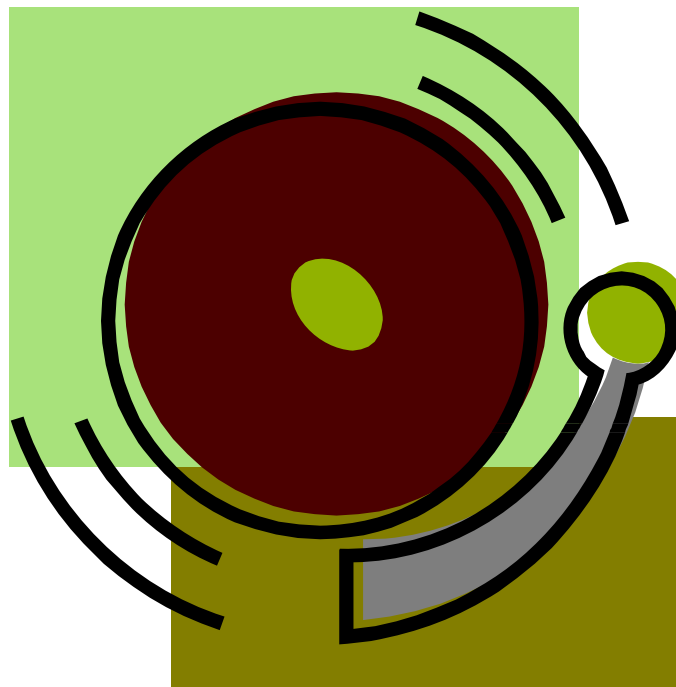




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# Topics in Community Corrections

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**Annual  
Issue  
2006**

**Effectively Managing  
Violations and Revocations**

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# Topics in Community Corrections

## ANNUAL ISSUE 2006: Effectively Managing Violations and Revocations

*FOREWORD* . . . . . 2  
George M. Keiser, National Institute of Corrections

*A NEW LOOK AT VIOLATIONS OF COMMUNITY SUPERVISION* . . . . . 3  
Peggy Burke, Center for Effective Public Policy, Inc.

*TAKING A SYSTEM APPROACH TO REDUCING PAROLE VIOLATIONS: "BECAUSE IT'S NOT JUST A PAROLE ISSUE"* . . . . . 8  
Ed Ligtenberg and Doug Clark, South Dakota Board of Pardons and Parole

*OHIO'S EVIDENCE-BASED APPROACH TO COMMUNITY SANCTIONS AND SUPERVISION* . . . . . 17  
Sara Andrews, Ohio Adult Parole Authority, and Linda S. Janes, Ohio Bureau of Community Sanctions

*STATE AND LOCAL AGENCIES PARTNER TO MANAGE VIOLATIONS OF SUPERVISION IN OREGON* . . . . . 21  
Scott Taylor and Ginger Martin, Oregon Department of Corrections

*FOUR-POINT STRATEGY REDUCES TECHNICAL VIOLATIONS OF PROBATION IN CONNECTICUT* . . . . . 26  
Brian Hill, Court Support Services Division, Connecticut Judicial Branch

*AN OUNCE OF PREVENTION: PROACTIVE SUPERVISION REDUCES VIOLATION BEHAVIOR* . . . . . 31  
Judith Sachwald and Ernest Eley, Jr., Maryland Division of Parole and Probation, and Faye S. Taxman, Virginia Commonwealth University

*PRE-PAROLE UNIT AND JOB COURT REDUCE VIOLATIONS IN LANCASTER COUNTY, PENNSYLVANIA* . . . . . 39  
Deon E. Roth, Adult Probation and Parole Services, Lancaster County Court of Pennsylvania

*VIOLATION MANAGEMENT IN MISSOURI: THE CHANGE PROCESS AND ONE STATE'S PLAN* . . . . . 43  
Scott Johnston and Tom Hodges, Missouri Department of Probation and Parole

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## Foreword

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**W**hen the National Institute of Corrections (NIC) first began to look at the subject of responses to probation and parole violation, more than two decades ago, there was an almost universal assumption that violation led to arrest, led to revocation, led to return to custody. Today the management of violation responses involves more options. Increasingly, the response takes into account the specific violation behavior and whether it violates the original sanction (with its accompanying rules) or a program intervention. Perhaps the level of sanction was sufficient to manage the person, but the magnitude of the intervention was insufficient to accomplish behavior change (e.g., to end an illegal addiction). While confronting every violation remains essential, we have learned that merely returning the person to a finite number of expensive custodial bed-days may not be the most effective way to accomplish our goal. We now recognize the challenge is to confront behavior in ways that reduce the risk of new crimes and new victims—for the long term and not just the instant event.

It is difficult to be “right” about decision-making on violations. The simple response is to lock up every violator. While it covers our political tail, that course generates two major business issues. First, it squanders finite, expensive jail and prison beds on people who can be confronted and controlled in less expensive and arguably more effective ways. This leads to the second issue: we increasingly recognize that our job of public safety is a long-term challenge and that our decisions are not just for the moment. A more effective response to a violation—one that reduces the risk of new crime and new victims—may focus on changing the intervention, not the sanction. This may be particularly true with mentally ill or addicted offenders.

To optimize decision-making in individual cases, violation responses should be based on deliberate policy. Policy must articulate the long-term goal of *what* we want to accomplish and *why*. The practices and programs we then employ can be measured in terms of how well they aid us in achieving the stated *what* and *why* of policy. To accomplish this, we must improve our capacity to collect relevant data and to interpret its meaning in light of our stated goals. A deliberate management strategy for violation response also will make it clearer *when* we must return a person to custody and not be apologetic about the need to do so.

The requirement to confront violation behavior will always be a major aspect of our business. The following articles demonstrate that it can and should be faced in a thoughtful manner. NIC is encouraged by how the staff of these organizations are deliberately going about meeting this challenge in their jurisdictions.

*George Keiser, Chief  
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# A New Look at Violations of Community Supervision

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**V**iolations and revocation of probation and parole have been topics of discussion among corrections practitioners for decades. The nature of those discussions has often revealed a great deal about the critical issues facing corrections at the time. During the 1970s, the focus was on understanding the due process requirements being articulated by the courts in that decade and aimed at protecting offenders' liberty interests, established once they had been released on probation or parole.<sup>1</sup> A bit later, there was a debate about whether revocations as a result of technical violations of probation or parole should be considered as failures or as successes.<sup>2</sup> After all, the argument went, if an offender under supervision could be revoked after committing only a technical violation, a criminal violation was likely prevented.

During the waves of prison crowding that have occurred in recent decades, revocations to prison have been regarded as a target of change, to reduce the burden on thinly stretched prison bed space<sup>3</sup> if nothing else. Most recently, the burgeoning interest in offenders' reentry from prison to the community has again cast the spotlight on violations and revocations and is shaping the dialogue in the field.

## **NIC Leadership**

Over the past dozen years, the National Institute of Corrections (NIC) has provided leadership to the field in exploring trends and emerging practices. By 1997, NIC had sponsored technical assistance in 19 jurisdictions through its national projects focusing on probation and parole violations and revocations. These and subsequent efforts have provided continuing assistance to individual agencies.

Through this work, NIC pioneered the concepts of policy-driven responses to parole violations to increase consistency and even-handedness, graduated sanctions scaled according to risk of the offender and severity of the violation, and the concept of problem-solving responses in addition to or instead of sanctions.

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1. Edward E. Rhine, et al., *Paroling Authorities: Recent History and Current Practice* (Laurel, Maryland: American Correctional Association, 1991), 126.

2. *Ibid.*, 134. No research exists that demonstrates a systematic progression from technical violations to new crimes.

3. Dale G. Parent, et al., *Responding to Probation and Parole Violations* (Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1994).

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by  
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NIC has also documented this practical guidance in two handbooks that have seen wide use in the field:

- ◆ *Responding to Parole and Probation Violations: A Handbook to Guide Local Policy Development* (Madeline Carter, ed., 2001); and
- ◆ *Parole Violations Revisited: A Handbook on Strengthening Parole Practices for Public Safety and Successful Transition to the Community* (Peggy Burke, 2004).<sup>4</sup>

This edition of *Topics in Community Corrections* continues that tradition by offering a window on how a number of community corrections agencies are meeting the current challenge of effectively managing parole and probation violations.

The population under community supervision in this country is large and is growing inexorably. In 2004, the U.S. Bureau of Justice Statistics (BJS) reported the probation and parole population as 4.9 million individuals, an increase of roughly 1.2 million individuals since 1995. In that same year, BJS reported that 15% of probationers and 39% of parolees were revoked to incarceration (jail or prison).<sup>5</sup> This translates to something over 620,000 probationers admitted to local jails and almost 300,000 admissions to prison as a result of parole revocations. Between 1990 and 1999, admissions to prison as a result of parole revocations rose from 28.8% of all admissions to 34.8% of all admissions. Nearly one-quarter of state prisoners in 1997 were parole violators.<sup>6</sup> Indications are that these increases are continuing into the present decade, with significant impacts upon community safety and system resources.

### **A Focus on Successful Reentry**

One of the dynamics that is fueling the growth of community corrections populations in the nation is the return of offenders from prison and jail to their home communities. More than 600,000 offenders return each year from prison; many times that number return from jail. A huge percentage of these individuals have some kind of conditional release status, requiring them to meet certain standards in order to remain at liberty. Unfortunately, many of them fail, some by committing new crimes, and some by committing technical violations of probation or parole.

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4. For further information or to obtain copies of these publications, see <http://www.nicic.org/Library/016858> (Carter, 2001) and <http://www.nicic.org/Library/019833> (Burke, 2004). A web-formatted version of the Burke material can be accessed via <http://www.nicic.org/Library/020398>.

5. Laurence E. Glaze and Seri Palla, "Probation and Parole in the U.S., 2004," *Bureau of Justice Statistics Bulletin*, November 2005.

6. Timothy A. Hughes, Doris James Wilson, and Allen J. Beck, "Trends in State Parole, 1990-2000," Bureau of Justice Statistics Special Report, October 2001.

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The way in which the system operates to prevent such violations—and to respond to them once they have occurred—is a critical aspect of how community corrections agencies do their work. The articles in this issue of *Topics in Community Corrections* provide a window on innovations in the field and offer some insight into how agencies are implementing new knowledge emerging from research and practice.

The articles suggest that significant changes are taking place in the field of corrections.

- ◆ **A new goal—offender success and community safety.** Each of the articles in this issue explicitly or implicitly articulates the successful completion of supervision (probation or parole) as the desired outcome of its agency’s efforts. In Deon Roth’s recounting of efforts in Lancaster County Court of Pennsylvania, Adult Probation and Parole Services, he makes the rather startling statement that, “In short, APPS is now planning for, and counting on, client success.” Ed Lightenberg and Doug Clark, writing of the “system” approach in South Dakota, report, “In effect, we need to teach [offenders] how to be successful in the institution and on supervision by reducing their own risk.”

Other articles in the collection talk about focusing on jobs, on helping offenders succeed in attaining early discharge, and in working with offenders on those areas that affect success on supervision. This orientation toward success is a significant departure from efforts in the recent past—and, in some agencies, still in the present—that focus primarily on surveillance and the meeting of contact standards as the measures of effective supervision.

- ◆ **New tools—effective interventions.** The articles also embody a growing acceptance of the premise that well designed and targeted interventions can reduce the likelihood of recidivism and failure on supervision. Brian Hill reports on services in Connecticut that are often delivered at the local Alternative Incarceration Center to individuals in the Technical Violation Unit. Judith Sachwald, Ernest Eley, Jr., and Faye Taxman’s article reports on how criminogenic needs are addressed in Maryland with services based upon an assessment of risk and needs. This is a significant departure from the conventional wisdom that “nothing works” and that our best strategies are focused on incapacitation and risk management.

In effect, these agencies are pursuing risk reduction, using validated assessment tools, and targeting interventions to offenders on the basis of risk and need. They are integrating evidence-based practices into their management of violations and revocations.

- ◆ **System perspectives.** Another development evident in these articles is the notion that violations and revocations are not simply the concern of supervision agencies—be they parole or probation. Rather, preparing offenders for

successful reentry into the community begins immediately upon their incarceration, and the targeting of interventions to offenders while incarcerated is expected to yield more successful outcomes after they are released. Authors working in both parole (in South Dakota) and probation (in Lancaster County) report investing significant efforts in pre-release assessment and programming to prepare offenders for their return to the community.

Our correctional systems have long been characterized by extreme fragmentation and lack of communication. These are encouraging examples of efforts to bring more continuity and coherence to the process in the service of public safety.

