

COMMON SENSE PRACTICES IN COMMUNITY CORRECTIONS

**Making a Positive Long-Term Contribution to Public
Safety**

LEARNING OBJECTIVES

- Demonstrate how our existing systems are now changing to appropriately support new innovations
- Through a Lens - Implementing a Risk and Needs Assessment in a Probation and Parole Department
- The Four Core Correctional Competencies Required for Risk Reduction in the Daily Work of Staff
- How will Supervision Practices Change
- Is Your Organization Ready? – The Good, The Bad and The Ugly
- What are Best Practice Policies, Procedures and Processes
- What are the Implementation Challenges
- How EBP has been an Early Success for one PA Department

IMPLEMENTING A RISK AND NEEDS TOOL IN A DEPARTMENT

How it Works

GENERATIONS OF ASSESSMENTS

- 1st – professional judgement
- 2nd – static factors
 - *risk*
- 3rd – static & dynamic factors
 - *risk and needs*
- 4th – static, dynamic, & case management
 - *risk, needs, and responsivity (RNR)*

RISK-NEEDS-RESPONSIVITY (RNR) MODEL

3 Core Principles

- *Risk*
 - Match level of service to risk of re-offense
- *Needs*
 - Assess criminogenic needs & target through treatment
- *Responsivity*
 - Providing treatment & tailoring intervention to offender

DISCUSSING RISK – TERMINOLOGY

- Common wording:
 - Prediction
 - Forecasting
 - Odds
 - Likelihood
 - Probability
- Not certainties

RISK SCREENING TOOL

- Assessing Risk to Reoffend Only
- Why use a Risk Screening Tool
- What Cases are Administered a Screening Tool
 - 6 months or more of supervision
 - 4-6 months of supervision
 - 90 days or less – NO Assessment
- Results of Risk Screening Tool
 - Low
 - High
- Overrides
- Local Practices

COMMUNITY SUPERVISION SCREENING TOOL

- Most Serious Arrest Under 18 years of Age
- Number of Prior Adult Felony Convictions
- Received Official Misconduct while Incarcerated as an Adult
- Prior Sentence to Community Supervision as an Adult
- Highest Education
- Currently Employed
- Current Financial Situation (Past 6 Months)
- Drug Use Caused Problems
- Walks Away from a Fight

RISK SCREENING STATISTICS

ORAS CSST Risk Level by Gender

January, 2019

Low

High

#

%

#

%

#

%

#

%

Males

Females

Males

Females

48

28%

16

9%

84

47%

26

16%

Totals

64

36%

113

64%

RISK SCREENING STATISTICS (CON'T)

	Low		High	
	#	%	#	%
American Indian or Alaskan Native	0	0%	0	0%
Asian or Pacific Islander	1	1%	1	1%
Black or African American	16	9%	40	23%
Caucasian	46	26%	72	41%
Other	0	0%	0	0%
Unknown	1	1%	0	0%
Totals	64	36%	113	64%

RISK SCREENING STATISTICS (CON'T)

ORAS CSST Risk Level by Age

January, 2019

	Low		High	
	#	%	#	%
Less than 18 years of age	0	0%	1	1%
18 to 24 years of age	8	5%	31	18%
25 to 34 years of age	23	13%	38	21%
35 to 44 years of age	11	6%	22	12%
45 to 54 years of age	16	9%	13	7%
55 years of age and older	6	3%	8	35
Totals	64	36%	113	64%

COMMUNITY SUPERVISION TOOL

- Offenders' Risk to Re-offend
- Targets Criminogenic Needs



CONTENTS OF THE COMMUNITY SUPERVISION TOOL

- Criminal History
- Anti-Social Attitudes *
- Anti-Social Peers *
- Anti-Social Personality (not the mental health diagnosis) *
- Family *
- Education and Employment
- Pro-Social Activities
- Substance Abuse

* **Greatest association with recidivism and should be targeted for risk reduction**

ADMINISTERING AN ASSESSMENT

- ✓ Pending Assessment
- ✓ File Review
- ✓ Office Visit
 - ✓ Explaining the assessment
- ✓ Self Report Questionnaire
- ✓ Home Visit
- ✓ Interview with Offender
- ✓ Scoring

ADMINISTERING AN ASSESSMENT

(CON'T)

Case Assignment to Completion

30 – 60 days

PROFESSIONAL ALLIANCE

- The alliance b/w officer and offender has a large effect on outcomes.
- Outcomes are best when the alliance is characterized by:
 - Effective use of authority (fair but firm).
 - Role modeling and reinforcement.
 - Concrete problem-solving to engage offenders in resolving obstacles.
 - Active use of community resources.
 - Quality of relationship (trust and mutual respect).
- One of the 4 Core Correctional Competencies
- Includes Motivational Interviewing

