

CSU FULLERTON

Probation: What Works?

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Executive Summary

The issue of caseload sizes and recidivism haunts the probation community. Is there a “magic number” for caseload sizes? What will reduce recidivism amongst probationers? In this report, we will discuss this issue, along with what research is being done to find the solution for this problem.

The report begins with a brief overview of the current probation system, and a quick discussion of common concerns probation officers expressed, including: goal ambiguity, funding, and difficulties encountered trying to implement evidence-based practices. Unfortunately, academic research suggests that there is no “magic” caseload size. It does, however, provide support for a variety of evidence-based practices to improve outcomes for probationers.

The report reviews the eight principles of Evidence-Based Practices (EBP) and also describes the Risk-Needs-Responsivity model which has been shown to reduce recidivism among probationers. While reduced caseload sizes are not generally correlated with reduced recidivism; research indicates that when reduced caseload size is combined with EBP, the result is lower recidivism.

Additionally, research indicates that using a validated risk-needs instrument, such as the STRONG-R, can help probation departments deliver services to the probationers most likely to benefit from them. Furthermore, research has also found that probation officers are more effective when they have been properly trained in the use of STICS and motivational interviewing. A couple innovative programs that have shown some promise are presented for departments looking for new ideas. HOPE is based on providing swift sanctions while Travis County provides a 10 Step framework for departments interested in reorganizing and instituting

EBP. Clear's place-based probation strategy is presented as a new way of conceptualizing probation.

Introduction

Probation departments now have to do more with less. Budgets are being cut, yet departments are held to the expectation that they will be successful in their supervision and rehabilitation efforts. With many departments operating at less-than-ideal conditions, departments are looking for solutions. One popular question that probation professionals ask is "What is the optimum caseload size?" With this knowledge, probation officers would be able to allocate their time and resources towards those who need it; unfortunately the answer to that question is this: there isn't one. The variables surrounding caseload management are too many. Certain caseload sizes work for some and not others. However, there are resources and strategies a department can utilize in order to supervise probationers effectively and efficiently. The best method would be for a department to update its practices, tools, and most importantly incorporate evidence-based strategies that are aligned with Risk-Needs-Responsivity principles.

In this report, we review current practices and systems in place and the burden they have on departments. Also, rather than finding a non-existent optimal caseload size, we offer a literature review of several successful programs, tools, and strategies other departments have implemented to improve probation outcomes. The promising strategies and practices can be great assets to a department if implemented as mentioned below.

Policy and Procedure:

- Evidence-Based Practices (EBP)
- Risk-Needs-Responsivity (RNR)

Tools, Training, and Strategies:

- Static Risk and Offender’s Needs Guide Revised (STRONG-R)
- Strategic Training Initiative in Community Supervision (STICS)
- Motivational Interviewing (MI)
- Caseload reduction

Innovations

- Hawaii’s Opportunity Probation with Enforcement (HOPE)
- Travis County 10-Step Program
- Places not Cases

The goal of this report is not to offer a single solution to an age old problem, but to simply present current knowledge on innovations and strategies that departments can utilize to reduce recidivism. Although it may be difficult to adopt new practices, it may very well be worthwhile.

Today’s Probation

The Current System

The current supervision model, which has been in place for many decades, separates offenders into three types of supervision caseloads. The first is the *regular caseload*. It consists of offenders whose “criminal history or risk to reoffend is serious enough that probation departments find it necessary to supervise them on a regular basis” (Legislative Analyst’s Office, 2009, p. 10). Contacts are roughly once or twice a month, with these caseloads typically averaging between about 100 and 200 probationers per officer (LAO, 2009). The second is the

specialized caseload, commonly known as intensive supervision, which consists of probationers who, based on criminal history and treatment needs (domestic violence, sex crimes, DUI, drug-related crimes for example), are thought to benefit from more frequent contact. Contacts for this group range from two to four visits per month, with typical caseloads consisting of 70 probationers per officer (LAO, 2009). The last is the *banked caseload* consisting of probationers who are of low risk to public safety. Contacts are not usually done in person, but over the phone, in writing, or via kiosk. Average caseloads may consist of several hundred probationers per officer (LAO, 2009).

The American Probation and Parole Association (APPA) average recommended caseload is 50 probationers per probation officer for general, moderate and high risk offenders, and 20 to 1 for intensive supervision (LAO, 2009). This huge discrepancy between the recommended caseload size by the APPA and actual caseloads adds stress to probation officers and may result in inefficiency.

The Probation Officer's Concerns

Although probation officers play a critical role in the criminal justice system – and the potential for probation and community corrections to enhance public safety is great – some issues have made it difficult for probation officers and agencies to have the positive effect on recidivism that they would like. According to DeMichele and Payne (2007) probation officers have three underlying concerns with today's probation system: goal ambiguity, funding, and evidence-based principles.

