Montana Commission on Sentencing

Supervision

November 17

Council of State Governments Justice Center
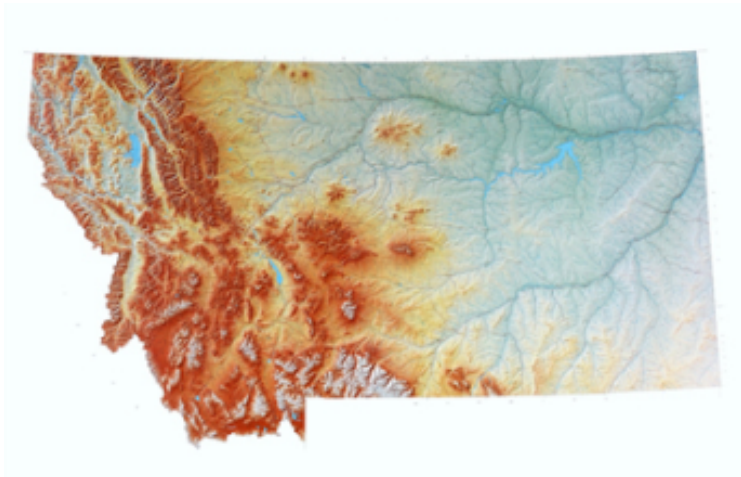
Carl Reynolds, Senior Legal and Policy Advisor
Steve Allen, Senior Policy Advisor
Chris Fisher, Senior Policy Advisor
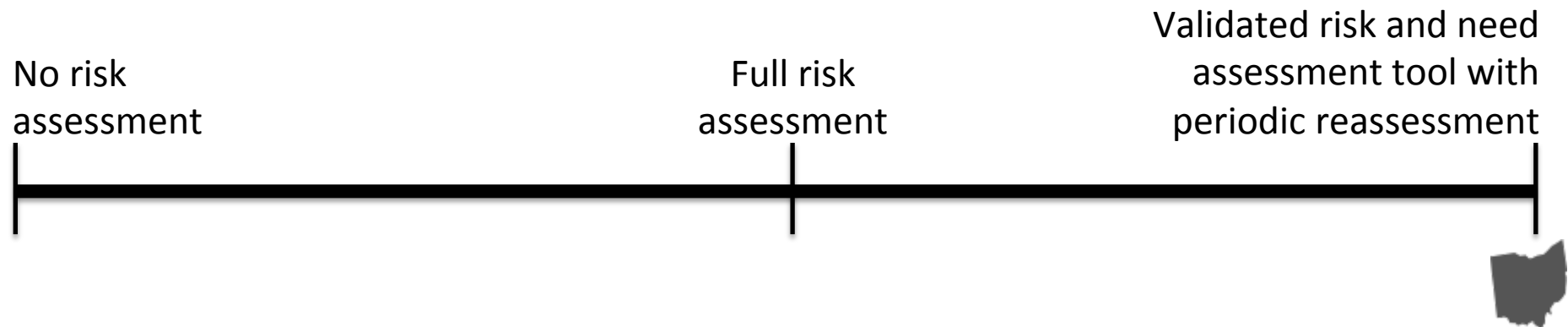**Karen Chung,** Policy Analyst
David Sisk, Policy Analyst

System Checklist: Reducing Recidivism

1 **Assess** risk and need

2 **Target** the right people

3 **Frontload** supervision and treatment

4 **Implement** proven programs

5 Address **criminal thinking**

6 Hold individuals **accountable**

7 **Measure** and incentivize **outcomes**

1. Assess Risk and Need: Examples

No risk assessment ————————— Full risk assessment ————————— Validated risk and need assessment tool with periodic reassessment

Best Practices

- Continue to use screening tool to triage low-risk people to low supervision unit.
- Use full validated risk and need assessment for those identified as higher risk by the screening tool.
- Conduct periodic reassessment to monitor changes in risk.
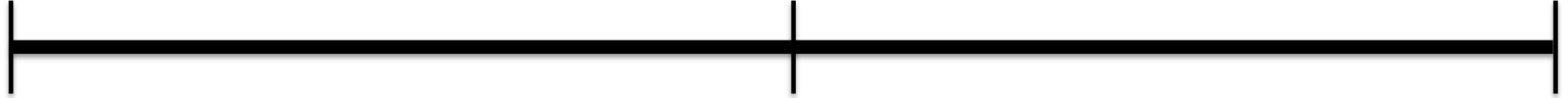- Respond to the changing risks and needs.