LOW RISK OFFENDERS

- Assignment
- Low Risk Offenders
 - Self Correcting
 - Less than 100 hrs of intervention/programming
- Dosage Requirements
 - Once every 3 months in the office
 - Increase dosage for violations
 - Field contacts not required
- Caseload Size
 - 500 to 1,000

MODERATE RISK OFFENDERS

- Assignment
- Require up to 200hrs of intervention/programming
- Dosage Requirements
 - Three contacts per month
 - One Office Personal
 - One Field Personal
 - One Collateral
 - Increase dosage for violations
- Caseload Size
 - Up to 50 is ideal

HIGH RISK OFFENDERS

- Assignment
- Require up to 300 hrs of intervention/programming
- Dosage Requirements
 - Five contacts per month
 - Two Office Personal
 - Two Field Personal
 - One Collateral
 - Increase dosage for violations
- Caseload Size
 - 20 – 30

VERY HIGH RISK OFFENDERS

- Assignment
- Require up to 300 hrs of intervention/programming
- Dosage Requirements
 - Six contacts per month
 - Two Office Personal
 - Three Field Personal
 - One Collateral
 - Increase dosage for violations
- Caseload Size
 - 10 - 15

DAUPHIN COUNTY RISK LEVELS

➤ *Based on 3000 assessments*

➤ Low Risk = 33% (National average 35% to 45%)

➤ Moderate Risk = 58% (National average 45% to 55%)

➤ High Risk = 9% (National average no more than 12%)

Overrides = 8% (5.5% Sex Offenders)

SUPERVISION PRACTICES PRIOR TO RISK AND NEEDS ASSESSMENTS



REASSESSMENTS

- At Least 6 Months have Elapsed
- New offense
- Technical violations
- Annually
- Reduce Supervision Level
- Case Closing
- Is it Working - OUTCOMES

REASSESSMENTS CAN BE AN AID FOR THE COURT

- Revocation Hearing
- Aid in Sentencing
 - Risk Level
 - Identified Criminogenic Needs
- Court Ordered Programming

CASE PLAN

- Purpose of a Case Plan
 - Identify and address drivers
 - Responsivity factors
 - Strengths
 - Triggers
 - Stage of Change
- Targeting the two Highest Scoring Criminogenic Needs
- Activities, Goals and Target Dates
- Service Matrix

SMART GOALS

- Specific
- Measurable
- Agreed Upon
- Realistic
- Time-Based

ATTITUDE AND ORIENTATION

➤ Problem Statement

- I can have an attitude that gets me in trouble
- No one is going to control me

➤ Goal

- Reduce one of my most potent risk factors that can lead to criminal behavior
- Increase my ability to communicate my needs effectively to authority figures
- Improve my awareness and understanding of “motivation”

ATTITUDE AND ORIENTATION (CON'T)

➤ Strategy (Probationer)

- Attend and complete a cognitive behavioral skill class
- List ways in which my beliefs influence my emotions and behavior, and share with PO at next meeting
- Accept responsibility for my actions with no excuses
- At each month's probation meeting, list examples of how cognitive skills have been utilized by me
- Use empathy as a tool to affect open communication

ATTITUDE AND ORIENTATION (CON'T)

➤ PO Strategy

- Discuss long-term goals and the impact attitude has on achieving those goals
- Discuss what consequences attitudes, values, and behavior have had on others
- Reinforce positive statements and behaviors
- Refer to a cognitive behavioral intervention group

SKILL PRACTICES FOR OFFICERS

- **Motivational Interviewing**
 - techniques to reduce resistance and increase one's motivation to address needs
 - focuses on the individual's assets and attempts to build on those strengths to accomplish the justice related objectives
- **Brief Intervention Tools**
- **Effective Practices in Community Supervision (EPICS)**
- **Cognitive Behavior Programming**
- **Supervisor's BriefCASE**
- **Core Competencies**

THE GOOD, THE BAD AND THE UGLY

Evidence Based Practices Implementation Challenges

THE GOOD

- Wealth of Information at the onset
- Offender classification
- Objective Approach
- Maximizing Resources
- Structured Case/Supervision Plan
- Lower Caseloads
- Reward and Sanctions Matrix

THE GOOD (CON'T)

- Targeting Criminogenic Needs
- Contact Requirements
- Court Recommendation
- Reduce Recidivism
- Reduce Prison Population

THE BAD

- Requires Time to Implement
- Training
- Cost
- Collaboration with Key Stakeholders
- Maintaining Fidelity
- Data Collection
- Court Process
- Available Programs to Target Criminogenic Needs

THE UGLY

- Organizational Readiness
- Staff Resistance
- Stakeholder Buy In
- Financial Sustainability