The first concern is goal ambiguity. Probation officers felt that they are only operating between rehabilitation and punishment, two of the criminal justice system's goals. Under rehabilitation, the goal is to alter offender behavior to become a better person. Under punishment, the underlying goal is tied to an emotional desire to inflict pain or bring discomfort to the offender in an attempt to balance the scales of justice (DeMichele and Payne, 2007). Probation officers must work with both of these goals in mind, but it is often difficult to find a balance between rehabilitation and punishment. In some agencies, probation officers have taken the role of police officers and enforced the punishment goal to a greater extent instead of the rehabilitative goal.

The second concern of probation officers is funding. Officers stated that some of their caseloads have doubled, and their ability to meet the demands of the department and community has diminished because of the lack of community resources. Community corrections agencies and officers are expected to supervise more offenders, with fewer resources, which eventually leads to employee strain, and burn-out (DeMichele and Payne, 2007). Officers also stated that more officers are needed to provide the level of supervision that each offender should receive.

The last concern from probation officers is that evidence-based practices are not being utilized to their full potential, if at all. When interviewed, some probation officers felt that evidence-based practices should be implemented, but due to a lack of funding and resources, these practices cannot be carried out. In order to be effective, probation officers felt that there needs to be a redistribution of caseloads to focus more resources on higher-risk offenders and better targeting their interventions (DeMichele and Payne, 2007). Specialized caseloads are the focal point of evidence-based practices. Probation officers felt that they should target higher-risk offenders rather than those who have little to no risk of reoffending. As mentioned earlier, a lack

of funding and resources has been the reason why probation officers cannot use evidence-based practices. Specialized units and innovative items such as GPS are required for probation officers to carry out and fully implement evidence-based practices (DeMichele and Payne, 2007).

Probation officers want to convert to evidence-based practices, but some simply cannot because of this lack of resources.

Evidence Based Practices (EBP)

In order to improve public safety and address officers' concerns over funding the use of 'what works,' it is vital to adopt the best practices available for probation. In recent years, the most popular approach has been the use of Evidence-Based Practices (EBP). It is the balanced and objective use of current empirical research to improve outcomes by guiding an organization's policies and practices. In the field of corrections, EBP has been created to "address allocation issues by determining what works to improve offender outcomes" (Jalbert, Rhodes, Flygare, & Kane, 2012, p. 237). It calls for offenders to be classified according to recidivism risk and identified needs, which allows an officer to offer rehabilitative interventions that have been tailored to the probationer. These practices focus on reducing offender risk, ultimately reducing crime and increasing public safety.

There are currently eight principles that have been established in the use of EBP. These eight principles are written in Crime and Justice Institute at Community Resources for Justice's *Implementing Evidence-Based Policy and Practice in Community Corrections* (2014):

1. Assess Actuarial Risk/Needs
2. Enhance Intrinsic Motivation
3. Target Interventions
4. Skill Train with Directed Practice

5. Increase Positive Reinforcement
6. Engage Ongoing Support in Natural Communities
7. Measure Relevant Processes/Practices
8. Provide Measurement Feedback

When applied altogether in an agency's policies, procedures, and day-to-day work, EBP reduces offender risk. This list does not place each principle in order of hierarchy. The principles work together and mutually reinforce one another. However, research has found that targeting interventions is at the core of evidence-based practice because it is based on the Risk-Need-Responsivity model.

Risk-Need-Responsivity Model (RNR)

Current research indicates that the Risk-Need-Responsivity model has been associated with reduced recidivism. It is a model that guides treatment interventions in corrections by offender's risk and needs. It has three principles that have been summarized by Bonta (2010):

1. Risk principle: Match the level of services to the risk level of the offender. Provide intensive services to higher risk clients and minimal services to lower risk clients.
2. Need principle: In treatment, set criminogenic needs as the target of intervention.

Criminogenic needs are the dynamic risk factors associated with criminal behavior. Non-criminogenic needs are relevant only in that they may act as obstacles to change in criminogenic needs.

3. Responsivity principle: Match the style and mode of intervention to the ability and learning style of the offender. Social learning and cognitive-behavioral styles of influence generally work best with offenders.

Research has demonstrated that interventions closely adhering to RNR principles can result in a 26% difference in recidivism rates (Bourgon & Gutierrez, 2012). It has shown far greater results than intensive supervision without treatment, which has no detectable effects on recidivism rates (Miller, Drake, Nafziger, 2013).

Strategies and Tools

Reduced Caseloads

One of the biggest concerns probation departments are facing today is the size of their caseloads; are they really too big? “The exact number that constitutes ‘too big’ is disputed. A few people say that the maximum caseload size should be 35; others say it should be 60” (Clear, 2005). The general idea around probation is the smaller the caseload size, the better. “Smaller” caseloads usually range from about 35 probationers, whereas a large caseload size would range around 150 or more (Clear, 2005).