Examples

- Ohio required the statewide adoption of a single validated risk assessment.

2. Target the Right People: Examples

Supervision not differentiated by risk ——————— Supervision differentiated by risk ——————— Supervision and programs focused on high risk
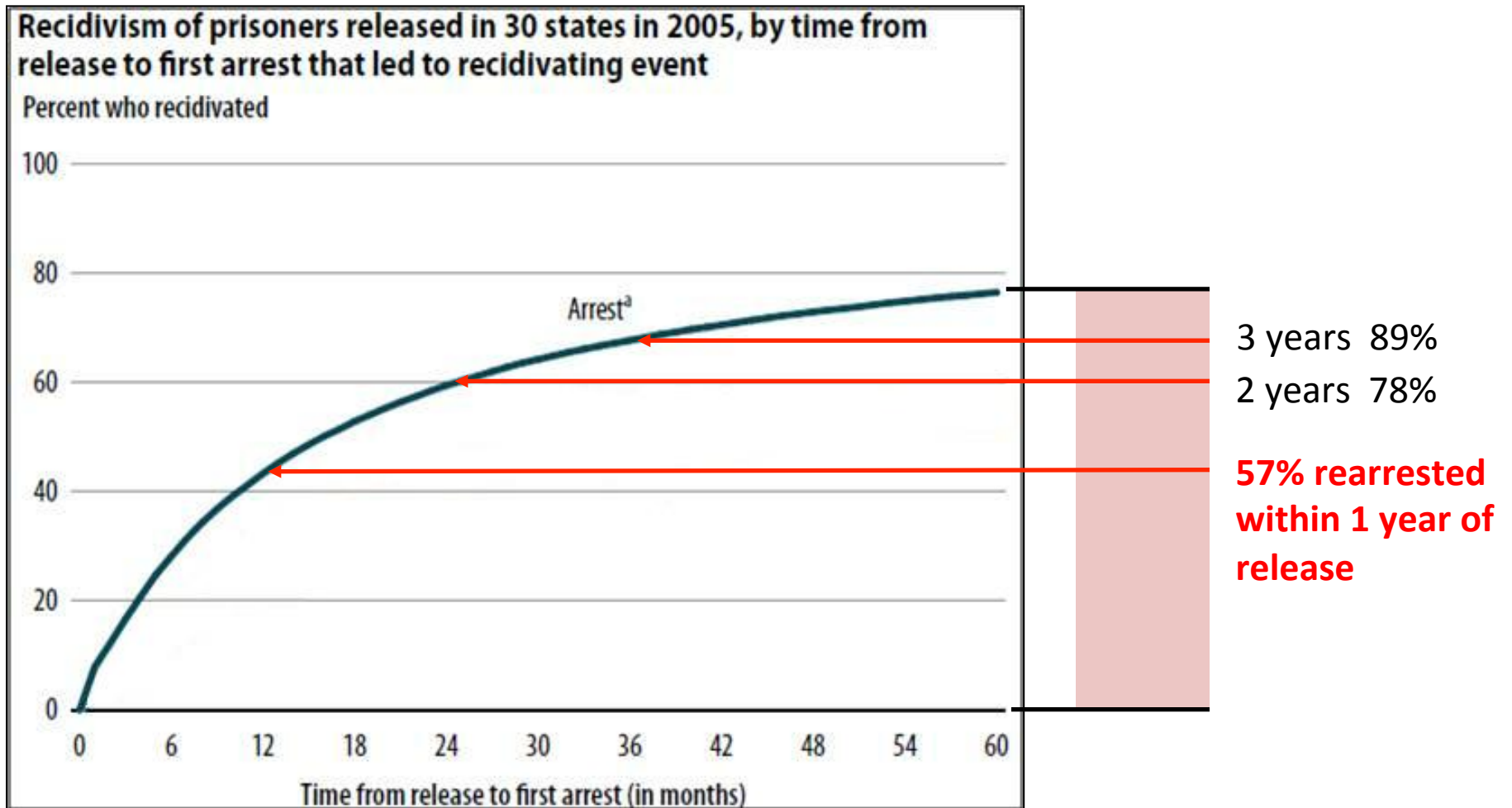
Best Practices