- ◆ **Ongoing assessment and dynamic case planning.** Another common thread running through the experiences of these jurisdictions is the need for good assessments of offenders—in order to identify risks and needs—and the importance of developing and implementing targeted, dynamic case plans. These plans are targeted, because they are designed to address specific criminogenic needs as assessed by research-based assessment protocols.

Linda Janes and Sara Andrew present an excellent example, describing how Ohio targets its halfway house resources to higher-risk offenders. These plans are also dynamic, because they are updated and changed as reassessments are completed, risks and needs change, and offenders accomplish milestones along the way. This is a significant departure from an approach to supervision driven primarily by contact standards and monitoring compliance with conditions.

- ◆ **Supportive interactions with offenders.** A number of contributors to this issue use interactions with offenders as part of their strategy related to revocations and violations. In Connecticut, officers have been trained in areas such as the principles of cognitive behavioral change and motivational interviewing. In Lancaster County, the Job Court Officer functions as something of a guidance counselor, personal mentor, and job coach—suggesting a very different set of interactions with offenders than what might characterize a strictly surveillance-oriented approach to supervision.
- ◆ **Swift, certain, and short-duration sanctions.** Scott Taylor and Ginger Martin report on Oregon’s experience with handling violations at the local level, emphasizing the use of short, certain, and swift responses to violations—an important lesson from the evidence-based practice research. In Oregon, revocation sentences are served mostly at the local level. Since 1997, Oregon’s recidivism rates have remained steady for probationers and have been decreasing for parolees.



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◆ **Collaborative attention to the change process.** An end to prison construction led Missouri corrections officials to examine the unremitting growth of admissions resulting from parole and probation violations. Scott Johnson outlines how the state of Missouri undertook the process of changing its approach to probation and parole violations, using a deliberate, collaborative process to map current practices, articulate clear goals, explore policy options, and develop an implementation strategy. The strategy included significant training for staff, building collaborations with external stakeholders, and revamping violation policies and procedures.

◆ **A focus on measurement and evaluation.** Perhaps most striking in all of these articles is the presence of specific data, analysis, and evaluation findings to provide feedback about the innovations. Such feedback allows for accountability to funding sources and supports program improvement, wise use of resources, and rational planning. These are laudable efforts for community corrections. We are living in an era in which resource demands are growing, and we must be able to demonstrate the worth of various practices in order to claim our share of those resources.

### **Snapshots of Change**

The innovations documented in this issue of *Topics in Community Corrections* suggest that encouraging changes are proceeding in the way community corrections agencies manage violations and revocations. They:

- ◆ Focus on offender success;
- ◆ Utilize the lessons of evidence-based practice;
- ◆ Proceed from a “systems” perspective;
- ◆ Incorporate sound assessment and case planning;
- ◆ Use interactions with offenders as interventions to motivate change;
- ◆ Carefully plan the change process—involving multiple stakeholders; and
- ◆ Include performance measurement.

These are all steps in a promising direction. ■

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# Taking a System Approach to Reducing Parole Violations: “Because It’s Not Just a Parole Issue”

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by  
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**H**istorically, violations of parole supervision have been seen predominantly as a “parole issue,” but this view is inaccurate on at least two levels. First, and most obvious, is the fact that violations and the subsequent return of violators to prison have far-reaching ramifications for the entire correctional system, especially in terms of their impact on institutional counts and available bed space. Second, and more problematic, is the notion that community corrections agencies can effectively reduce violations on their own simply by changing programs and policies or developing new ones.

Common practice has been to address violation behavior and each offender’s criminogenic needs only after the offender has already completed a prison sentence and is on supervision in the community, with the hope that the interventions will prevent a return to prison. However, because violations affect the entire correctional system, the entire system must work together to reduce them. As we have learned in South Dakota, reducing violations is not simply a matter of implementing a standardized process to respond to them; instead, the focus must shift to a system-wide responsibility for reducing an offender’s criminogenic risks. Each department, agency, and staff member in the correctional system must be held accountable for assisting in the process of risk reduction. If a single department falls short of this goal, the entire system will feel the negative impact.

## **System Approach Begins in Institutions**

The main reason to reduce violations, of course, is public safety, which is heightened by reducing the risks presented by those on parole supervision. In recent years, through a great deal of collaboration among Parole Services, institutional staff, and external agencies, South Dakota has developed several programs to address violations from a system-wide perspective. This perspective is based on the notion that reducing parole violations needs to start well before an offender is released to the community, and it has begun to take hold as one of the primary missions for all agency staff—not just parole staff. This article explores some of the key processes associated with creating this integrated approach to risk reduction as well as the components that foster integration across the entire correctional system.

**(1)—Assessment in the institution: identification and planning.** The first step of the risk-reduction process begins in prison, where each individual is assessed upon admission to determine high risk and need areas. South Dakota uses a wide variety of assessment processes and instruments, including the Level of Service Inventory–Revised (LSI–R), the Hare P-SCAN for psychopathy, the Diagnostic

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and Statistical Manual of Mental Disorders, Third Edition (DSM-III), the Abel Screen for sexual interest, the Minnesota Sex Offender Screening Tool (MnSOST), the Test of Adult Basic Education (TABE), the Corrective Thinking assessment, interviews, and our internal Community Risk Assessment. Each offender's physical, mental, and dental health is also assessed. Finally, we collect information on employment history and work skills, along with background information on the offender's crime(s), previous criminal history, prior institutionalization(s), and other relevant personal data. The information is used to determine work and placement restrictions for classification and, more importantly, to determine the offender's need for programming, both in the institution and in the community.

Based on the assessment information, an Individual Program Directive (IPD) is developed specifically for each offender. The IPD is consistent with the offender's time to serve, classification needs, and program needs. It establishes standards and criteria for the initial parole release for each offender, outlines applicable treatment and programming needs, and sets standards for behavior while in prison. Most offenders also are required to complete a designated number of "elective credits" by attending school classes, attending AA programming (if applicable), doing policy reviews, writing book reports, or completing prison television network classes on health issues, job skills, or general topics. Inmates who comply with their IPD are eligible for release to community supervision on their initial parole date without a discretionary hearing by the Parole Board, provided that a suitable release plan has been approved and a supervision agreement established and signed.

Each offender is scheduled to complete the required programming documented on his/her IPD prior to release. This requirement not only ensures that most offenders will have the opportunity to address need areas prior to being released, but it also provides valuable information regarding where resources (staff, classes, and materials) will be needed. Thus, in addition to documenting offenders' needs for programming, the assessment process also provides a mechanism for effective resource allocation.

**(2)—Programming in the institution: collaboration and oversight.** Based on their assessed criminogenic needs, offenders take part in programming such as chemical dependency treatment or sex offender programs while in prison. Additionally, offenders who do not have a high school diploma or GED must become involved in GED/literacy programming. Approximately 87% of offenders who require some level of chemical dependency treatment obtain those services in the institution prior to being released. Those who do not, for whatever reason, must provide plans to obtain such services while on community supervision.

Developing effective, risk-reducing programming in the institution requires a great deal of collaboration, both within the Department of Corrections (DOC) and between the DOC and other state agencies that provide funds and staff to oversee and deliver the programming. For example, the state's Division of Alcohol and

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Drug Abuse provides funding and oversight for all chemical dependency programs, from assessment to treatment delivery, in all DOC facilities. A Curriculum Committee—comprised of educational, classification, and program staff, senior DOC staff, and departmental supervisors—oversees the education program. Such collaboration and oversight not only ensure that all programs share a similar cognitive approach to risk reduction but also that all programs and classes are focused on building the specific skills offenders must have to address their criminogenic risks and needs when they return to the community.

**(3)—Release/transition planning: case management.** Another vital component in the system approach is release planning. All offenders who are within 5 years of a possible release date must submit a release plan documenting their proposed residence, employment, school, chemical dependency/sex offender treatment plans, and medical/mental health treatment plans. This information is stored electronically and can be accessed by all institutional and field staff. In addition, case management staff in the institution review and update each release plan with the offender at least annually; the review is designed to keep both staff and the offender focused on a future release to community supervision.

This focus on transition and release planning has led to the creation of new transition-specific positions in both the DOC and other agencies associated with corrections. Transition Case Managers, along with chemical dependency and sex offender transition staff, oversee offenders' transition from the institution to the community in an effort to link offenders to necessary community programs and other resources. The goal is to create a seamless transition of services based on the needs of each offender. The involvement of transition staff early in the institutional and parole process makes it possible to identify offenders who are likely to pose particularly difficult challenges for placement and services in the community, so that staff have adequate time to assemble necessary resources prior to release.

Transition specialists review each offender's release plan, including any institutional treatment providers' recommendations for follow-up services in the community. The transition staff then set up appointments at accredited agencies in the community where the offender is planning to live. This process eliminates the need for offenders or field staff to make these arrangements themselves, including collecting and submitting proper paperwork and information on prior treatment and funding. It also eliminates the possibility of procrastination or apathy that is all too common if offenders are left to initiate these contacts themselves. We hold offenders accountable by informing them that if they fail to attend these appointments, they will be jailed in the community until a new appointment can be established.

**(4)—Community Transition Program: extra help when needed.** New as of October 2004 is a Community Transition Program (CTP) that assists offenders who cannot develop an adequate release plan. The program provides critical housing and employment services to these offenders on release, plus it provides

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an alternative to violation for those who have problems in the community after release and need an intervention/housing placement short of returning to prison. The CTP was developed with no additional correctional resources because it uses existing facilities and programs.

Phase 1 of the CTP takes place in the institution. It focuses on re-entry programming (relapse treatment, job seeking, financial responsibility, and corrective thinking) and the development of a transition plan. Offenders then transition to Phase 2, located at minimum security facilities around the state, where they focus on securing employment, saving money, and finding adequate housing. Transition case managers help institutional staff and parole agents manage the offenders involved in the program by developing and overseeing an Individual Transition Plan (ITP) tailored to each offender's needs.

Because newly released offenders in the program are actually on supervision and have either "self-committed" to the program or been paroled to it, field staff, institutional staff, and program staff must all collaborate to make the program successful. Having people on parole in our institutions has posed numerous challenges, stemming from the attempt to combine the often "gray" world of community corrections with that of the "black-and-white" world of institutions. The pay-off for our entire system has been tremendous, however.

Initial data from the CTP program are very promising, considering that the program was created for "high-risk" parolees—those without adequate resources or community support to put together a release plan—and those placed in the program as an alternative to violation. Since April 30, 2006, the CTP has served 898 of these high-risk offenders, and 76% have graduated and been placed in the community. Of those who have graduated from the program, 70% are succeeding in their community placement or have successfully completed the community supervision portion of their sentence.

When recommending placement of an offender in the CTP program as an alternative to violation, a parole agent is responding to an offender's violation of supervision conditions. This sanctioning process, although not new in community corrections, needs to be conducted in a consistent, regulated manner, with specific goals in mind. There must be logical consequences to violation behavior, and the process of imposing sanctions needs to be done in an effort to change behavior and manage risk, not in retaliation for negative behavior.

### **Parole Establishes Policy-Driven Response to Violations**

In April 2003, the Parole Department implemented a new initiative to guide agents' decision-making when offenders violate supervision conditions. Known as Policy Driven Responses to Technical Parole Violations ("PDR"), the initiative is the result of a collaborative effort among parole agents, institutional/classification staff, and Parole Board staff. The PDR initiative is based on the nationally accepted "what works" philosophy, which says, at least in part, that public safety and offender change are achieved by risk control and risk reduction through an

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integrated system of sanctions and interventions. With the goal of managing risk and gaining compliance, agents must intervene selectively and proactively, based not only on the severity of the violations committed, but also on the risk the offender already represents to the community.

The PDR process is based on a “Violation Severity Level Scale,” which is a matrix of the complete list of supervision conditions and many possible specific violations of those conditions. The matrix is used to determine the appropriate response range of sanctions for each condition violated. Once an agent determines the appropriate range of sanctions, he/she consults the PDR’s “Violation Response Range Scale” and selects a specific sanction that appropriately addresses the violation committed.

As an alternative to possible parole revocation, the offender must admit the violation and agree to complete the imposed sanction. Once a violation has been resolved, it is not normally used as a reason for revocation at a later date, although it may be a contributing factor in a later decision to recommend revocation. A description of the violation and the sanction imposed, even if it has been resolved, is provided to the Parole Board during any subsequent revocation process to inform the Board of previous interventions attempted with the offender.

Because it responds to every violation consistently and at a level commensurate with both the offender’s risk and the severity of the violation, the process holds offenders accountable to conditions of supervision. The primary consideration in responding to violations is, of course, public safety. When a violation is detected, agents sanction an offender after considering the risk the offender poses to the community, the severity of the violation, the offender’s needs, the offender’s performance while on supervision, the offender’s attitude, the relationship of the violation to the offender’s crime of conviction, the anticipated effect, and the availability of the intervention.