So is smaller better? The answer is still being debated, but almost no evidence has emerged that states that smaller caseloads are better. In fact, it has been discovered that even “smaller” caseload sizes can lead to a high failure rate. So why do smaller caseloads result in a high rate of failure? Clear (2005) cited work done by Joan Petersilia that stated that the intensive supervision resulting from a smaller caseload size led to closer monitoring of probationers. Probation officers who have smaller caseload sizes have more free time to closely monitor their probationers, which as a result, leads to more probation violations and revocations. This leads to a higher volume of individuals returning to jail, thus costing more money (Clear, 2005).

However, under EBP and RNR, having a reduced caseload can be beneficial for case outcomes, a reduced caseload can be utilized as a strategy to lower recidivism rates amongst probationers. Studies have shown that intensive supervision probation (ISP) can be effective if “balanced with correctional strategies and focused on the appropriate offenders” (Jalbert & Rhodes, 2012, pg. 223).

In a study involving reduced caseloads—that follows the EBP model, probation officers with reduced caseloads supervised about 54 probationers, while those with regular caseloads supervised about 106; the results were that the reduced caseloads tended to have greater rates of treatment (Jalbert & Rhodes, 2012). The analysis done revealed a roughly 30% reduced rate of recidivism in the smaller caseload, although technical violations increased by 4% (Jalbert & Rhodes, 2012). Another study involving reduced caseloads revealed that ISP without EBP is insufficient to reduce recidivism, and concluded that EBP is an appropriate context to implement ISP (Jalbert et al., 2010). Conclusively, a reduced caseload, when applied within the context of EBP practices and tools, reduces recidivism.

Despite the benefits of EBP reduced caseloads for ISP clients, it appears that EBP does not reduce recidivism for offenders placed on administrative or ‘stacked’ caseloads (400+ offenders being supervised) (Taxman, 2012). Barnes and colleagues support the use of stacked caseloads for low-risk offenders based on their findings (Taxman, 2012). Although there has not been a study on the cost benefits of administrative caseloads, the findings can be used to justify its practice in reason.

Static Risk and Offender Needs Guide-Revised

Concerning “what works in corrections,” the research states that offenders who are at higher risk are better suited for more intensive, structured interventions (Taxman & Thanner,

2006). To find these high risk individuals, use a risk assessment tool that follows the RNR tenets. This will allow a correctional department to identify the risk factors to address through treatment and programming. The best risk assessment tool currently available is the STRONG-R (Static Risk and Offender Needs Guide-Revised); it is an evidence-based risk and needs assessment/supervision planning system for adult offenders (Assessments.com). Washington State Institute for Public Policy (WSIPP) compared five successful risk assessment instruments and validated STRONG-R to have “the highest predictive accuracy for assessing an offender’s risk for re-offense” (Drake, 2014, pg. 4). Utilization of STRONG-R allows probation officers to allocate resources more efficiently towards those in need of treatment and intensive supervision.

STRONG-R is a tool that predicts recidivism based on crime, static risk, and dynamic risk. It identifies various needs an offender may have that can be taken into account when forming a plan, and also offers a supervision guide to help enable probation officers to understand how an offender may change. STRONG-R also offers an efficient information system that documents offender activities and history, progress notes, and is designed to interface seamlessly with other external systems at the client’s discretion; all features not available to other tools such as Static Risk Assessment, Revised (SRA-2), Ohio Risk Assessment System (ORAS), and Level of Service Inventory-Revised (LSI-R) (Assessments.com).

One of the most advanced features of STRONG-R is that it classifies offenders into five risk classification levels based on criminal convictions: High Risk Violent, High Risk Property, High Risk Drug, Moderate Risk, and Low Risk. Using this tool provides an “objective, consistent and simple method of risk prediction and supervision level identification” (Assessments.com). Some of the other benefits outlined by the fact sheet (Assessments.com):

- Ease of access to offender information after assessment

- Increased objective risk and needs assessment capability
- Consistent method to document an offender's complete criminal conviction record
- Gender-neutral risk assessments
- Meets America Correctional Association (ACA) , EBP, and RNR standards

Adopting the use of STRONG-R may benefit a corrections department. It is more accurate than using a department's own non-validated makeshift tool or other risk assessment tool proven to be less accurate than STRONG-R. The greatest benefit to using an updated tool is for workload management. In the case that reduced caseloads are not a possibility, using STRONG-R will at least allow probation officers to better identify treatment needs for offenders, thus allowing resources to be devoted to those in need of intervention. Overall improved probation outcomes let probation officers deliver effective intervention to more clients; this may allow more manageable caseloads to come a possibility over time.