- Use risk and needs assessment to drive supervision intensity and placement in appropriate programming.
- Prioritize programming resources for individuals who are most likely to reoffend.
- Move felony probationers from active to banked based on risk level and demonstrated compliance.
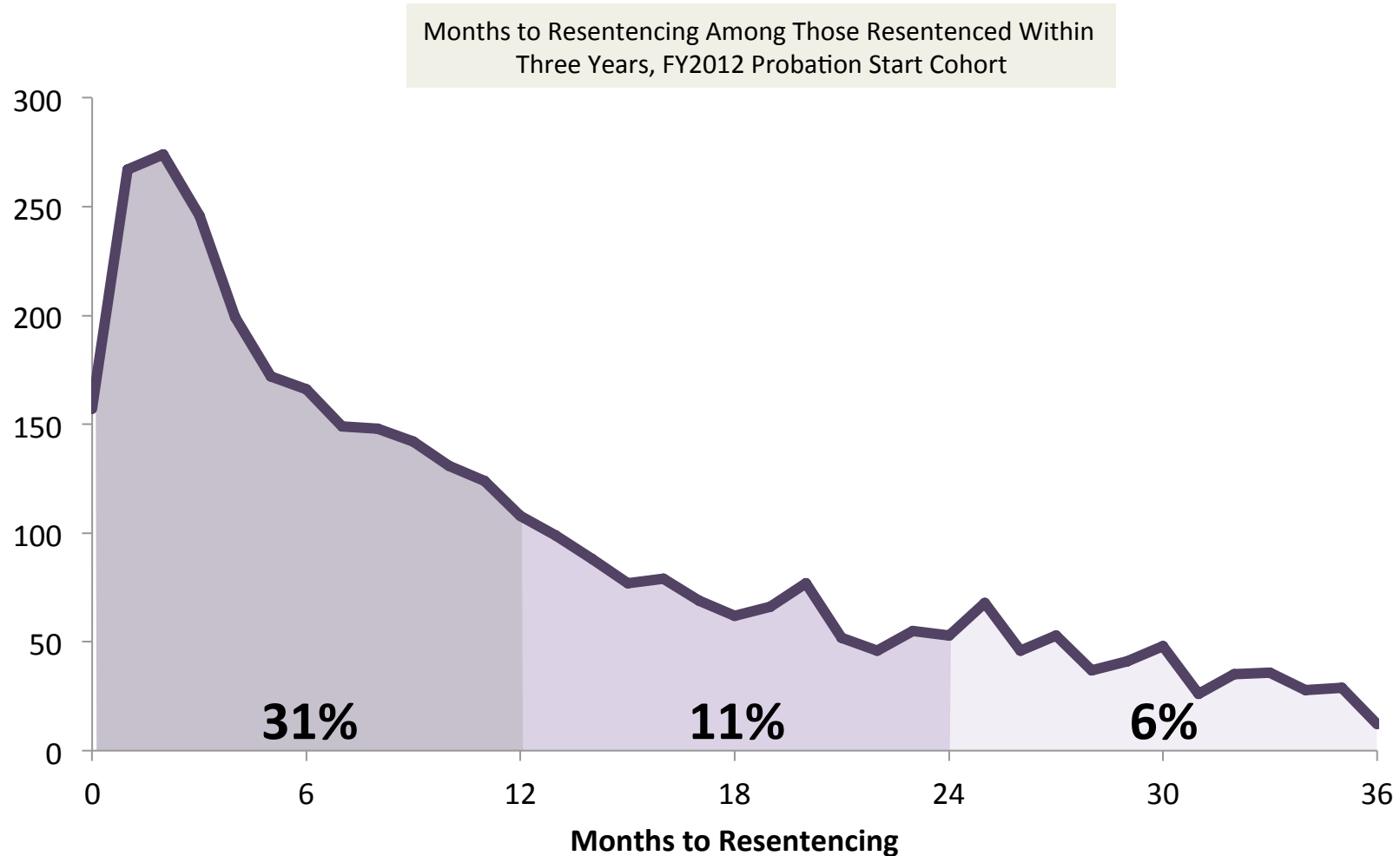
Examples

- North Carolina adopted risk assessments to inform supervision practices and focused resources on high-risk offenders.