The PDR initiative accomplishes many things. First, it increases consistency among parole agents in responding to violation behavior, eliminating regional inconsistencies or any appearance of impropriety. Second, it provides a consistent way to document all violations for each offender, creating an accurate history of supervision if revocation becomes necessary. Third, it gives an objective way to measure each offender’s response to supervision conditions.

It is important to reassess the risk level of each offender regularly to be sure that the proper interventions are being administered. More importantly, frequent reassessment ensures that the interventions are having the desired effect and that any changes in behavior and circumstances are being accounted for. As offenders complete programs and the circumstances in their lives (such as employment, housing, and chemical usage) become stabilized, the risk they represent to the community is reduced.



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## Standardizing Supervision Based on Assessments

To do a better job of assessing offenders' risk levels and to standardize supervision levels, the South Dakota DOC began a process to develop its own Community Risk Assessment instrument, which was implemented in August 2004. The automated Community Risk Assessment and Re-Assessment instruments were developed as a collaborative effort over a 3-year period by a team of institutional case managers, classification staff, parole board office staff, and parole agents.

The Community Risk Assessment is used to establish supervision levels and, ultimately, the standards governing offender supervision in the community. Previously, supervision levels were based principally on the amount of the offender's time on supervision and the discretion of the supervising agent. In contrast, the Community Risk Assessment combines static factors of an offender's criminal history and behavior with ratings of "needs" to determine supervision levels. All factors that are considered demonstrate a strong statistical relationship to recidivism and thus can be used to predict an offender's probability of failure on supervision. By combining risk (static) and need (dynamic) factors, the assessments are designed to be both empirically related to successful supervision outcome and responsive to intervention.

As noted previously, an initial assessment is developed for each offender upon his/her entrance into prison. Institutional case management staff update this assessment regularly to account for any changes or program completions. Because at this point, the offender has not been released to the community, the "need" areas taken into account are based on program completion in the institution, the Corrective Thinking diagnosis, and the offender's release plan. Offenders are shown early on how completing programs, improving their housing plan, and securing employment can reduce their supervision level once they are released. The Community Risk Assessment information is also useful for the Parole Board when making discretionary parole decisions and for field staff in making case assignments and investigating release plans.

After being released to supervision in the community, each offender is re-assessed by the supervising parole agent at least every 3 months. While the static factors taken into account stay largely the same as on the initial assessment, the offender's behavior on supervision is now given more weight in the process. Key factors include:

- ◆ Housing (both type and stability);
- ◆ Employment (both type and length of time employed);
- ◆ Substance use; and
- ◆ Compliance with the conditions of supervision, as measured by PDRs.

The result is a risk assessment that balances the parolee's recent behavior with the most important elements of the offender's risk profile.

This objective system, which requires frequent re-assessments of offenders, means that supervision levels and standards are based on offenders' most recent behaviors and circumstances. As the system is completely automated, it limits the time that agents spend classifying offenders and allows them to "reclassify" more frequently. It provides a regular mechanism for identifying an offender's need areas and is useful in monitoring changes in offenders' behavior, attitudes, and circumstances that are clearly related to success on supervision.

The agents are encouraged to discuss with offenders the assessment and the specific areas being measured. This is often done in conjunction with another tool, a Supervision Accountability Plan (SAP). The SAP consists of an automated report that identifies the current status of an offender's needs (housing, employment, treatment/programming, chemical usage, and response to supervision). It also targets an early final discharge eligibility date.

The SAP has proven beneficial in a variety of ways:

- ◆ It and assessment information allow offenders to see how they can decrease their supervision levels by completing appropriate programming and stabilizing their housing and employment areas—things we already know greatly affect success on supervision.
- ◆ It promotes motivational interviews between field staff and offenders, and it also gives agents a way to provide positive reinforcement to an offender who has successfully completed a program, maintained sobriety, stayed employed, or had some other positive achievement.
- ◆ It is completely automated, so it eliminates the time agents would spend gathering this valuable information through other means.
- ◆ It increases responsivity, as program assignments/interventions can be tailored to an offender's individual characteristics and circumstances.
- ◆ Ultimately, it allows an offender to see a clear path to success. It constantly focuses both the offender and parole agent on a final goal of being granted an early discharge from supervision by the Parole Board.
- ◆ The community benefits as well, because as identified areas are successfully addressed and proven treatment programs are completed, the risk the offender poses to the community is decreased.



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## Ensuring Accountability

Accountability is crucial to the success of an integrated, systems approach to reducing parole violations. South Dakota's approach emphasizes accountability for both staff and offenders.

**Accountability of staff.** Staff must be held accountable to ensure that the vital steps in the process are completed accurately and in a timely manner. To ensure staff accountability, the Parole Department uses a process called COMPSTAT, which consists of an extensive monthly examination of numerous statistics dealing with offender supervision. It looks at statewide, regional, and individual agent numbers to examine current practices and identify trends.

Each regional parole supervisor is expected to analyze the data from his/her respective region (both on an individual agent and a regional basis), present information to the senior staff, and be prepared to answer any questions. This way, all parole agents and supervisors are held accountable to the supervision standards set by the DOC. This process also provides a continuous means to monitor staff compliance with new directives, processes, and standards and to identify areas that may require additional training.

**Accountability of offenders.** Offenders in prison are held accountable by the IPD process, in which the offender's behavior, program completions, and development of an effective release plan determine their compliance and, ultimately, release. Offenders on community supervision must comply with all conditions of supervision, as detected violations result in the imposition of PDR sanctions. These sanctions carry with them the possibility of elevating an offender's supervision level, leading to increased supervision conditions and higher-level sanctions if violations continue—including the possibility of revocation.

## Maximizing Understanding

In order to be held accountable, of course, both offenders and staff must have a clear understanding of the expectations placed on them and the logical consequences of their actions. This understanding comes through education and training.

**Understanding by staff.** It is important for all staff, regardless of position, to understand how their role in the process affects recidivism reduction and the entire correctional system. This understanding enables them to tailor their areas of responsibility to address the system's goal of reducing violations. To this end, the Parole Department now includes a "systems approach" training style. Institutional case managers and all other staff are not just given "classification" training, but are now invited, with staff from all areas of the institution, to workshops on release planning, treatment, and parole.

Maximizing understanding can be addressed, first, through the proper training of the staff who deal with offenders on a daily basis. If these people aren't properly informed, modeling the correct behavior, and dispensing the correct infor-

mation, the whole system is in trouble. Staff must be knowledgeable, dedicated, and professional. They must respect the dignity of all offenders and believe in each offender's capacity for change.

**Understanding by offenders.** It is equally important for offenders to understand how the system works and the expectations placed on them: what is being measured and scored, how classification and supervision levels are established, how to be eligible for an early discharge, and how to be successful on supervision, for example. In effect, we need to teach them how to be successful in the institution and on supervision by reducing their own risk.

Offenders in prison are required to participate in orientation sessions covering a wide range of topics, including rules, programs, parole, and institutional adjustment. The orientations are conducted by staff from the specific areas being discussed. Included in these sessions is a system overview, which outlines the entire correctional process, from admission to completion of sentence. Offenders also are introduced to the concepts of risk reduction through program completion and release planning, early discharge, classification, and compliance. They are given a detailed explanation of how to be successful both in the institution and on supervision. In addition, prior to release, each offender is required to attend "Parole School," where they are reminded of the expectations and the consequences of both positive and negative actions, as a refresher to prepare them for life on community supervision. With this system knowledge, offenders also help hold staff accountable for completing important tasks.

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**W**e can believe in everyone's capacity to change, but if we don't explain to offenders how to change or if we don't model that behavior as staff, we should not expect positive results. The goal of South Dakota's approach is to teach offenders how to "manipulate" the system to reduce their classification and supervision standards. This form of manipulation benefits everyone, of course, because it represents risk reduction. It is actually the result of putting together a better release plan; securing a job; completing risk-reducing, skill-building programs; and abiding by rules and conditions. As a result of understanding the principles involved and being given or taught the necessary skills, the offender is rewarded by reduced supervision conditions, the possibility of receiving an early final discharge, and, ultimately, the benefits of living a crime-free life. Both the correctional system and society benefit from the reduced probability that the offender will commit more crimes.

Developing such a system approach to reducing parole violations is not easy. It requires a great deal of collaboration and communication among all stakeholders. More important, department leaders must not only embrace the vision but must also incorporate it into their decisions. Each step in the process must be frequently evaluated from a system-wide perspective. And, ultimately, each department and each staff member must be held accountable for incorporating this vision into their daily practice. ■

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# Ohio's Evidence-Based Approach to Community Sanctions and Supervision

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**F**or years, the Ohio Department of Rehabilitation Correction (ODRC) for the most part followed the national trend in funding and operating community correction programming and supervision. The strategies and services provided and purchased were those that “felt good” and were thought to be effective, but no one really knew for sure which programs were having the desired impact. In Ohio, the stated purpose of community corrections is to protect the community by reducing recidivism through effective rehabilitation and supervision of offenders. That all sounds good, but was Ohio really making the grade?

In 2001, ODRC commissioned the University of Cincinnati to conduct an evaluation of halfway houses and other residential correctional programs that served Ohio's offender population (Latessa and Lowenkamp, 2002). The study found that the residential programs were effective when following the principles of effective intervention and when targeting higher-risk offenders. The ODRC committed to put into action the findings of the report and transform community correction programs in Ohio.

- ◆ First, the results were shared with the halfway house providers, with the understanding that programs had a limited time to make changes, and future funding would depend on their ability to improve the effectiveness of programs by implementing the successful program characteristics and strategies identified by the evaluation.
- ◆ Second, a performance-based auditing system was developed to identify strengths and weaknesses of each program and to ensure that state officials measure meaningful factors that affect offender success and recidivism.
- ◆ Currently, ODRC is in the process of applying a funding mechanism that rewards community correction programs that are performing well and reduces or eliminates programs that are not meeting performance objectives.

## Halfway House Placement and Success Rates

Identifying best practices for residential programs certainly was not the sole benefit of the University of Cincinnati study. The evaluation was also instrumental in identifying which offender population was most successful when placed in a halfway house program. All offenders participating in halfway house programs were tracked to determine if recidivism to prison occurred within a 2-year window from the date they successfully completed the halfway house program. The

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offenders were separated into four risk levels: low, low/moderate, moderate, and high. They also were placed in three supervision categories: Parole/Post Release Control (offenders receiving supervision after release from prison), Parole/Post Release Control Violators (offenders released to supervision from prison after a violation of an earlier period of supervision), and Transitional Control (formerly called furloughees, lower-risk offenders nearing the end of their sentence and released early to the community or a residential placement).

The evaluation revealed that moderate- and high-risk offenders in all three supervision categories had a lower likelihood of recidivism after completing a halfway house placement. More importantly, however, offenders in the Parole/Post Release Control Violator category were the only group to demonstrate a significant reduction in recidivism across all risk levels. Other supervision categories showed either no effect or an *increase* in recidivism when low- and low/moderate-risk offenders were placed in halfway houses. In other words, except for the Violator category, there is a negative effect of increased recidivism if lower-risk offenders are placed in an intensive residential halfway house. Higher-risk offenders in all categories respond well to more supervision and programming, resulting in reduced recidivism.

Overall, the study found a 12% reduction in recidivism for Parole/Post Release Control Violators, whereas the average reduction in recidivism for the other supervision categories was 6%. We learned an important fact when it comes to Parole/Post Release Control Violators—regardless of their risk level, placing supervision violators in halfway houses will increase the odds of positive and long-term behavior change.

### **Modifying the Violation Sanctions Grid**

The research findings prompted ODRC to incorporate halfway house placement as a sanction option on the “sanction grid” recently developed by the Ohio Adult Parole Authority (APA). The sanction grid was designed to assist the APA field staff in determining the appropriate level of response to offenders’ violations of Parole/Post-Release Control supervision, factoring in the risk level of the offender and the severity level of the violation.

- ◆ Certain offenses result in mandatory violation hearings and are not addressed on the sanction grid. Examples include violent offenses, weapons violations, sexual misconduct, and leaving the state without permission.
- ◆ All other violations are classified as high- or low-severity violations. After staffing the case with a Unit Supervisor, field staff impose the appropriate sanction. If there are extenuating circumstances, the APA Unit may contact the Regional Administrator to request an override of the sanction called for by the sanction grid.

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The sanction grid is based on four graduated levels of sanctions:

- 1) The Unit Sanction, which can be imposed by the APA Unit that is supervising the offender;
- 2) A Parole Board Summons, a new sanction developed to keep the Parole Board involved in the offender’s supervision after release;
- 3) The Out-of-Custody Hearing, a formal violation hearing conducted outside of a jail or prison and used for violations of a non-violent nature; and
- 4) The In-Custody Hearing, typically the last step on the sanction grid, used for offenders who have committed a serious or violent violation and/or have exhausted all possible community resources.