Training for Probation Officers

In order to adhere to the EBP model as closely as possible, it is beneficial for departments to provide training for its probation officers. Trotter states that training should include a “combination of techniques for influencing change and targeting criminogenic needs” (Bonta et al., 2010, p. 2). Being trained prepares probation officers to identify medium and high risk individuals, as well as address criminogenic needs and attitudes through treatment and intervention.

Strategic Training Initiative in Community Supervision (STICS)

Cognitive restructuring strategies are another useful tool for probation officers. The training module, STICS, “emphasize[s] the RNR principles and how to implement them into practice; highlight[s] the importance of targeting attitudes, building rapport, using prosocial

modeling, reinforcement and cognitive-behavioral techniques to influence change; and outline[s] the benefits of using a strategic supervision structure in each individual session as well as over the entire supervision period” (Bonta et al., 2010, pg. 2). These skills help probation officers improve their ability to target criminogenic needs and pro-criminal attitudes. By changing the attitudes and cognitions of clients, officers decrease the likelihood an offender will recidivate.

Research has found that officers who participated in Strategic Training Initiative in Community Supervision (STICS) improved outcomes for their clients and more closely adhered to the RNR principles (Bonta, Bourgon, Rugge, Scott, Yessine, Gutierrez, & Li, 2011). The outcome of the training was significant. The probation officers who utilized skills gained from STICS showed a 15% reduction in overall client recidivism rates (Bonta et al, 2010).

Motivational Interviewing

Another promising strategy is *motivational interviewing*, which involves the use of questions and statements to help clients find reasons for change (Alexander, 2008). An offender who talks about the benefits of change is more likely to make a change, whereas an offender who argues and defends their actions or the status quo is more likely to continue their present behavior (Alexander, 2008).

Motivational Interviewing in Criminal Justice

Many studies have shown that motivational interviewing, or MI, can help people change their behavior, especially in areas such as drug and/or alcohol abuse, tobacco addiction, eating disorders, as well as criminal behavior. In particular, motivational interviewing has been used with offenders who were convicted of substance abuse, domestic violence, DUIs, and general offenses (Craig, 2012).

Because people become more or less interested in change based on how they talk about it, motivational interviewing emphasizes empathy, optimism, and respect for client choice when questioning and working with clients (Alexander, 2008). It focuses conversations on the dynamic risk factors which are most amenable to change, including improved self-control, increased circle of caring, engagement in pro-social values, increased contact with pro-social faces and places, substance abuse treatment, and reconnection with primary/healthy relationships (Walters et al., 2007). MI is based on the knowledge that people go through a typical sequence of stages when considering change.

Research has discovered that MI has been particularly useful when used with clients who are more oppositional or defiant, higher-risk, or otherwise less ready for change (Alexander, 2008). There are three practical reasons why MI might be applicable to community corrections: (1) MI has a strong record in preparing clients to engage in alcohol and drug treatment programs; (2) MI has shown to be effective in settings where provider-client interaction may be brief and multi-focused such as probation; and (3) large addiction treatment studies have shown similar effects of MI across offending and non-offending clients.

The principles of MI:

- 1) Express empathy with a sincere attempt to understand the offender's point of view
- 2) Roll with resistance and resist arguments
- 3) Develop discrepancy which means working to elicit offender's own reason for change
- 4) Support self-efficacy, which emphasizes positive language and an environment that is supportive of change (Alexander, 2008).

How it works

There are two basic steps in the MI process:

1. The interviewer applying MI listens to offenders and follows up on the more upbeat things the person says and asks the client to think about their own lives; and
2. Offenders then become more motivated to make positive changes that will reduce the likelihood of recidivism (Craig, 2012)