DEPARTMENT SUCCESS

- Prior to starting the ORAS
 - Total number of cases = 7100
 - Field Supervision Caseload average = 98

- 18 months after using the ORAS
 - Total number of cases = 7200
 - Field Supervision Caseload average = 67

DEPARTMENT SUCCESS_(CON'T)

- Technical Violations Decreased by 25%
- New Arrest Decreased by 15%
- Recidivism Rate for Low Risk Offenders = 9.7%

DEPARTMENT SUCCESS (CON'T)

- Staff Moral is Up
- Staff Respect EBP
- Case Planning – A new way of thinking
- Prison Population
- Public Perception
- Training

INFORMATION AT SENTENCING

Shaping Judicial Discretion and Judicial
Sentencing practices

LEARNING OBJECTIVES

- Utilizing a data-driven approach can reduce corrections and related criminal justice spending
- Implementing evidence-based strategies can increase public safety while holding offenders accountable
- Defendant's risk and needs can enable the criminal justice system to divert offenders from prison
- Results of risk and needs assessments can enhance the quality of judges' sentencing decisions for those offenders eligible for community supervision

OLD MODEL OF SENTENCING

(MID-1970S)

- Emphasized punishment through incarceration
- General deterrence through the adoption of “Tough on Crime” policies
 - Mandatory sentences
 - Truth in sentencing
 - Determinate sentencing
 - Three strikes law

OLD MODEL OF SENTENCING - RESULTS

- Resources Misspent
- Punishments too Severe
- Sentences too long
- Dramatic increase in the incarceration rate

U.S. IMPRISONMENT RATE

- Between 1920 – 1970 - The rate remained constant at 110 per 100,000 people
- Mid to Late 1970s - Steadily increase to the current rate of 500 per 100,000 people
- Between 1974 and 2005 the number of inmates in federal and state prisons increased from roughly 215,000 to more than 1.5 million
- Corrections spending increased 200%, Education spending 3%

PURPOSE OF PRESENTENCE INVESTIGATIONS

- Aid the court determine an appropriate sentence
- Designed to frame factual and legal issues for sentencing
- Designate the appropriate institution where the offender will serve the sentence
- Offender's eligibility or need for specific correctional programs
- Aids the Probation Officer in supervision

PRIMARY OBJECTIVE OF A PRESENTENCE INVESTIGATION REPORT

- Focus on the character of the defendant by offering insight into the psycho/social, cultural, and physical factors that has influenced his or her development and the factors of the specific offense
- Only true and accurate facts will accomplish this objective

EVIDENCE-BASED SENTENCING

(NEW MODEL IN SENTENCING)

- Identifying offender risk factors
- Matching risk factors to supervision level
- Providing proven treatment services and programs that are tailored to an individual defendant's specific characteristics
- Improving judicial decision-making by identifying sentences and treatments that are most effective and cost efficient in reducing an offender's future risk to the community

NEW MODEL IN SENTENCING (CON'T)

- Helps sort out which offenders should receive incarceration, intensive supervised probation, diversion, inpatient care, etc.
- It is not intended to limit judicial discretion, but instead to better inform judicial decision-making by identifying:
 - Who to target
 - What to target
 - How to target
- Ensuring the lowest levels of recidivism and the best possibility of offender change

IMPORTANCE OF RISK PRINCIPLE IN SENTENCING

- Who to target
- Level of supervision and treatment match an offender's likelihood of reoffending
- Higher risk cases require more intervention, structure, supervision and resources
- Focusing supervision and treatment resources on lower-risk offenders can lead to wasted resources....and in some cases, may actually increase recidivism

IMPORTANCE OF NEEDS PRINCIPLE IN SENTENCING

- Stresses offender criminogenic needs to be addressed, where a need exists, targeted with treatment and interventions
- Dynamic and Static factors
- Factors most strongly associated; attitudes, antisocial peers, antisocial personality and antisocial behavior
- Additional risk factors; substance abuse, family/marital relationships, education/employment and lack of prosocial recreational activities

IMPORTANCE OF RESPONSIVITY PRINCIPLE IN SENTENCING

- Treatment interventions should be tailored to the offender's learning style, motivation, developmental stage and cognitive abilities
- Treatment intervention most effective in reducing recidivism is cognitive behavior programming
- Addresses the question on how to target offenders to ensure successful interventions

RISK AND NEEDS ASSESSMENTS

COMPARISON OF CURRENT INFORMATION FOUND IN PSI

➤ Legal Information

- Juvenile and Adult Record – Criminal History
- Probation/Parole History – Criminal History
- Official Version of Offense – attitudes, antisocial peers, antisocial personality and antisocial behavior
- Custody Status – Criminal History
- Pending Cases – Criminal History