One premise of the sanction grid is that it is better to keep low-risk offenders with non-violent violations in the community, to support their reentry to society. Setting higher-level sanctions brings the Parole Board back, in a non-threatening manner, into the life of an offender it released and reinforces the rules by which the offender is expected to live. Offenders who pose a high risk to the community and commit high-level violations have few opportunities short of a prison sanction. Offenders who are a very low risk to the community and commit low-level violations have many chances to correct their behavior, with help from APA staff.

### **Does Our Approach Compromise Public Safety?**

Some ask, “Why are offenders being given so many chances? Is public safety compromised because of soft-heartedness (or soft-headedness) or because of an overly great concern about resources?” The most serious violations involving violence or threat thereof, regardless of the offender’s risk level, result in immediate hearings and possible incarceration; thus, public safety is preserved. Less serious violations and low-risk offenders are the crux of the sanction grid. There is no disputing that resources are an issue, with severe space shortages both in county jails and prisons.

But the APA’s sanction grid and related policy are not driven by resource concerns. Instead, resource concerns, along with the significant findings of community corrections research, prompted the APA to think seriously about our response to technical violations. It was important that we ask, What are we trying to accomplish, and how? Does responding quickly—by sending offenders to jail or prison for many kinds of violations—actually protect safety, help offenders develop a law-abiding lifestyle in the community, or reduce recidivism?

Accumulating evidence suggests that the “lock ’em up” response, at either the jail or prison level, does not improve offenders’ successful adjustment while under supervision as much as a graduated sanction does, when it is applied swiftly and certainly. Researchers Taxman, et al. (1999), Harrell, et al. (2003), Burke (2004),

and Hay (2001) found this to be true throughout the U.S., and recent research in Ohio reinforces this national evidence.

Preliminary results of analyses examining the relationship between sanctions and criminal re-offense show promise for program sanctions. Controlling for other factors commonly associated with supervision failure, ODRC researchers have shown in survival models that program interventions decrease the risk of new felony offenses by 50% during the first year of post-prison supervision (Martin, 2005). In contrast, overly punitive responses (as measured by frequency and severity of overall sanctions imposed) have no significant independent effect on the risk of new felony behavior. These results are consistent with a graduated sanction approach to rule violations among supervised offenders. ODRC's research also determined that, when responding to violations, the APA staff had been focused primarily on the offender's violation behavior, but not on the offender's risk level. Thus, the sanction grid was designed with offender risk as an explicit factor to guide officers to impose the most effective intervention.

The concepts underlying the sanction grid can improve the chances that most offenders under supervision will move to a law-abiding life and can isolate those who need to be removed from the community, thereby preserving public safety and conserving scarce public resources. An examination of the effectiveness of the sanction grid, funded by the National Institute of Justice, is now under way and, when completed, will reveal whether our goals are being met.

Risk-driven, public safety-conscious, and resource-conservative policy decisions based on sound research findings enable Ohio to pursue a progressive approach to offender supervision and residential placement for violators. We will continue to evaluate the impact of our practices, relying on hard data rather than instinct, to apply "what works" to successfully transition offenders back into our communities and reduce recidivism. ■

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# State and Local Agencies Partner to Manage Violations of Supervision in Oregon

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Oregon's long-standing cooperative relationship between the state and the counties in the management of corrections populations began in 1977 with the first enactment of its Community Corrections Act. Although the law has been modified from time to time over the past 30 years, the state has always had a policy of support for the local management of probation and parole. In addition, Oregon has put in place a number of initiatives that are designed to sort out who should be held in prison and who can be dealt with at the local level. The result of these initiatives is that prison beds are prioritized for violent offenders; 68% of the prison population is now serving time for person-to-person crimes. Revocation sentences, with few exceptions, are served at the local level rather than in prison.

There are more than 13,000 inmates in the state's prisons and over 33,000 offenders on felony probation or parole supervision in the state's counties. The state legislature provides funding to local jurisdictions for managing this community supervision population, including funds for the jails to house offenders serving revocation sentences.

## The Move to Administrative Sanctions

Prior to the establishment of an administrative sanctions process, persons who violated their conditions of supervision were brought before a judge (if on probation) or a hearings officer for the Parole Board (if on parole). The judge or Board then imposed a sentence or sanction in response to the violation, up to and including revocation.

This process began to change when the entire criminal justice system in one county jurisdiction collaborated on a new approach. The county corrections director, a judge, the district attorney, and the defense bar developed a program they called Drug Reduction of Probationers, or DROP. This program was based on a swift and certain response when an offender had a positive urine test. The first positive test resulted in a 5-day jail sentence, a second positive test resulted in a 15-day jail sentence, and a third mandated 30 days in jail. If the offender chose to appear before the judge rather than to accept the sanction, the judge would impose a sanction at least as long. This swift and certain response was extremely effective in reducing drug use.

Observing these positive results, another county adopted a similar program but, to minimize the impact on jail populations, imposed a 5-day sanction for each positive urine test, with no gradation of the sanction. The results were similar,

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providing even more evidence to support swift, certain, and short responses to violations rather than slow and long responses.

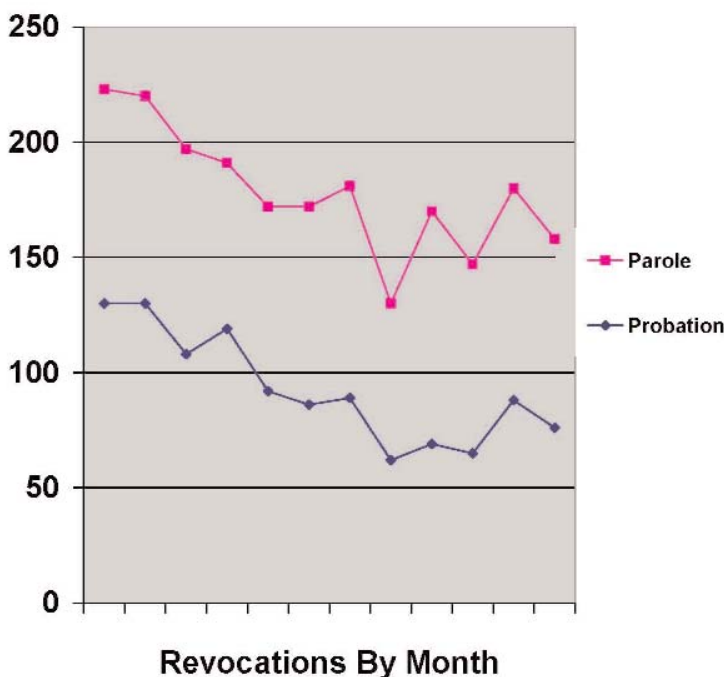
A review of the results of this highly successful experiment with a swift and sure sanctioning process led in 1993 to the introduction of legislation that gave probation officers the authority to use administrative sanctions. The Parole Board already had this authority and had also, in 1990, adopted guidelines for its hearings officers to respond quickly and administratively to violations of parole. The success of the Board's initiative provided additional motivation to adopt a similar system for probationers.

The goals of the administrative sanctions process were:

- ◆ To provide swift and certain sanctions for every violation, and to intervene earlier with offender misconduct;
- ◆ To provide proportional responses to serious vs. minor violations;
- ◆ To provide a structure for consistent responses across the state, from jurisdiction to jurisdiction;
- ◆ To save money in court time, indigent defense, district attorney time, and officer time by avoiding the necessity of a court hearing to respond to violations of probation;

- ◆ To reduce the need for additional expenditures for prisons by prioritizing space for serious and violent offenders; and
- ◆ To reduce the numbers of revocations to prison for non-criminal violations.

### Revocations for Technical Violations, First 12 Months of Administrative Sanctions



The graph at left depicts the results we observed.

The administrative sanctions process allows the officer to impose an appropriate sanction in response to a violation. The severity of that sanction is guided by the use of a sanction grid, similar to a sentencing guidelines grid. (See Figure 2, page 23.) The top tier of the grid determines the seriousness of the violation behavior. Next, the grid maps the response into the appropriate grid box, each with a set number of sanction units. This step takes into account the seriousness of the original crime for which the offender is under supervision (Sections 1, 2 or 3) and the offender's risk to re-offend (high, medium, or low). One sanction unit equals a day in jail, in residential treatment or work release, or under house arrest, or 16 hours of community service. The units that can be



**Figure 2. Oregon's Administrative Sanctions Grid**

**Seriousness of Violation Behaviors →**

SYSTEM RESPONSE	BEHAVIOR LEVEL 1	BEHAVIOR LEVEL 2	BEHAVIOR LEVEL 3
<ul style="list-style-type: none"> <li>• Fails to report truthfully or notify probation Officer as directed</li> <li>• Willfully fails to meet payment schedule</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibited use of alcohol and /or drugs (1 or 2 times), or fails to submit to testing</li> </ul>	<ul style="list-style-type: none"> <li>• Crimes with seriousness scale of 3 or less (Guidelines Grid)</li> <li>• Fails to take Antabuse</li> <li>• Prohibited use of alcohol and/or drugs, or fails to submit to testing (3 or more times)</li> </ul>	<ul style="list-style-type: none"> <li>• Crimes with seriousness scale of 4 or more, and all person-to-person crimes</li> <li>• Possession or use of dangerous/ deadly weapons.</li> <li>• Refusal to participate in or comply with conditions of prescribed treatment programs</li> </ul>

**Section 1: Highest Level Crime Seriousness / Criminal History Grid**

Supervision Level	SYSTEM RESPONSE	BEHAVIOR LEVEL 1	BEHAVIOR LEVEL 2	BEHAVIOR LEVEL 3
High	0-5 UNITS	0-25 UNITS	0-90 UNITS	0-90 UNITS
Medium	0-2 UNITS	0-20 UNITS	0-30 UNITS	0-90 UNITS
Low	0-2 UNITS	0-15 UNITS	0-25 UNITS	0-90 UNITS

**Section 2: Mid-Level Crime Seriousness / Criminal History Grid**

High	0-5 UNITS	0-20 UNITS	0-25 UNITS	0-90 UNITS
Medium	0-2 UNITS	0-15 UNITS	0-20 UNITS	0-90 UNITS
Low	0-2 UNITS	0-10 UNITS	0-15 UNITS	0-30 UNITS

**Section 3: Lowest Level Crime Seriousness / Criminal History Grid**

High	0-5 UNITS	0-15 UNITS	0-20 UNITS	0-90 UNITS
Medium	0-2 UNITS	0-10 UNITS	0-15 UNITS	0-30 UNITS
Low	0-2 UNITS	0-5 UNITS	0-10 UNITS	0-25 UNITS

imposed increase with the severity of the violation, the severity of the original crime, and the supervision level.

The offender must agree to accept the sanction; if he or she does not, the violation goes to a court or Board hearing. To build support from the prosecution and the judiciary, the law includes a provision for either party to override the administrative sanction, but this rarely happens.

An evaluation conducted by the National Council on Crime and Delinquency (S. Christopher Baird, Dennis Wagner, and Robert DeComo, "Evaluation of the Impact of Oregon's Structured Sanctions Program," 1995) found that offenders subject to administrative sanctions in Oregon were:

- ◆ More likely to participate in treatment (46% compared to 39%);
- ◆ More likely to have violations detected (64% compared to 52%); and
- ◆ Less likely to be reconvicted (8% compared to 14%).

### **State/Local Shifts in Responsibility for Revocations**

In 1995, a number of significant changes were made in the state-local partnership for community corrections. Key elements of the legislation were:

- ◆ The state would provide incarceration for offenders sentenced to more than 12 months in prison.
- ◆ Counties, with state funding, would become responsible for carrying out the sentences of offenders sentenced to prison terms of 12 months or less.
- ◆ Counties were given the authority to impose sanctions other than incarceration for those previously sentenced to 12 months or less in prison. This provision allows for more effective interventions and gives counties the ability to manage resources with more flexibility than the state prison system.
- ◆ The state would provide funding and require counties to assume responsibility for felony offenders on probation, parole, or post-prison supervision; this had been a county choice from 1977 to 1997.
- ◆ Communities and local government were given the control, flexibility, and funding to adapt their corrections based on local needs and priorities.
- ◆ Counties would be allowed to withdraw from operating community corrections if the legislature provides funds at a rate below the baseline funding defined in statute.
- ◆ Local public safety coordinating councils were established and would require the participation of the local criminal justice system to determine the use of state funds provided for community corrections. These groups are also responsible for coordinating the local criminal justice system response to criminal behavior for both adults and juveniles.
- ◆ State funds were provided to construct an additional 1,600 beds of local sanctioning capacity to compensate counties for the increased responsibility for housing offenders with sentences of 12 months or less. These beds could be additional jail beds, work release beds, or day reporting facilities.