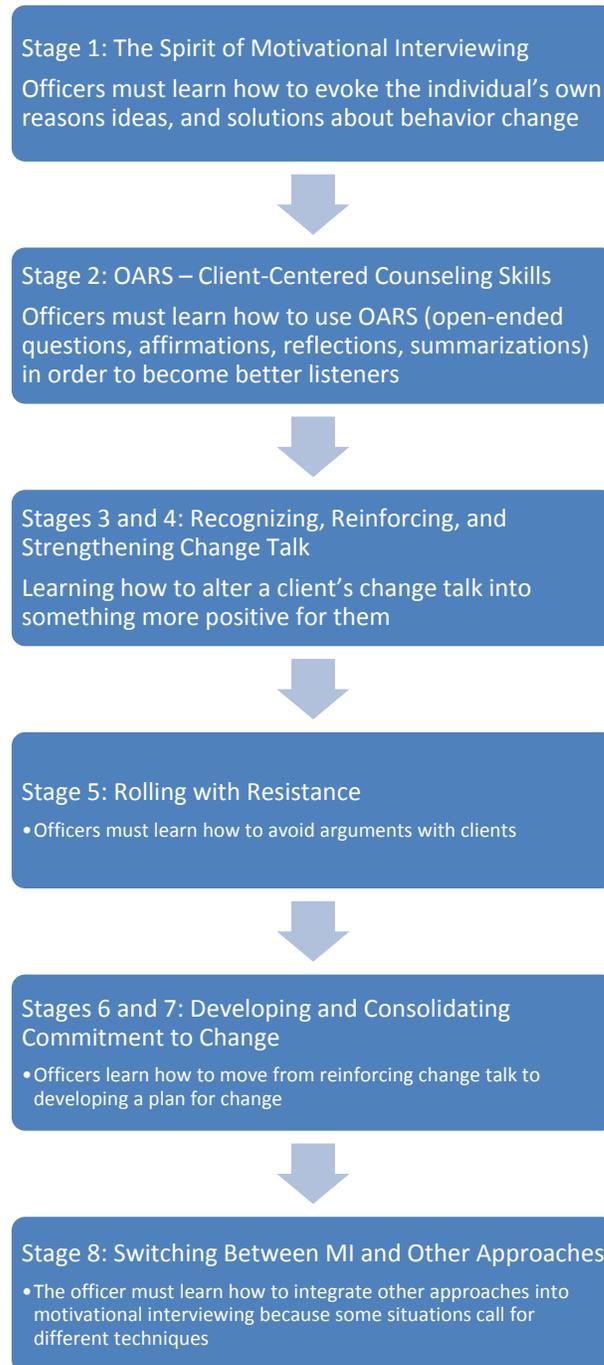
How can probation officers train to become better motivational interviewers?

Alexander (2008) provides a step-by-step guide to help officers train to become better motivational interviewers (see Figure 1 below) as well as a basic MI implementation plan for departments that wish to pursue MI training for their officers.

The Future of Motivational Interviewing

It has been shown that confrontational styles of dealing with offenders inhibit outcomes (Clark, 2005). Motivational Interviewing is intended to be an additional tool for officers to use as they provide supervision and treatment for offenders, not as a replacement. Offenders under supervision by probation officers who are also trained to use the Risk-Need-Responsivity (RNR) principles showed lower recidivism rates. MI, however, is not appropriate in every situation (Alexander, 2008). In order for it to be successful, officers must believe in the offender's ability to change (Clark, 2005)

Figure 1: Training officers in MI (Alexander, 2008)



Recommended Readings for Motivational Interviewing:

Alexander, M., VanBenschoten, S., & Walters, S. (2008). Motivational interviewing training in criminal justice: Development of a model plan. *Federal Probation*, 72(2), 61-121.

Clark, M. (2005). Motivational interviewing for probation staff: Increasing the readiness to change. *Federal Probation*, 69(2), 22.

Craig, L. (2012). Motivational interviewing. *Corrections Today*, 74(2), 88.

U.S. Department of Justice. (2007). *Motivating Offenders to Change: A Guide for Probation and Parole*. Washington, DC: U.S. Dept. of Justice, National Institute of Corrections.

Innovative Programs

Probation departments have been greatly scrutinized over the years due to the high rates of probationer recidivism and revocations. Recently, there have been calls to reform the way probation departments across the country operate. Most critics claim that large caseload sizes and lack of resources are the reason why a high percentage of probationers recidivate, but most research suggests that there is *no* optimum caseload size. In fact, smaller caseload sizes sometimes result in a higher rate of probationer failure than standard caseload sizes (Clear, 2005). According to research, successful programs have two commonalities: they follow the EBP model and RNR principles. As aforementioned, the attitudes of probation officers and their respective departments can determine the success or failure of the probationers they work with. With this in mind, here are some programs that incorporate both EBP and RNR.

Travis County's 10-Step Program

Probation departments across the country have to do more work with fewer resources (Fabelo & Prins, 2011). Departments in that situation can look at the program implemented and success gained by the probation department in Travis County, Texas.

Experts point to four core practices that are essential to a probation department's success in achieving its mission: (1) effectively assess probationers' criminogenic risk and need, as well as their strengths (also known as "protective factors"); (2) employ smart, tailored supervision strategies; (3) use incentives and graduated sanctions to respond promptly to probationers' behavior; and (4) implement performance-driven personnel management practices that promote and reward recidivism reduction (Fabelo & Prins, 2011).