RISK AND NEEDS ASSESSMENTS

COMPARISON OF CURRENT INFORMATION IN PSIS (CON'T)

➤ Extralegal Information

➤ Codefendants – Antisocial Peers

➤ Substance Abuse History – Substance Abuse

➤ Physical Health – Leisure/Recreational, Employment (also responsivity factor)

➤ Mental and Emotional Health – Employment/Education, Family/Marital,
Leisure/Recreational (also responsivity factor)

➤ Financial Circumstances – Employment, Family/Marital, Leisure/Recreational
Attitudes and Orientation (also responsivity factor)

RISK AND NEEDS ASSESSMENTS

COMPARISON OF CURRENT INFORMATION FOUND IN PSIS

➤ Extralegal Information (con't)

- Education History – Education/Employment (also responsivity factor)
- Victim Impact Statement – Antisocial peers, attitudes, personality, behaviors and substance abuse
- Marital Status – Family/Marital, Substance Abuse, Antisocial Spectrum
- Parents, Children and Siblings – Family/Marital, Substance Abuse
Antisocial Spectrum (also responsivity factor)
- Military – Education, Antisocial Spectrum
- Residence/Ties to the Community – Antisocial Peers, Substance Abuse, Education/Employment

PROBLEMS WITH CURRENT INFORMATION

- Too short
- Too wordy
- Focuses primarily on criminal history
- Embedded offender risk assessment information in a lengthy narrative without providing actual scores
- Lacks other specialized assessment information (requiring a separate order)
- Range of sentences ordered in similar cases across a jurisdiction

RNA INFORMATION FOUND IN PSI REPORTS

- Results of the Assessment
 - Narrative Description for each factor/domain
 - Risk score for each factor/domain
 - Overall Risk Score
 - Protective Factors
 - Responsivity Factors
- Other Assessments (MH, Substance, SO)

RNA INFORMATION FOUND IN PSI REPORTS

(CON'T)

➤ Recommendations

- Can the offender be supervised effectively in the community
- Suggested length of probation and probation conditions
- Specific programs to address identified criminogenic needs
- Some do not provide a recommendation relative to length of sentence
- Range of sentences ordered in similar cases across a jurisdiction
 - Sentences used by other judges for similar offense types by defendant (age and CH)

CHALLENGES WITH INCORPORATING RISK AND NEEDS IN PRESENTENCE INVESTIGATIONS

- Resources of a Department
- Administrator Bias
- Support of Justice System Stakeholders
- Tough on Crime Policies
- Compliance/Cooperation from the Defendant
- Targeted Intervention Programs

EVIDENCE-BASED SENTENCING – KEY TO SUCCESS

- **Statutory Requirement**
- **Educating Judges and Justice System Stakeholders**
 - **Theory and use of RNA**
 - **Science and Research behind RNR**
 - **Understand what Dynamic Factors are**
 - **Interpretation and use of Assessment Information**
- **Exposure to the Latest Research on “What Works”**
- **Financial Support for Programs**
- **Information on Outcomes**

POINTS OF CONSIDERATION

- “High Risk” does not necessarily translate to “need to incarcerate”
- “Low Risk” does not mean no risk
- RNA tools are intended to enhance, not replace, judicial decision making
- Trust the Research
- Although EB sentencing is still fairly new, lessons learned from probation and corrections are beginning to have an influence in the courtroom

KEY INGREDIENTS FOR SUSTAINABILITY

- Data Collections – Is it Working?
- Quality Assurance Program
- Fidelity
- Funding
- Education and Training
- Patience
- Collaboration
- Communication
- Support of the Judiciary

SENTENCING COMMISSION RISK ASSESSMENT

- Excellent Risk Screening Tool
- Risk to Reoffend and Risk to Commit Crime of Violence
- Targeting Cases for Further Information
- Results of a Risk Screening Tool vs Results of RNR Assessment
- Low Risk to Commit Crime of Violence
- High Risk in One or Both

ADOPTING EBP – “SOFT ON CRIME”?

- Quite the opposite
 - Provides more assurance that professionals are using the “right” strategies and approaches.....resulting in reduced misconduct and enhanced safety for all
 - Requiring an offender to confront and change behaviors is more intimidating and harsh than allowing the offender to “do time” or coast through traditional community supervision

CONFRONTED WITH A DIFFICULT DECISION

“Evidence-Based Practices in sentencing hold the promise of improving judicial decision making, which can lead to enhanced public safety and to efficient use of scarce criminal justice resource.”

Matthew Kleiman, NCSC

EVIDENCE BASED PRACTICES

THE RIGHT THING TO DO

SOCIAL

FISCAL

MORAL

THANK YOU!!!!

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