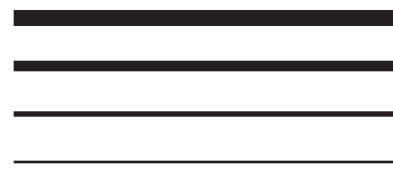
Because legislation governing existing sentencing guidelines had limited a parole revocation sentence to less than 12 months, all parole technical violations are now served at the local level. Most probation revocation sentences are also under 12 months, so violators are not sent to a Department of Corrections prison when revoked. Counties have the legal authority to move offenders among different settings while they are serving their sentences. This authority was given to counties to make it possible for them to manage their offender populations as they see fit. Counties may choose to use jail and community-based sanctions in any ratio by planning how they want to allocate their state community corrections funding. It is up to the supervisory authority in the county to determine how best to manage the offenders under supervision in that county.

All local decisions do have budget and resource impacts, of course. State funding includes dollars for supervision, programs, and community-based sanctions, but that funding is based on the county's caseload and is not affected by the level of supervision, programs provided, or the use of jail or non-jail sanctions. The counties that manage their systems in the most cost-effective manner will have more resources available for a wider range of sentencing options.

The end result of these efforts has been a system that seems to determine effectively who will use the most expensive and secure facilities, both at the state and local level. Because the local jurisdiction is the authority that detects the violation, decides on the appropriate criminal justice system response, and uses state-funded but locally determined resources to carry out that response, thoughtful decision-making about the appropriate severity and length of the system's response is encouraged. The average daily population of offenders serving revocation sentences has been very stable over the past 10 years, even though the number of offenders on supervision has gradually increased over that time.

Have these new approaches to responding to violations impacted recidivism? Since 1997, most offenders who have been revoked from supervision have been held accountable at the local level. Oregon's recidivism rates have remained steady for probationers at about 24% and have been decreasing for those on parole, from a high of 32.7% to 29% more recently. (Oregon's definition of recidivism is reconviction of a felony within 3 years of beginning supervision.) The figure at right shows the drops experienced in revocations of parole and probation for the first 12 months of administrative sanctions.

Oregon's state/local partnership for community corrections is critical in piloting new responses to violations, because it reinforces the principle of local decision-making and local management of offenders who violate the conditions of supervision. The partnership supports the belief that these offenders can be effectively managed in the community. Because technical violations do not result in prison, the local community corrections offices are more likely to create innovative responses to manage violating behavior in the most effective, and cost-effective, ways. ■



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# Four-Point Strategy Reduces Technical Violations of Probation in Connecticut

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In July 2004, Connecticut passed legislation targeting prison overcrowding. Under the terms of the new law, the State of Connecticut Judicial Branch was required to develop a comprehensive strategy to reduce the number of incarcerations resulting from technical violations of probation. “An Act Concerning Prison Overcrowding,” Section 26(a) of Public Act Number 04-234, required that,

*[N]ot later than October 15, 2004, the Judicial Branch (shall) submit to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to the judiciary, a plan to reduce by at least twenty percent the number of incarcerations resulting from technical violations of conditions of probation, which shall include an estimate of the cost of implementation.*

Accordingly, the Court Support Services Division (CSSD) of the Connecticut Judicial Branch prepared and submitted in October 2004 the document, “A Report on Strategies to Reduce Technical Violations of Probation.” The report outlined a four-point plan to address this mandate. This article provides an overview of the Judicial Branch’s four-point response to reduce technical violations, preliminary findings from a recent progress report and evaluation study, and future steps.

## Elements of the Strategy

The Judicial Branch’s plan included four responses to reduce technical violations:

- 1) Reduce caseload size;
- 2) Modify policies to change the way we handle probationers who commit technical violations;
- 3) Implement a special program for inmates with split sentences, to reduce the number and intensity of technical violations during the initial period of probation; and
- 4) Implement a special program for technical violators of probation, to reduce the number of probationers sentenced to incarceration.

**1) Reducing caseload size.** A reduction in caseload size was a key ingredient in the plan to reduce probation violations. The average caseload in 2000 was about 250 cases per probation officer. With the addition of nearly 100 new officers in FY 2005, the average caseload dropped to approximately 125. Through appropriate triaging of cases by risk and adding 57 more probation officers in FY 2007, CSSD hopes to bring average caseloads to fewer than 100 per officer.

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**2) Modifying policies on response to non-compliance.** CSSD relies on written policy as a means of guiding field officers' work. In the area of Adult Probation, more than 30 policies guide field officers in the maintenance of case files, supervision of clients, and actions to be taken when faced with non-compliance. As part of the four-point strategy to reduce technical violations of probation, the policy on response to non-compliance was amended to improve the handling of technical violators of probation. This policy had been first established to ensure that probation officers respond to all incidents of non-compliance in a consistent manner that is directly related to the risk level of the offender and the severity of the violation. To reduce the number of probationers who are incarcerated for technical violations of probation, CSSD modified the policy, effective August 1, 2004.

Changes to the policy include:

- ◆ A graduated sanctions/response chart that explains the range of possible sanctions or responses that a probation officer may use when responding to violation activity;
- ◆ A written protocol for supervisors to use when reviewing and approving a probation violation warrant;
- ◆ No requirement for automatic, non-discretionary filing of a probation violation warrant for new arrests; and
- ◆ A formal protocol to be used when attempting to locate a possible probation absconder before a warrant can be sought for violation of probation.

**3 & 4) Establishing special probation programs.** The Judicial Branch received funding for 20 probation officers and community-based treatment services for two populations, and used these resources to create two new programs. Following a lengthy design and planning phase, headed by Michael Hines and Trevor Johnson, Regional Managers for the CSSD, the programs began operation in October 2004.

- ◆ **Probation Transition Program (PTP).** This program is provided for split sentence inmates being released from Department of Correction custody to probation supervision. The PTP targets inmates who have terms of probation following their discharge from the Department of Correction, including those discharging at the end of a sentence from a correctional facility, a halfway house, parole, transitional supervision, or a furlough. The goal of the PTP is to increase the likelihood of a successful probation period for split sentence probationers by reducing the number and intensity of technical violations during the initial period of probation.

Two probation officers staff the PTP at each of five probation office locations: Hartford, New Haven, Bridgeport, Waterbury, and New London. Each officer carries a maximum caseload of 25 cases. Inmates discharging to one

of the five PTP offices undergo a comprehensive assessment by a PTP officer before discharge from incarceration. The results of the Level of Service Inventory–Revised (LSI-R) and the Adult Substance Use Survey (ASUS) assist the probation officer in identifying the individual’s needs and risk level. Inmates who are assessed as a high risk to re-offend are referred to the local PTP unit prior to release.

The officer meets with the new probationer in the community within 72 hours of release. Housing, substance abuse and/or mental health treatment, and employment services often are already in place. Once stabilized, the probationer may be transferred to a traditional probation caseload. PTP supervision is expected to last 120 days; the minimum is 30 days, and, with a supervisor’s approval, a probationer may stay in the program longer than 120 days.

- ◆ **Technical Violation Unit (TVU).** This program targets probationers whose supervising officers have determined that a technical violation of probation warrant is imminent. The goal of the TVU is to reduce the number of probationers sentenced to incarceration as a result of technical violations. Admission to the program is based on a referral, including a case summary, by the current probation officer through his or her Chief Probation Officer to the Chief Probation Officer for the TVU location. There are six units located throughout the state, with two officers at locations in Hartford, New Haven, Bridgeport, and Waterbury, and one officer at locations in New London and New Britain. Caseloads are capped at 25 per officer. Each officer has a car, cell phone, and laptop computer. Services are available to the probationer on a 24/7 basis, either directly through the unit’s probation officer or through another probation officer in the area

During the probationer’s first 30 days in the unit, the probation officer reviews the most recent LSI-R and may reassess him/her. The officer develops a case plan and makes referrals for services to address the offender’s assessed needs. Services are often delivered at the local Alternative Incarceration Center (AIC), through funds appropriated to expand the centers’ existing services for delivery to TVU probationers. A TVU officer and the probationer have at least one face-to-face meeting per week, as well as home or field contacts as needed.

During the next 30 to 60 days in the unit, the probationer receives services from one or more treatment providers. Face-to-face contacts occur at least twice per month, and home and field contacts continue as needed. Probationers are seen at least weekly by support staff at the AIC and by treatment programs.

During the final phase of the program, the TVU probation officer prepares to transfer the offender out of the unit. Face-to-face and home/field contacts continue as needed. The officer prepares a discharge summary, and a discharge meeting is held with the probationer. If the probationer has stabi-



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lized, he or she is transferred back to a regular caseload. If the probationer continues to violate the conditions of probation and fails to make progress in the program, a warrant is prepared following a case review with the Chief Probation Officer for the TVU.

The PTP and TVU special probation programs are similar in that lower caseloads give the officer an opportunity to have more frequent contact and involvement with the probationer. Veteran probation officers were selected to staff these programs. They are encouraged to be innovative, to make use of enhanced community-based services, and to spend the time that a smaller caseload provides to work directly with probationers and their families in the community. To increase their effectiveness, officers and service provider staff have received intensive training to bring the principles of cognitive behavioral change to their daily casework. Courses include Motivational Interviewing, Criminal Thinking, Motivational Enhancement Therapy, Reasoning and Rehabilitation, and Case Planning and Management. Staff also receive training in locating absconders.

### Evaluation Findings

To assist with implementing the program and determining the effectiveness of these efforts to reduce technical violations of probation, the Judicial Branch followed the four-point strategy with a research and evaluation phase. In August 2004, CSSD negotiated a memorandum of agreement with Central Connecticut State University (CCSU) to help develop and evaluate the special PTP and TVU probation projects. Though CCSU staff also provided technical assistance in developing the programs, their primary role was to complete a process and outcome evaluation. This evaluation included periodic site visits to each probation office, staff observation, and informal interviews and focus groups with probation staff assigned to these programs.

Key outcome measures included the number and types of violations and the number of incarcerations resulting from technical violations of probation, as compared to a historical group of similar probationers. Data was gathered from CSSD's Case Management Information System (CMIS) and the Connecticut Department of Correction databases. CCSU submitted a report in December 2005, entitled, "Evaluation of the Court Support Services Division's Probation Transition Program and Technical Violation Unit."

Though definitive conclusions cannot be drawn from the preliminary findings, the early outcomes for both programs are encouraging.

- ◆ **PTP outcomes.** For comparison purposes, the CCSU researchers constructed a historical comparison group closely matched to the PTP probationer group. The sample consisted of 271 split-sentence felony probationers from the five PTP locations whose cases closed in June, July, or August 2004, prior to the inception of PTP. This comparison group was similar in demographic variables to the PTP probationers, though slightly less risky, as measured by the LSI-R Total Risk Score.

In the first 120 days in the program, only 12 of the 383 PTP probationers, or 3%, violated probation for technical reasons. This compares to a 5% technical violation rate (13 of 271) within the first 120 days of probation for the historical comparison group. The overall violation rate (new arrests and/or technical reasons) for the PTP group was 8% versus 13% for the historical comparison group.

- ◆ **TVU outcomes.** Even with the absence of a true comparison group for the TVU probationers, results seem encouraging. Just 62 of 344 (18%) of TVU probationers violated probation for technical reasons in the first 120 days in the program. Overall, 104 of 344 (30%) were violated for any reason (new arrest and /or technical reason). In theory, the baseline violation rate for this group was 100%, given that each individual was considered to be at imminent risk of violating probation.

While many of the violation cases examined in the evaluation were still pending when the report was completed, a small sample of cases indicated that a smaller percentage of probationers was being incarcerated as a result of a technical violation than among the historical comparison group. A follow-up report is expected in 2006 and should present more conclusive data on incarceration rates.

From a qualitative perspective, CCSU noted that both PTP and TVU officers regard the programs as highly valuable and worthy of the investment in smaller, specialized caseloads.

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## **Next Steps**

During the Spring 2006 session of the Connecticut General Assembly, a recommendation from the Prison and Jail Overcrowding Committee was passed to expand the PTP and TVU special programs to every probation office in the state. Twenty-eight (28) new officers will be hired in FY 2007 to staff the expanded special programs.