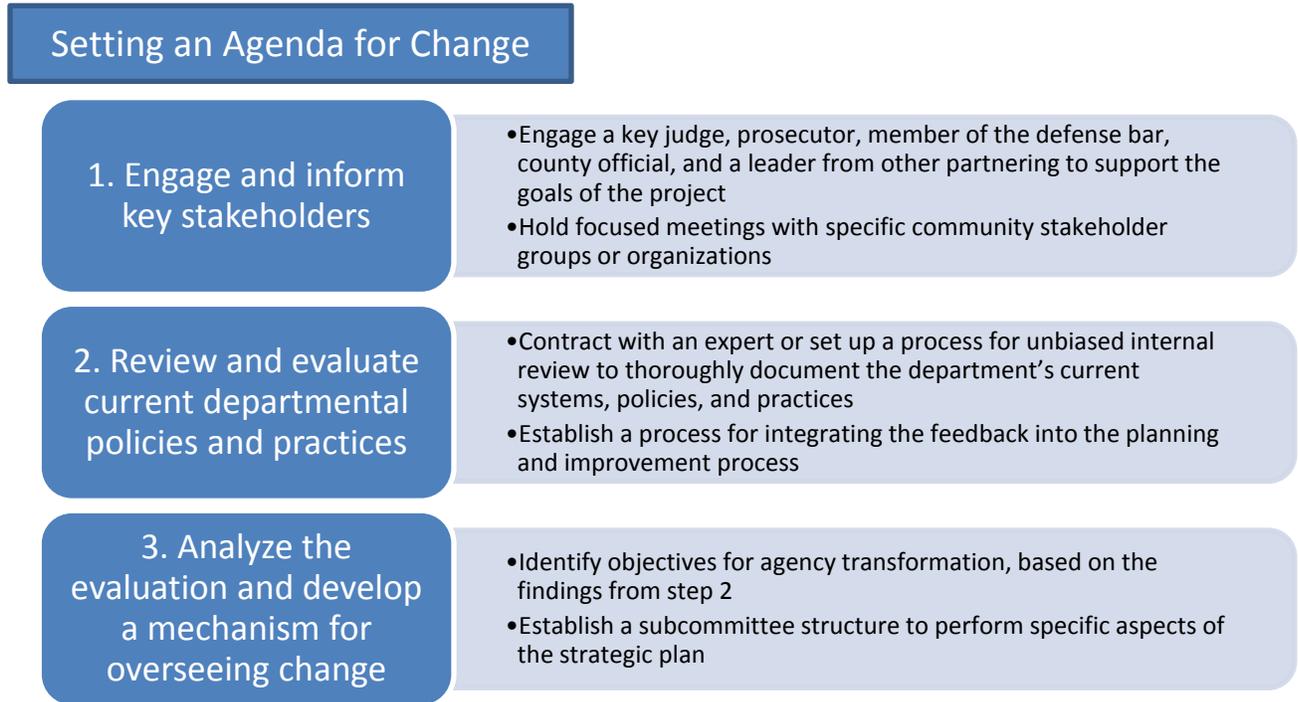
In Travis County, the probation department created a ten-step program in an attempt to reduce recidivism. Their program was created with the previously mentioned core practices in mind, and as a result, gained great success and results from their responding probationers. The program is divided into three phases: (1) Setting an Agenda for Change, (2) Redesigning Departmental Policies and Practices, and (3) Implementing Procedures to Ensure Quality and Monitor Progress (see Figure 2 below).

Travis County identified six specific positive benefits of the program, which are:

1. Felony probation revocations declined by 20%
2. Felony technical revocations fell by 48%
3. The decreased number of technical revocations averted \$4.8 million in state incarceration costs
4. Reductions in motions to revoke probation averted close to \$400,000 in local jail costs in one year (based on costs of \$24 per day, per person)

5. The one-year re-arrest rate for probations fell by 17%
6. Re-arrest rates for low-risk offenders declined by 77%

Figure 2: Travis County Plan



Redesigning Departmental Policies and Practices

4. Improve probationer screening and assessment processes

- Develop or acquire criminogenic risk and need assessment instruments
- Inventory all screening and assessment, intake, and field supervision forms and tools, including information from other agencies that can be shared; discuss how they can be shared with other agencies

5. Align supervision plans with screening and assessment results

- Use screening and assessment results to help inform judges who set conditions of supervision
- Classify probationers based on a clear risk and need matrix into categories that correspond with different supervision strategies

6. Redesigning incentive and sanctioning strategies

- Work with judges, prosecutors, and other stakeholders to develop a range of supported options and new procedures for employing incentives and graduated sanctions that are tailored to probationers' level of criminogenic risk and identified need
- Emphasize the use of incentives rather than relying exclusively on punitive sanctions

7. Develop recidivism-reduction training

- Help staff members become proficient in techniques used to reduce the likelihood of probationers recidivating and to enhance probationers' motivation
- Promote ongoing learning and improvement through the use of peer support, coaches, and mentors

Implementing Procedures to Ensure Quality and Monitor Progress

8. Develop and implement a process- and outcome-accountability system

- Agree on process and outcome measures to track progress on goals and objectives
- Collect data from personnel, probationers, and stakeholders and develop feedback protocols

9. Retool the personnel evaluation system to reinforce agency-wide recidivism-reduction efforts

- Agree on domains and measures that will reveal whether probation officers' skills, attitudes, and activities support recidivism reduction and are consistent with training and other departmental goals
- Make changes to the personnel performance evaluation system for administrative staff that responds to staff concerns

10. Review progress and set goals for continuous improvement

- Design a process for continually improving the agency's efforts
- Recognize and celebrate improvements revealed by performance measures
- Identify next steps to continue improving the organization
- Report accomplishments and remaining goals to stakeholders and the public

For complete reading:

Fabelo, A., Nagy, G., & Prins, S. (2011). *A Ten-step Guide to Transforming Probation Departments to Reduce Recidivism: A Report*. New York: Justice Center, Council of State Governments.