3. Frontload: Supervision should be focused on the period when people are most likely to reoffend

Recidivism of prisoners released in 30 states in 2005, by time from release to first arrest that led to recidivating event

Percent who recidivated

3 years 89%

2 years 78%

57% rearrested within 1 year of release

Time from release to first arrest (in months)

Source: BJS, Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010.

3. Frontload: In Rhode Island, a resentencing analysis demonstrated diminished recidivism with passage of time.

Months to Resentencing Among Those Resentenced Within Three Years, FY2012 Probation Start Cohort

31% **11%** **6%**

Months to Resentencing

Source: RI Supreme Court Sentencing Data.

3. Frontload Supervision and Treatment: Examples

No
frontloading

Frontloaded
supervision

Frontloaded supervision
and services

Best Practices

- Continue more frequent contact with officer at the onset of supervision.
- Reduce frequency of contact with on-going compliance over time.
- Reallocate resources to make a difference in the critical first year for higher risk offenders.
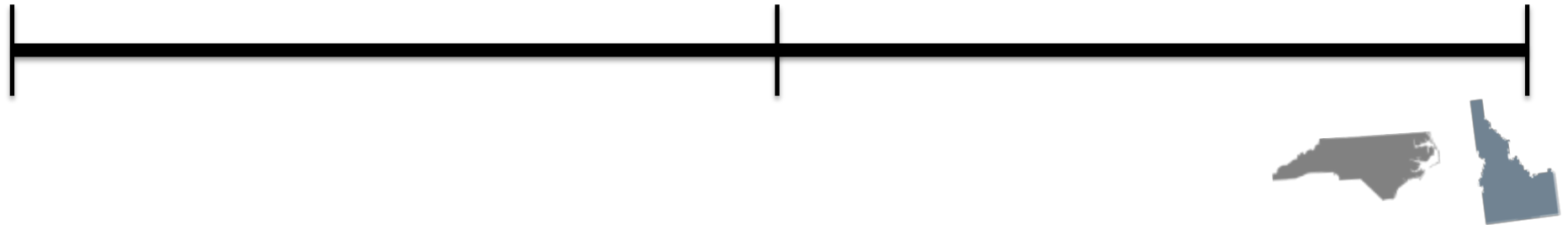
Examples

- Arizona, New Hampshire, and Nevada frontloaded supervision by adopting policies allowing compliant offenders to earn time on supervision.
- Kansas adopted a presumptive discharge policy, allowing offenders to earn their discharge from supervision after 12 months upon satisfying restitution obligations and compliance with supervision conditions.

4. Implement Proven Programs: Examples

Programs do not adhere to best practices | Programs based on what works | Programs based on what works and regularly assessed for quality

Best Practices

- Implement and fund evidence based practices.

- Invest in CBI to address criminal thinking.