CCSU will submit a follow-up to the evaluation report in late 2006. This report will provide more insight into office-by-office rates of violation and arrest and the predictors of technical violation of probation. CSSD will continue the quantitative portion of the evaluation study internally, through analysis of the first-year cohort of PTP and TVU probationers, to examine the longer-term outcomes of the programs and the impact of policy and program changes. ■

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# An Ounce of Prevention: Proactive Community Supervision Reduces Violation Behavior

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*Gonna change my way of thinking,  
Make myself a different set of rules.  
Gonna change my way of thinking,  
Make myself a different set of rules.  
Gonna put my good foot forward,  
And stop being influenced by fools.  
—Bob Dylan*

The problem with designing policies and programs intended to respond to probation and parole violations is that the violation—technical, new offense, or both—has already occurred. The harm to a victim and/or a community, as well as a behavioral setback for the supervisee, has occurred. Accordingly, the Maryland Division of Parole and Probation is working on a redesign of supervision practices that is intended to reduce both the frequency of violations and the number of violators. It is based on the conviction that the supervision process itself can be an effective intervention for improving supervisees' productivity and reducing the likelihood that they will violate the conditions of release.

Maryland's new Proactive Community Supervision (PCS) strategy has a behavioral management component, designed to create a social learning environment where the emphasis is on supervisees becoming law-abiding, productive, and responsible during the supervision period. The social learning environment uses research-based behavioral management strategies to work with supervisees in: 1) identifying realistic and pertinent behavioral goals, and 2) implementing strategies for supervisees to achieve these goals. This process is designed to engage supervisees in the supervision process and increase their commitment to and ownership of the goals. Supervisees tailor the supervision period to their own personal needs and goals while also satisfying the public safety purposes of supervision.

We began using the PCS strategy in the Mondawmin office in January 2002, and three other offices came on board in July 2002. An evaluation component was in place at launch. The first year report found that those supervised under the PCS strategy had a 20% technical violation rate, as compared to 29% for those supervised under the standard contact-driven supervision model ( $p < .01$ ). The rearrest rate was 32% for supervisees in PCS and 41% for those under traditional supervision during a 1-year period ( $p < .01$ ) (Taxman, Yancey, & Bilanin, 2006). Even though there were increased expectations for supervisees, the results confirm that behaviorally appropriate targets can result in improved supervisee outcomes.

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## Prevention Efforts in PCS

PCS has several key components that directly influence supervisees' success during supervision. These components support the premise that effective supervision requires case plans to be responsive to the criminogenic needs that propel supervisees toward criminal activity. A tailored case plan lays out the steps that guide supervisees in developing pro-social attitudes, values, and behaviors.

The four key programmatic features are:

- 1) Using a standardized tool to assess the criminal characteristics (dynamic risk factors) that are susceptible to change;
- 2) Engaging supervisees in a behavioral contract that marries their desires and goals to appropriate services that address specific criminogenic traits;
- 3) Emphasizing achievement of behavioral goals via positive and negative reinforcers that will assist the supervisee in achieving these goals; and
- 4) Maintaining an environment in which supervisees can take incremental steps that allow them to grow and evolve from each scenario and to learn from missteps or small relapses.

These featured activities need to occur in a supervision environment where respect for supervisees is demonstrated, and the ground rules for supervision are clearly communicated.

PCS changes the character of criminal supervision. Contacts with supervisees are focused on better understanding supervisees and what drives their criminal behavior. The goal is not to “catch supervisees doing bad things.” Rather, contacts are opportunities for supervisees to show incremental steps toward responsible behavior.

This redefinition changes the nature of the interactions during supervision contacts and provides a consistent context for all contacts. The result is that supervisees are more likely to make strides in meeting supervision requirements and mandates and are less likely to violate them. Unlike contact-driven models where increased contacts lead to more violations and to probation/parole agent/officer frustration, these contacts are focused on productive gains. The “ounce of prevention,” then, is knowing how to use the supervision contact effectively to achieve better outcomes with supervisees and to reduce technical violations.

## Maryland's Business Process Underscoring PCS

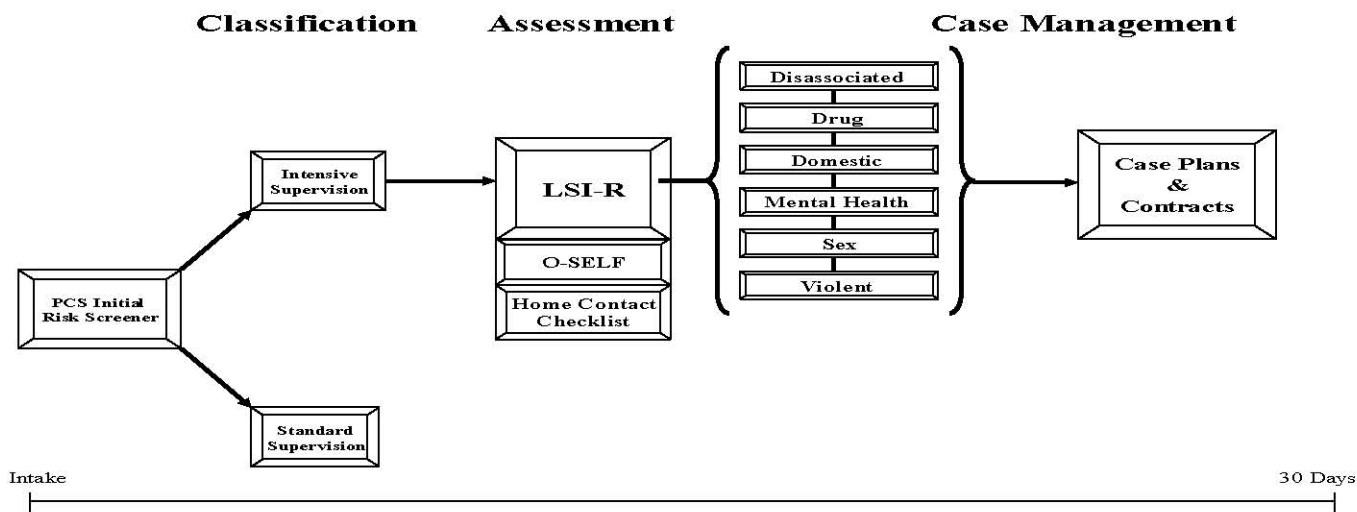
The PCS process is depicted in Figure 1, page 33. The process begins with using a standardized tool to identify the criminogenic needs of the supervisee. The instrument allows highly trained probation/parole agents to assess these factors and then work on a process to help supervisees learn new skills to manage their

behavior. The key is a case plan that is responsive to the criminogenic traits identified in the assessment process through:

- ◆ The assessment tool;
- ◆ Objective information about the home environment;
- ◆ Criminal history;
- ◆ Supervisee self-identified interest areas; and
- ◆ Drug test results.

The case plan is essentially a behavioral contract that includes the treatment, education, and control services needed to help supervisees become law-abiding, productive, and responsible. The emphasis is on desistance from criminal behavior.

**Figure 1.  
PCS Model of Supervision: Defining a Case Plan**



The agent’s role incorporates a behavioral manager approach, in which the agent works with the supervisee to clarify the factors that influence the supervisee’s continued involvement in crime and criminal behavior and to develop steps to counteract these criminogenic factors. The agent monitors progress on the action plan and works jointly with the supervisee to:

- 1) Revise the action plan to address issues that are precursors to further involvement in criminal behavior (such as substance abuse, mental health issues, or violence); and
- 2) Develop pro-social networks in the community.

The behavioral manager role blends the law enforcement and social work skills that are needed in protecting the public (Taxman, Shepardson, & Byrne, 2004). The agent uses the supervision process specifically to:

- ◆ Assist the supervisee in learning about the triggers (e.g., people, places, or situations) that affect involvement in criminal behavior;
- ◆ Create incentives and sanctions to shape supervisee behaviors; and
- ◆ Communicate in a timely fashion the progress the supervisee has made.

A key component of the PCS approach is the use of typologies to guide agents in developing case plans that promote the supervisee’s desistance from crime. Table 1 lists the seven main typologies seen in our caseloads. Each type of supervisee has different emphases in the supervision plan because of the unique factors affecting his/her criminal behavior. The expectation is that the treatment and control services in the case plan will be specific for each supervisee, but they will be selected to achieve certain agreed-on goals.

**Table 1. Goals of Supervision Plan**

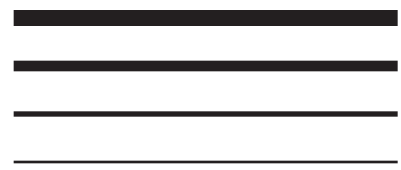
<b>Type of Supervisee</b>	<b>Emphasis of Supervision Plan</b>
Disassociated	Develop pro-social social support network
Drug-involved Addict	Achieve abstinence from illicit drug use
Drug-involved Entrepreneur	Obtain pro-social employment
Violent	Address violent tendencies
Domestic Violent	Control power and control issues
Mental Health	Address mental health issues
Sex Offender	Control sexual deviance behaviors

**Employing a Preventative Model to Reduce Violations**

As part of the PCS strategy, several key tenets exist about the case plan, which can result in effective management of the supervisee in the community to prevent violations. Essentially, these tenets are:

- ◆ The case plan should be developed with the supervisee;
- ◆ The plan should focus on behavioral goals;
- ◆ A supervisee should not be held accountable for more than three behavioral goals at any one time; and
- ◆ The case plan must be adjustable based on the situation and progress of the supervisee.

These tenets subscribe to the overall goal of PCS by focusing on the supervision period as a time to teach supervisees needed social and personal management skills.



**Supervisee interests and needs.** The first step in the prevention of violations is to tailor the case plan to the specific needs of the supervisee. Above, we described the process for developing the case plan, including the need to acquire objective information about the supervisee. Figure 1 also illustrates that there is a process to ascertain the supervisee’s areas of interest. We do this through the O-SELF, or Offender Self-Assessment tool, shown below.

In the O-SELF, supervisees are asked to indicate their interest in 10 areas and to choose which ones they want to emphasize during the supervision period. This step is critical because the questions are designed to place the burden on supervisees to identify their needs and interests. In many ways, this self-definition process is empowering, and it should be acknowledged and honored.

### MARYLAND O-SELF

Issue:	Is This a Problem For You?		Are You Interested in Improving...? (Circle)										What Can You Do to Improve the Situation?
			Not at all									Very	
<b>Physical Health</b>	Yes	No	1	2	3	4	5	6	7	8	9	10	
<b>Family Life</b>	Yes	No	1	2	3	4	5	6	7	8	9	10	
<b>Relationships (Friends)</b>	Yes	No	1	2	3	4	5	6	7	8	9	10	
<b>Education</b>	Yes	No	1	2	3	4	5	6	7	8	9	10	
<b>Employment</b>	Yes	No	1	2	3	4	5	6	7	8	9	10	
<b>Religious Involvement</b>	Yes	No	1	2	3	4	5	6	7	8	9	10	
<b>Drug Abuse</b>	Yes	No	1	2	3	4	5	6	7	8	9	10	
<b>Alcohol Abuse</b>	Yes	No	1	2	3	4	5	6	7	8	9	10	
<b>Criminal Behavior</b>	Yes	No	1	2	3	4	5	6	7	8	9	10	

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Our evaluations have found that supervisees tend to express interest, first, in employment and education issues, then in family and parenting issues, and then in their own mental and physical health. Last on the list is criminal behavior and substance use. This suggests that to engage the supervisee in becoming a productive citizen, more attention might be given to developing the supervisee's capacity to contribute to society. The case plan then reflects interests and needs that the supervisee understands, and it provides a focus on behavioral objectives.

**Incremental, behavioral goals.** Many case plans focus on long-term, large-scale goals for supervisees ("do not use drugs," "get a job," and so on). However, a PCS case plan focuses on behavioral goals—goals that require supervisees to take steps to improve their situation. The goals are described in terms of small, incremental gains that supervisees can reasonably achieve. For example, if a supervisee believes that her boss does not like her, then the case plan should address this concern. The supervisee can identify some reasons why the boss may have a negative impression (e.g., the supervisee often gets to work late, takes too many breaks, or waits to be told to do everything). The process of identifying the reasons for the boss's negativity and ways to remedy those issues (e.g., leave earlier for work, take public transportation instead of waiting for an unreliable friend to show up, or reduce smoking to diminish the number of breaks) arrives at a behavioral goal that is focused on improving the supervisee's situation and helping him/her develop the skills to manage similar situations appropriately.

Behavioral goals turn the case plan into a dynamic road map that must be monitored on a regular basis to gauge supervisees' progress. As supervisees achieve their goals, new ones can be established. An important tenet is that supervisees should not have more than three behavioral goals (and other conditions such as fines, fees, or reporting to a probation/parole agent) at any time. The behavioral goals can be structured in such a manner that the supervisee begins working on targeted goals that are relevant to him, thus easing the way to accomplish the mandated conditions. And, if the supervisee achieves these behavioral goals, then other supervision requirements can be reduced (reporting to the probation/parole agent, some drug testing, etc.) based on the supervisee's accomplishments.