HOPE: Hawaii's Opportunity Probation with Enforcement

Hawaii's Opportunity Probation with Enforcement, or HOPE, is a program designed to allow probationers to tie together unlawful behavior with a consequence learned from it (McEvoy, 2013). This program is specifically designed to help those with drug addictions. HOPE begins for most probationers with a direct and formal warning from a judge. Probation violations result in an immediate and brief jail stay (McEvoy, 2013).

Why the need for a new program

Hawaii had problems with their probationers when it had a program similar to most other departments in the country. Too many probationers decided not to show up for their appointments with probation officers, and declined to take mandatory drug tests. Those who took those tests failed. Probation officers constantly asked other components of the criminal justice system for help, but their concerns were not taken seriously. Because of this problem, Circuit Judge Steve Alm convinced police and sheriff, local jail officials, probation officers, drug treatment officials, prosecutors and defense attorneys to come up with a “swift and sure punishment” program (NIJ, 2008).

How the program works:

Probationers may serve their sentences on weekends initially to ensure employment. The court also assured that those who need treatment, such as drug, mental health, or other health services get their treatments, and probationers were expected to attend and complete the treatment (NIJ, 2008, p. 98). Probationers are assigned a color code at the hearing. Drug offending probationers are required to call the HOPE hotline every weekday morning to find out which color code has been selected for that day. Probationers whose color code is chosen must appear at their probation office before 2pm, where a drug test is administered (McEvoy, 2013).

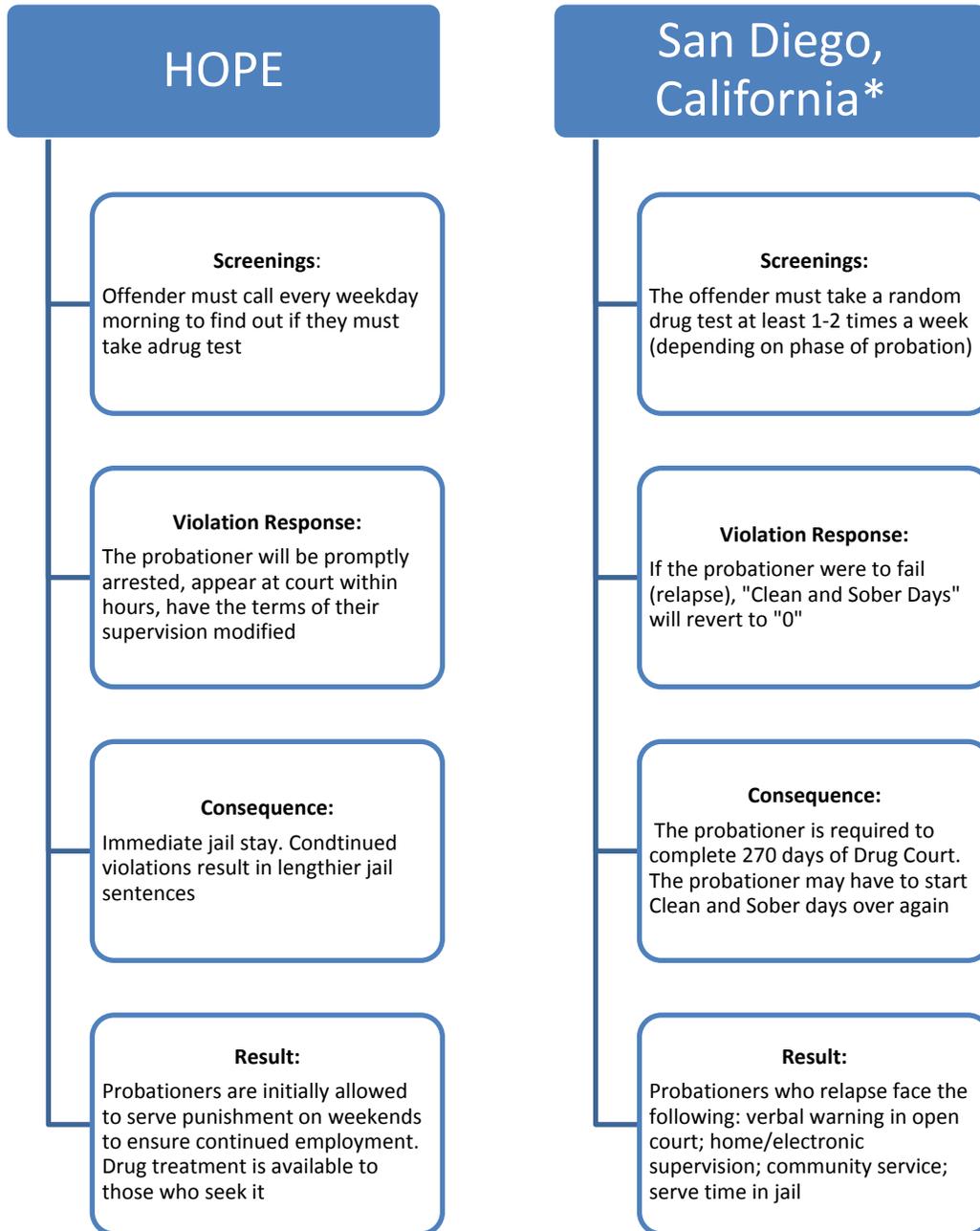
All probationers must comply with their conditions of probation, and some may be required to attend treatment (McEvoy, 2013). If a probation officer learns that a probationer has violated the conditions, the officer completes a “motion to modify probation” form, and then a judge promptly holds a violation hearing (McEvoy, 2013, p. 17). At the time of the hearing, the probationer is sentenced to a short jail stay. Upon release, the probationer resumes his/her stint