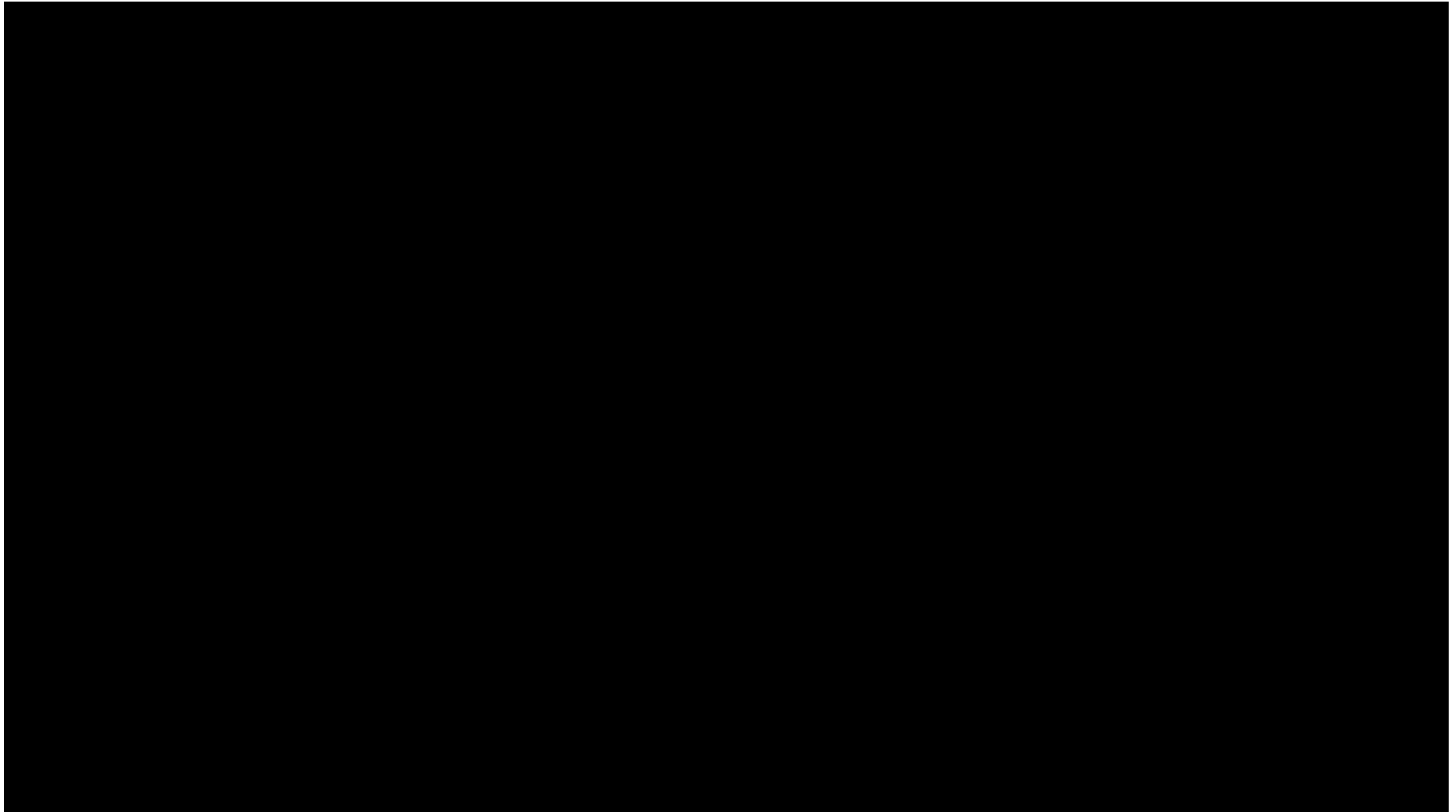- Require community based programs to use evidence based interventions for offenders.

Examples

- North Carolina replaced an outdated formula used to fund providers for treating people on supervision with a fee-for-service model. Of the state's total funding for treating people on supervision, 80 percent is now allocated for community-based cognitive behavioral services.

- Idaho conducted a comprehensive assessment of programs, examining who they served, whether they were evidence-based, and how well they were being administered.
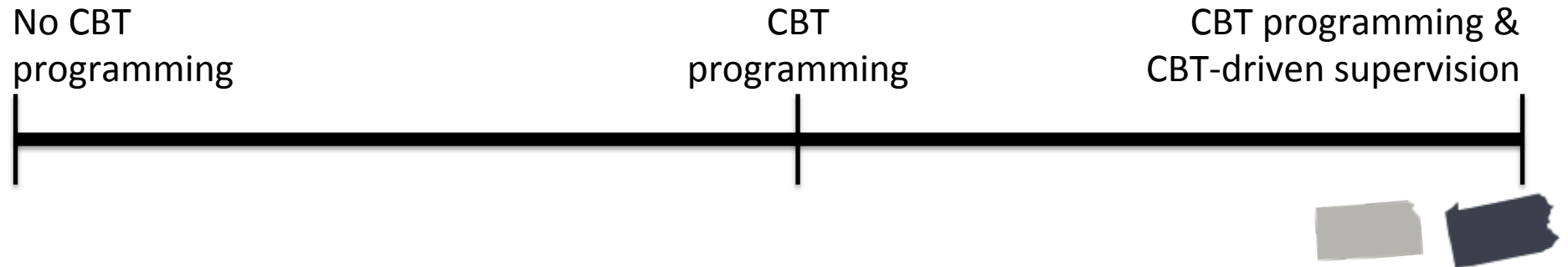
5. Criminal Thinking: Officers should apply the principles of effective intervention, including cognitive restructuring and problem solving.

Example Interaction

5. Criminal Thinking: Examples

No CBT
programming

CBT
programming

CBT programming &
CBT-driven supervision

Best Practices

- Fully implement Effective Practices in Community Supervision (EPICS) and ensure quality in application.