**Keeping it real.** A focus on behavioral objectives that intertwines supervisees' interests, needs, and conditions of release turns the case plan into an action plan that is specific to each supervisee. It also removes what supervisees may perceive as useless and burdensome demands. The attention is on concrete goals that supervisees can recognize as beneficial. If the case planning and review process is done through a dialogue, the result is a plan that is meaningful to supervisees. The environment must allow supervisees to talk freely about their difficulties in achieving the behavioral goals, and it must help them learn to solve problems. Under PCS, this is done in an environment where it is okay to try and fail, and where the criminal justice system actors learn to distinguish between lapses that are public safety threats and those that are a natural part of resocialization/habilitation.



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This distinction is important because it places the agent in the position of trying to help supervisees learn from their mistakes, but also of setting the boundaries of tolerable mistakes. For instance, a supervisee who has work-related objectives but tests positive for marijuana may be sanctioned in the community, as contrasted with a similar supervisee with work-related objectives who is arrested for burglary. The difference is that a response to the positive drug test can be included in the next set of behavioral goals, whereas a new criminal offense requires a very different response.

### **The Agent's Role in Supervision**

Maryland's PCS process yields a case plan that serves multiple purposes for supervisees. It includes key information that is part of the prevention process, including graphs depicting the results from the LSI-R (Level of Service Inventory-Revised) and the O-SELF (the self-assessment tool that supervisees complete to indicate their areas of interest). These graphs are visual tools to remind supervisees of the areas in which they have weaknesses as well as the areas they are interested in pursuing during their period of supervision. The case plan also includes the conditions of supervision, the typology, and the agreed-upon responsibilities for supervisees. By going over the case plan components, agents work with supervisees to help them understand the issues that affect their involvement with the criminal justice system and the expectations of supervision.

A key component of PCS case plans is that parole/probation agents perform specific activities to support the special conditions of supervisees. That is, for each responsibility assigned to a supervisee, her agent has a complementary responsibility designed to help her make progress toward meeting the goal. By declaring these responsibilities, agents are indicating to supervisees that they are invested in them successfully completing supervision.

In the PCS evaluation, we found that the average agent had more than three specific responsibilities at one time for each supervisee. Essentially, these responsibilities define the activities of the agent in supervising the case. The move is away from face-to-face contacts that do not have a specified goal and toward specific activities that support the efforts of supervisees.

For example, for a disassociated supervisee who has agreed to obtain and work with a mentor, the agent would be responsible for helping him/her develop a positive relationship with the mentor. This might involve role-playing with the supervisee a variety of likely interactions (e.g., selecting a mentor, learning how to ask for assistance, or showing appreciation for the work of the mentor). For a mental health supervisee, the agent might be responsible for reinforcing the importance of medication and/or treatment programs, for helping the supervisee to become self-sufficient, or for helping him/her learn to deal with the problems associated with having a mental health issue. The agent has a defined role in helping supervisees take the steps needed to achieve the goals of their supervision plans. In addition, by actively helping supervisees achieve key objectives, agents demonstrate their confidence in their supervisees' ability to be successful.

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## Supervision As an Intervention

PCS is designed to be an intervention that reshapes how probation/parole agents work with supervisees as part of their main business process—contacts. The crux of a PCS intervention is the agent’s role as a behavioral manager who helps supervisees in: 1) learning about their own behavior, 2) understanding the links between their behavior and their involvement with the criminal justice system, and 3) crafting responses to their behavior. Thus, the agent is helping supervisees learn new skills to manage their behavior. The intervention is, then, a series of brief, pivotal interactions with supervisees. According to Agent Senior Walter Nolley,

*Our requests for revocations should be based on conduct that signals a public safety risk and not because parolees or probationers have failed to do every single thing we have requested or directed. We must not think of ourselves as authority figures who have been disrespected or devalued by supervisees’ failure to do everything we instruct them to do. Lives cannot be rebuilt based on intimidation. Community supervision needs to be a continuum of learning and adoption of acceptable forms of conduct.*

**T**he PCS strategy has shown that the agent-supervisee contact can be reshaped. Reshaped, contacts provide a mechanism to thwart the behaviors that generate technical violations, based on supervisee-crafted action steps to tackle their own problem behaviors. Problem behaviors are “worked on” during the supervision period. Many of the efforts to address technical violators focus on the importance of swift and certain responses. PCS provides the structure to prevent many violations and to respond appropriately when a violation does occur.

The key question is whether the supervision environment allows supervisees to participate in the process and to address the behaviors that need attention. Can we safely and effectively restructure the supervision environment and process in a way that respects the role supervisees must play in their own change process? Can we invite them to be on the stage with us, re-writing the last act of the play instead of seating them in the audience, forcing them to repeatedly watch Act One/Scene One, and then sanctioning them for heckling the actors? If we are going to reduce the frequency of violations and the number of violators, it appears that we need more authors and actors. ■

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# Pre-Parole Unit and Job Court Prevent Violations in Lancaster County, Pennsylvania

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Like all agencies throughout the nation that are responsible for the parole supervision of court-mandated clients, Lancaster County Adult Probation and Parole Services (APPS) of Pennsylvania is faced with the challenge of the chronic/cyclical violator...that person who just doesn't seem to "learn his/her lesson," even after repeated periods of incarceration. While one might think that the threat of a prison stay would serve as a deterrent to recidivism by a technical violation or a new criminal charge, there are some clients who violate time and time again. In an effort to stem the rising tide of violations—constituting almost 2,000 supervisees out of an overall agency caseload of 8,000 in 2005—APPS in 2006 implemented two initiatives: a Pre-Parole Unit and a Job Court. Each was designed to reduce the unrelenting frequency and overwhelming volume of those clients who repeatedly cycle through "the system."

## Pre-Parole Unit Focuses on Planning

Stories are told about parole officers "back in the day" when caseloads were small, who actually had the time to meet with clients who were incarcerated for violations to determine their most effective parole plan. Fast forward 20 years, and you will find that parole officers are unable even to consider visiting incarcerated clients for pre-parole planning. With burgeoning caseloads and prison overcrowding, parole officers can barely keep up with their clients on the street, let alone spend time waiting in the legal visit line at the prison.

Over the past 20 years in Lancaster County, the best alternative to individualized pre-parole planning has been the deployment of one full-time and one part-time institutional parole officer to work with a population of 1,100 inmates. At best, an institutional parole officer is able to gather basic, self-reported release information from pending parolees, verify any plans that are questionable, complete sentence computations, and present parole petitions to make room for the next wave of offenders who have spiraled downward into violation status. There has been a severe lack of actual planning for and preparation of meaningful parole plans that prepare inmates for "life on the outside." Needless to say, this triage approach is not part of "What Works."

The idea of deploying a bona fide, fully functional Pre-Parole Unit has long been an APPS priority. Finally, thanks to the current nationwide emphasis on re-entry planning, coupled with state prison overcrowding and the good fortune of having available resources, we have been able to add a supervisor and three pre-parole officers. They have joined forces with the existing institutional parole staff to form the APPS Pre-Parole Unit. Using the Level of Service Inventory-Revised

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(LSI-R) instrument as the baseline assessment tool, the unit's goal is to provide parole planning that goes well beyond address verification. It is intended to set the stage for client success, eliminating the "doomed-for-failure" approach that releases inmates to the community with no support and an absence of direction.

Historically, there has always been a stark disconnect between prison and community supervision. A client's action plan commenced with his/her first appointment with a supervising probation officer...an approach that eliminated any hope of success for those clients who never show up for their first appointment. These "no-show" clients can no longer escape the supervision planning process. Aided by a wireless network in the prison, which allows for a virtual office wherever he/she goes, the pre-parole officer's primary role is to conduct assessments on clients newly incarcerated for a violation, prepare intervention plans to address the identified criminogenic risk factors, and begin coordinating the resources needed to intervene successfully and alleviate those risk factors.

This pre-parole work is viewed as one half of a holistic parole plan. The supervising probation officer has the equally important role of overseeing the services that the client needs to succeed in overcoming his/her risk factors. These pre- and post-release efforts are equally dependent upon each other: the assessments and plans are meaningless without proper implementation, and without proper assessment and planning, on-the-street supervision lacks a solid foundation.

Until now, incarceration and community supervision in Lancaster County have been mutually exclusive processes. Inserting a pre-parole assessment and planning process to the violation cycle promotes a continuity of services that is beginning to result in positive changes. In the past, a client's journey into parole began at release from the prison—a daunting prospect for those who lack baseline skills, have no support system, and are dogged by relentless urges of addiction. Now, a client's journey into parole begins the day he/she enters prison. Clients must answer tough questions: "What went wrong 'again'?" "How can things be different (and better) next time?" and "What resources do you need for success on parole?" In short, APPS is now planning for, and counting on, client success.

### **Job Court Targets the Under- and Unemployed**

Study after study has revealed an undeniable connection between employment and recidivism; clients who have a job are less likely to violate. John Rakis<sup>1</sup> writes,

*[E]vidence of the value of employment in the reentry process can be found in recent statistics gathered by the U.S. Probation and Pretrial Services System. In 2003, unemployed offenders under their supervision were revoked at a rate that was more than 500 percent higher than that for those who were employed (Burriss et al., 2004).<sup>2</sup> Eighty percent of offenders who were revoked in 2003 were unemployed.*

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1. John Rakis, "Improving the Employment Rates of Ex-Prisoners Under Parole," *Federal Probation* 69(1), June 2005. Online at <http://www.uscourts.gov/fedprob/jun2005/employment.html>.

2. D. Burriss et al., "The Correlation Between Employment, Education, and Recidivism," unpublished paper, 2004. Washington, D.C.: U.S. Office of Pretrial and Probation Services, Administrative Division of the United States Courts.

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Lack of employment is clearly shown to be a primary criminogenic risk factor, which prompted APPS to conceive of the idea for a Job Court in Lancaster County, presumably the first of its kind in the country. The basic premise of Job Court evolves from the proven/successful Drug Court Model, which hinges upon contracted acceptance into a program that has a clear purpose, defined requirements, and systematic involvement. Just as drug use/involvement is the reason for a client's acceptance into a drug court, employment difficulties or deficiencies are the reason for a client's acceptance into Job Court. However, just by virtue of its focus (employable skills vs. chronic addiction), the Job Court program modality and functions are far less intensive than a drug court, both in terms of court time and team involvement. As the only judge in a specialty court, the Job Court judge is able to respond to a client's downward spiral into violation with great immediacy, providing redirection with individually crafted sanctions that are swift and meaningful. It is hoped that this process will eliminate the need for long-term incarceration and preserve any progress that the client has made.

Job Court builds on the success of the APPS Community Connections program, which has a long track record of meeting the training and employment needs of court-mandated clients by connecting them community resources that are essential for success. While fulfilling all the duties of a traditional probation officer with a small, intensive caseload, the Job Court Officer takes on the additional roles of guidance counselor, personal mentor, and job coach. For many clients, the role required is that of a "life coach," who provides habilitative services that address all spheres of life that affect one's employability.

Building on a foundation of collaborative relationships with over 70 community-based employers, Job Court is able to channel clients into positions that match a client's interest and abilities with employer needs. For those who lack necessary education and training, Job Court facilitates access to these resources.

Staff experience, verified by research and statistics, suggests that clients who are repeatedly violated for technical reasons or minor criminal offenses are usually those who lack a very basic, baseline level of life skills. In general, the clients targeted by Job Court are those who are notably under- or unemployed and lack sufficient education/training and skills to acquire meaningful employment. As a voluntary program, Job Court is not an option for those who are not ready or willing to change. But for clients who want to change, Job Court provides the incentives and support for a new start toward a productive future.

The life cycle of Job Court involvement has five distinct phases.

- ◆ **Phase 1—Job Court Pre-Admission Activities.** An appropriately referred and eligible client determines that he/she wants to participate in Job Court. The client completes a self-assessment and works with a Job Court probation officer to establish appropriate pre- and post-release goals, then signs a contract of understanding requesting acceptance into the Job Court Program.

◆ **Phase 2—Acceptance and Placement.** The client is accepted into Job Court by the judge and given initial placement in one of three options, based on his/her individual circumstances and the availability of a viable parole plan that meets the requirements of Job Court:

- 1) In the absence of an immediate, viable parole plan, the Job Court client is moved to Work Release. While in Work Release, the client is released to the custody of a Job Court probation officer to complete job skills classes, WIN/Workeys testing, job search activities, remedial instruction, and GED classes, if necessary. Once a viable parole plan is established, it is presented to the Job Court judge for approval, and the client is released, either with or without electronic monitoring.
- 2) In instances where the parole plan is acceptable, but the Job Court client's stability is challenged and/or in question, the client is released to electronic monitoring until the Job Court judge concurs that the client is able and ready to proceed without monitoring.
- 3) In instances where there is a viable parole plan and the Job Court client's stability is reasonably assured, the client is released into the direct/intensive supervision of Job Court without electronic monitoring.

◆ **Phase 3—Parole.** The client is paroled from prison and placed on supervision with the Job Court. The client continues employment/training for 90 days, follows rules/regulations, and adheres to the parole plan.

◆ **Phase 4—Ongoing Supervision.** The client continues employment/training for 91 to 180 days, follows rules/regulations, and adheres to the parole plan. A petition for debt relief may be initiated at this time.

◆ **Phase 5—Completion.** The client has successfully participated for a minimum of 1 year, followed rules/regulations, and adhered to the parole plan.

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If a client loses his job at any point due to poor performance, attendance, or other issues over which he has control or fails to abide by the rules, regulations, or established parole plan, he is scheduled to appear in Job Court for possible sanctions. Sanctions can include, but are not limited to, short-term incarceration, electronic monitoring, day reporting, curfew restrictions, dismissal from the program, and/or a violation hearing. Each client's circumstances are reviewed to determine the appropriateness of the sanctions or incentives to be applied.

Ultimately, the end goal of Job Court is for clients not only to successfully fulfill their legal obligations but also to become self-sufficient and productive members of the community. ■

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# Violations Management in Missouri: The Change Process and One State's Plan

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Prison construction in Missouri, as in many other states, was a growth industry during the 1980s and early '90s. With the added prison capacity, the number of offenders incarcerated in the Missouri Department of Corrections (DOC) grew from 19,266 in 1995 to 28,567 in 2001. This growth seemed to have no end until a tightening state budget and competing priorities signaled an end to new prison construction.

Faced with the reality that new prisons were not going to be built for the foreseeable future, Missouri established an agency policy team tasked with conducting a rigorous examination of the prison population increase to learn how best to slow the tide of growth. This review found that some of the increase was due to longer sentences and commitment requirements resulting from changes in mandatory minimum sentencing, and some seemed to be linked to shifting sentencing patterns. The major contributor to prison population growth, however, was identified as a dramatic rise in the number of parole and probation technical violators.

Although there was considerable speculation about the reasons for the increase in technical violators sent to prison, there were no clearly supported explanations. If Missouri was to be successful in mitigating prison population growth, policy makers needed a better understanding of the violation and revocation process. Developing potential strategies for reducing this significant contributor to prison population growth required a clearer understanding of the process.

Identifying the violation and revocation process as an issue in Missouri led to a decision in 2001 to submit an application to the National Institute of Corrections (NIC) to participate in its project, "Policy-Driven Response to Parole Violations." Despite not being selected by NIC, we benefitted from considering our situation in the manner outlined in NIC's publication, *Responding to Parole and Probation Violations: A Handbook to Guide Local Policy Development*.<sup>1</sup>

The steps we undertook, as discussed in this article, are taken directly from the publication.

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1. Madeline M. Carter, *Responding to Parole and Probation Violations: A Handbook to Guide Local Policy Development*. Washington, D.C.: National Institute of Corrections, 2001. Online at <http://www.nicic.org/library/016858>.

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## **Step One: Establish and Maintain Policy Team**

Preparing the NIC application planted the seed for developing the state's collaborative Policy Examination Team. In the spring of 2002, the Missouri Board of Probation and Parole began a formal examination of the violation process and formed an internal work group. The NIC publication on responding to violations was used to guide this group's effort. The work group conducted a more extensive analysis of prison population growth, including a closer look at returning parole violators and probation revocations. The violation and revocation process was mapped, and existing policies, procedures, and practices were reviewed. This exercise helped expand the group's understanding of the violation process. At the recommendation of this internal work group, an inter-agency work team was assembled.

In developing the inter-agency team, special attention was paid to obtaining representation from key agencies and criminal justice system stakeholders, including policy decision-makers in the DOC and Parole Board. The original team membership included two members each from the judiciary, the Parole Board, prosecuting attorneys, and defense attorneys, as well as representation from the Office of State Court Administrator, the treatment provider community, and the Division of Offender Rehabilitative Services. Finally, two probation and parole officers, a parole analyst, and three probation and parole administrators were added to the group. The group eventually came to be known as the Missouri Probation and Parole Violation Process Examination Team (or "Examination Team").

## **Step Two: Assess Current Practice**

The first meeting of the Examination Team was held November 14, 2002. Richard Stroker, one of the authors of the violations document, facilitated the meeting through NIC Technical Assistance. Mr. Stroker was asked to assist the team in developing a vision statement, a mission statement, and goals; in addressing the connection between supervision goals and violation goals; and in focusing on best practices.

*"The truth is, as hard as it may be to spend time focusing on critical goals, values, and a mission, little is more important to an agency than having a clearly articulated vision of what you ultimately want to accomplish."*

This statement by Mr. Stroker was the starting point for the Examination Team's work. The group took this direction seriously and came to understand its role in establishing the framework for a new violation process.

During this initial meeting, participants reviewed information that had been previously developed by the Board of Probation and Parole work group. The comprehensive assessment of current DOC practice and that of external partners led to a common understanding of the violation process in Missouri.



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### **Step Three: Agree on Goals**

By the end of the first meeting, with Mr. Stroker's facilitation, the Examination Team had developed a proposed vision on violation response, desired outcomes, and goals. At a subsequent meeting in early 2003, the team agreed to invest heavily in obtaining input and involvement from a wide array of participants in the violation process.

To do so, the team proceeded along several fronts. An extensive focus group process involved Probation and Parole staff, law enforcement personnel, judges, prosecuting attorneys, treatment providers, public defenders, private attorneys, and the Parole Board. Seven focus groups, involving more than 70 participants, were held around the state.

Each focus group audience was asked the same questions:

- ◆ What barriers, if any, exist to creating a fair, balanced, and consistent violation process?
- ◆ What violations are high-risk or low-risk?
- ◆ What sanctions should an officer be able to impose without court or Parole Board involvement?
- ◆ In what situations **MUST** the court or Parole Board be notified of a violation?
- ◆ What is a "timely" response to a violation?
- ◆ What elements should be included in a violation/revocation recommendation to ensure fairness and balance?
- ◆ What additional changes, not already discussed, would you like to see in the violation process?

The work of the Examination Team was also presented, and input solicited, at judicial conferences and at the conference of the Missouri Office of Prosecuting Attorney Services. Prosecuting attorneys were surveyed at the conference for information on their views and concerns, and all Probation and Parole administrators were also surveyed. Finally, each Examination Team member was asked to obtain input directly from his/her peers.

### **Step Four: Explore Policy Options**

The comprehensive process of mining for participant input ran through the summer of 2003, and a meeting was scheduled for the fall of that year to analyze the input and finalize the team's policy recommendations. The team filtered the policy and procedure feedback through the best practices that had been explored during the initial meeting with Mr. Stroker. This process led to the development of a final report on October 13, 2003, which presented the team's vision, desired outcomes, and seven goal statements.

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The goals were translated into potential action through 10 policy recommendations that were not specific to a single agency but constituted system-wide responses to violations of probation and parole. The Examination Team also proposed specific tasks to pursue in conjunction with a policy and procedure review.

### **Step Five: Assess Impact of Options**

During the remainder of 2003 and into early 2004, the final report was widely distributed to all identified stakeholders. The Examination Team recognized the importance of communicating to key players in the process the vision, goals, and policy recommendations before proceeding to implement them. Representative members of the team were charged with developing strategies for getting the report reviewed and commented on by their respective agencies and areas. Each participating agency was asked to respond to the policy recommendations.

Sometimes even the best of plans must wait. In 2004 and early 2005, the focus of the DOC and the partners represented on the Examination Team shifted to implementing Missouri's new sentencing guidelines. The guidelines required a significant revision to pre-sentence investigation reports and a process that had been used for 7 decades. They also addressed a factor that was identified early in this process as contributing to prison growth—sentencing practices. To ensure that the statutory implementation deadlines were met for the guidelines and aware of the significance of the change, the team decided to delay the full implementation of changes in the violation process.

Although implementation was suspended, team members received regular updates (covering news such as relevant articles, status of agency efforts, etc.) to keep them engaged. An internal work group was also formed to develop agency procedures to use in a pilot project and to develop its parameters. The revision of violation policy and procedure required a significant effort, and the delay allowed for a more comprehensive review than originally had been planned, which proved to be a benefit. There was some concern that the delay would hamper implementation efforts, but when work on the recommendations resumed in the spring of 2005, the strong commitment of the Examination Team was still evident.

When it reconvened, the team approved the pilot plan and procedures. The steps leading up to the start of the pilot lasted approximately 60 days. Nearly 1,300 cases were included in the pilot out of a total population of approximately 67,000 supervised in the field. At the conclusion of the pilot, the DOC Planning, Research and Evaluation section assessed its outcomes. Because of the relatively short time frame involved, definitive trends were not established, although the initial data snapshot was promising on several levels.

Both pre- and post-pilot surveys of all pilot participants were conducted online. Positive movement was seen between the pre- and post-tests in several of the key areas the team had identified for change. In addition, the team clearly saw areas in which resistance would be encountered. This information was very useful

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in modifying policy and procedure within the context of the results of the pilot, and it also highlighted areas where training would be critical.

The pilot summary report took approximately 90 days to complete. The Examination Team reconvened in June 2006 to review the results of the pilot, to finalize the policy and procedure tested through the pilot process, and to establish the initial framework for implementation.

### **Step Six: Implement New Policies/Practices**

In finalizing the implementation plan, the Examination Team revisited the original recommendations and identified areas where more work was needed in addition to simply implementing the new policies and procedures of the violation process. One example of an area needing more attention was the assignment of special conditions. Several such areas are not directly involved in processing a violation, but they are important to overall system performance. The team created a plan to address these remaining issues separate from, but in conjunction with, implementation of the violation process policies and procedures.

The team's plan for implementing changes in the violation process policy and procedure included the following elements.

- ◆ In advance of changes/training, send a letter to all Probation and Parole staff noting the positive trends that have been seen related to revocation practices and thanking them for their efforts.
- ◆ Train all Probation and Parole staff on the violation process policy and procedure changes (estimated time frame: October 2006).
- ◆ Provide greater representation on the Examination Team to constituencies outside of the DOC to help in the development of external communication plans. (Additions included a victims' representative, a Parole Board member, and additional judges, prosecutors, and public defenders.)
- ◆ Inform the Sentencing Advisory Commission of the group's activity and enlist its support in the communication effort.
- ◆ Use existing regional and district Missouri Re-Entry Process Teams to distribute information about the changes.
- ◆ Develop external, discipline-specific training and communication on changes in the violation process. (For example, specialized materials have been developed that are targeted to judges, prosecutors, and treatment staff.)
- ◆ Explore the use of on-line training for external partners.
- ◆ Copy the training onto CDs for distribution at professional conferences, mailing upon request, and so forth.

- ◆ Attend the Presiding Judge’s conference to present information about the changes in the violation process.
- ◆ Formally present the changes at other upcoming professional conferences.

Several of these steps are not specific; they reflect where we currently are in the process. We are now in the implementation phase and are assigning action steps to the plans in consultation with the Examination Team.

### **Step Seven: Monitor and Assess New Policies/Practices**

This step is ongoing. In initial discussions related to this step, we have obtained a commitment from the Examination Team to remain active participants in monitoring the post-implementation phase of this process. Through the ongoing evaluation and assessment of the violation process during the last 4 years, the team members have become subject matter experts. Thus, it is critical to draw on their expertise going forward to avoid having unfocused changes occur, which might lead to unexpected and unwanted outcomes. The violation process is too important and the cost of inattention too high for post-implementation to be placed on autopilot.

To help the team in its ongoing evaluation, a baseline report is being prepared to establish a marker at the start of implementation. This will be accompanied by an ongoing report to show progress related to expected and actual outcomes flowing from the changes.

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**I**n June 2006, the Examination Team updated the data that had been developed in 2001. In doing so, we found that both probation and parole returns had peaked and were actually showing a decrease in the current fiscal year. Our sense is that, during the extended process of developing the violation process policy and procedure recommendations, underlying change has already been taking place. Staff decision-making processes appear to be moving toward the vision established by the Examination Team in advance of formal adoption of the changes. This promising movement probably also demonstrates how the violation process is intertwined with the agency’s vision related to supervision.

Recent changes to the supervision process—including a focus on re-entry, the development of a cognitive treatment program, a new sentence assessment report based on current risk and need, and a revision of the Board’s salient factor score—also support the work of the Examination Team. These efforts have drawn heavily on the evidence-based practices that the team used.

With this coordinated movement in the same direction, the once “radical” effort to change the violation process has become more “mainstream.” This is positive for implementing the violation process and also for the long-term growth and vibrancy of the Missouri Department of Corrections and its many partners. ■