- Adjust workload to create ability for probation officers to deliver CBI to higher risk probationers.

- Institute quality assurance mechanisms to ensure effective practices are continually used regarding risk assessment and interventions between probation officers and offender.

Examples

- Kansas and Pennsylvania implemented EPICS, teaching supervision officers how to apply the principles of effective intervention, including relationship skills, cognitive restructuring, and problem solving based on the risk, need, and responsivity principles.
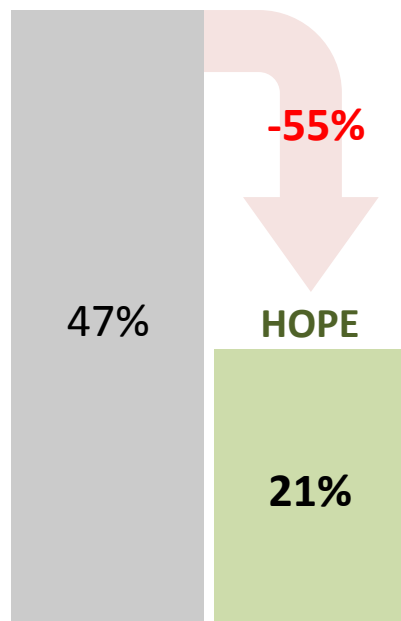
6. Accountability: Swift and certain responses to violation behavior are critically important

Hawaii HOPE
Intensive, random drug testing with swift, certain, and brief jail sanctions to supervision violations
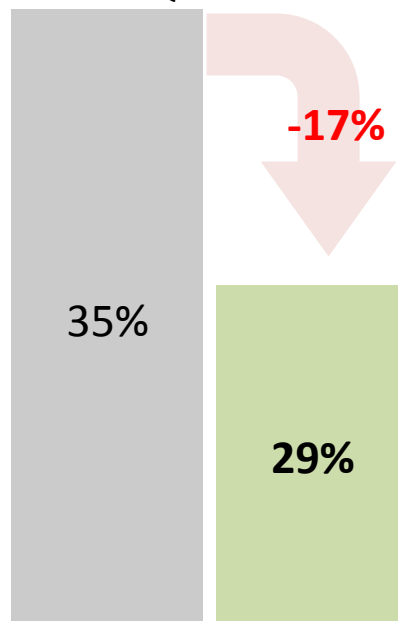
Percent Arrested

Status Quo

-55%

47%

HOPE

21%

Washington
Swift and certain jail sanctions in response to supervision violations

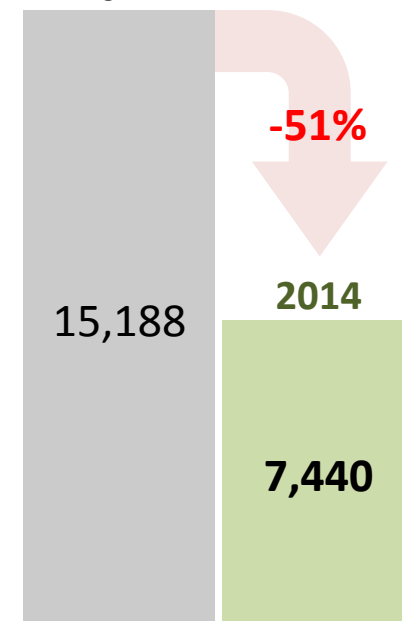### Percent Reconvicted

Status Quo

-17%

35%

29%

North Carolina
Swift and certain "dips" of brief jail sanctions and "dunks" of prison sanctions in response to violations

Prison Admissions

2011

-51%

15,188

2014

7,440

Source: *An Evaluation of Georgia's Probation Options Management Act*, Applied Research Services, October 2007; *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*, Hawken, Angela and Mark Kleiman, December 2009; Washington State University, Evaluation of WADOC Swift and Certain Policy Process, Outcome, and Cost-Benefit Analysis (2015).

6. **Accountability**: Most Effective Interventions to Change Behavior on Supervision

Key Characteristics of Effective Interventions

Certainty   Swiftness   Proportionality

Types of Responses

Incentives
(4 incentives : 1 sanction)

Interventions

Sanctions

- Verbal praise and reinforcement
- Removal from electronic monitoring
- Modification of curfew hours

- Assessment and program referral
- Skills practice with officer
- Written assignment (cost-benefit analysis)

- Verbal reprimand
- Community service hours
- Electronic monitoring
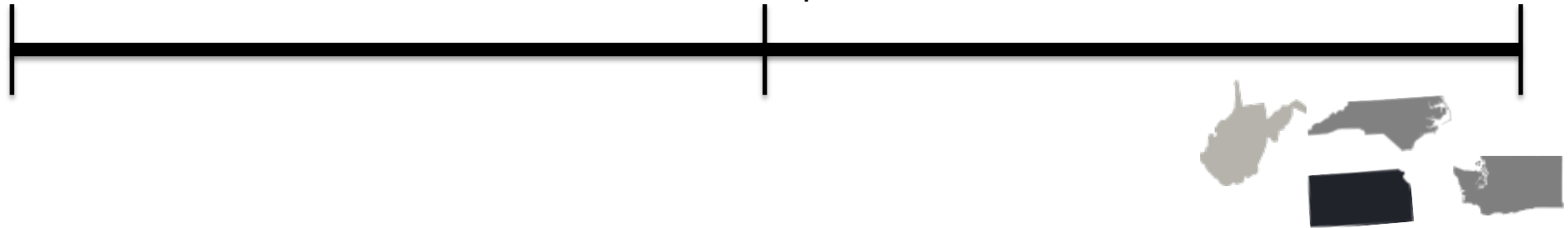- Increased reporting
- Modification of curfew hours

Source: Pew Center of the States (2012). *Time Served: The high cost, low return of longer prison terms.*

6. Accountability: Examples

Delayed, inconsistent, and severe sanctions — Use of consistent responses to non-compliance — Applying swift, certain, and fair sanctions

Best Practices

- Provide probation officers the ability to modify conditions of supervision to address emerging risks and needs.
- Give probation officers the authority to apply swift and certain responses to violations.
- Create detailed guidance to respond to non-compliance with supervision.

Examples

- West Virginia adopted 60- and 120-day revocations for probation and parole.
- North Carolina adopted 2- and 3-day sanctions and 90-day revocations for probation, and 3-month revocations for post-release supervision.
- Washington adopted 1-, 2-, 3-day, and 30-day sanctions for post-release supervision.
- Kansas adopted 2-, 3-, 120-, and 180-day sanctions for probation.

7. Measure Outcomes: Agencies and program providers must be held accountable for demonstrating results

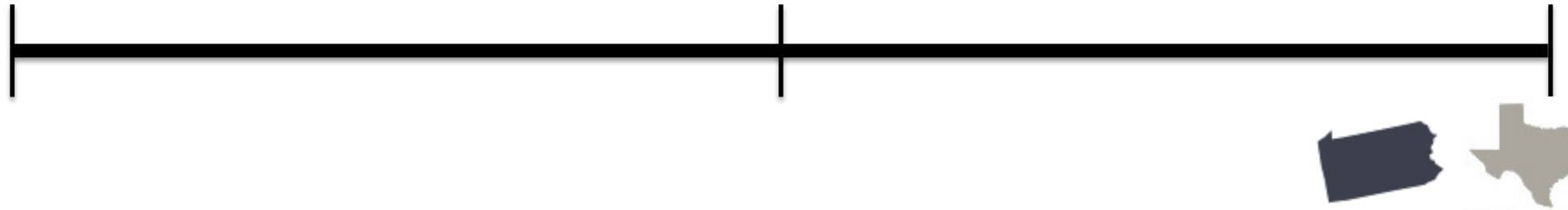> **Are key outcomes identified and measured across all systems?**
>
> - Tracking recidivism rates over time at each part of the system
>
> - Creating incentives to drive performance, especially by program providers
>
> - Assessing how well agencies are coordinating efforts with shared populations

7. Measure Outcomes: Examples

Not measuring outcomes	Tracking outcomes	Incentivizing outcomes

Best Practices

- Measure multiple measures of recidivism by region, risk level, programs, etc.

- Use outcomes to manage probation supervision strategies, training and resources for programming.

- Require community-based programs for offenders to measure impacts on recidivism.

- Explore using incentives to improve quality of programs.

Examples

- Pennsylvania implemented a "pay for performance" approach in contracts with private program providers and tracked recidivism rates by program.

- Travis County, Texas implemented a personnel evaluation system for probation supervision, emphasizing case work and treatment targeting the risks and needs of the population.

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