with HOPE; however, each violation is escalated with a more severe consequence, such as a longer jail stay (McEvoy, 2013).

Results

- A group of methamphetamine-using probationers with records of poor compliance were put on the HOPE drug-testing-and-swift-sanctions program and given a formal warning by the judge. Overall, the rate of missed and "dirty" drug tests decreased by more than 80 percent.
- For 685 probationers who were in the program for at least three months, the missed appointment rate fell from 13.3% to 2.6% and "dirty" drug tests fell from 49.3% to 6.5%, according to the Research and Statistics Branch of the Hawaii Office of the Attorney General (NIJ, 2008).
- HOPE provides fiscal savings to public agencies of about \$6,000 per participant per year (Wilson & Petersilia, 2011).
- When faced with a credible threat of swift sanctions, more than 80% of probationers stopped using drugs; about half of HOPE probationers never tested positive after their initial warning hearing; about 25% tested positive only once; the rate of missed and positive drug tests declined by about 80%; there was also a reduction in new crimes and in overall incarceration (Pearsall, 2014).
- The creation of an abbreviated "probation modification" hearing to replace the "probation revocation" hearing greatly economized court time.

Figure 3: The differences between HOPE and a traditional drug court (San Diego, CA example)



*San Diego Juvenile Drug Court

Hawaii has shown that close monitoring, along with swift and certain sanctions, can improve compliance with probation conditions, including desistance from drug use (Pearsall, 2014).

Replication of the HOPE program has been attempted throughout the rest of the country,

however, the need for cooperation among multiple agencies such as state, county, municipal, judicial, administrative, and non-governmental agencies greatly increases the difficulty of successful implementation (Wilson & Petersilia, 2011). At least 40 jurisdictions in 18 states have implemented similar models. Washington and Texas are among the two biggest states that have implemented plans similar to Hawaii's (Pearsall, 2014). Research is underway to determine if HOPE can be successfully replicated, and if so, the keys to success.

Recommended Readings for HOPE:

Wilson, James Q, & Petersilia, Joan (2011). *Crime and Public Policy*. New York: Oxford Press

McEvoy, Kevin (2013). *HOPE: A Swift and Certain Process for Probationers*. Washington DC:

National Institute of Justice

National Institute of Justice (2008). *Hawaii's Swift and Sure Probation*.

Pearsall, Beth (2014). Replicating HOPE: Can Others Do It As Well As Hawaii? *NIJ Journal*,

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The Possible Future of Probation?

Places not Cases

What if the handling of caseloads was the wrong approach to probation? An innovative new strategy developed by Todd Clear focused on other ways to handle those on probation; getting rid of the caseload altogether. Clear has three new ideas for the future of probation: restorative justice, community justice, and community partnerships.

In *restorative justice*, the belief is that the offender has to ‘repay’ the victim (Clear, 2005). The idea also suggests that communities in which law violators come from have to be receptive to their restoration as fully functioning community members (Clear, 2005). Restorative justice also requires probation to organize community members and community resources, and the community members serve in a panel that reviews the particulars in a criminal case, and they make the recommendations on how to resolve them (Clear, 2005). Restorative justice is based off of restitution, but the focus is directed towards restoration in the community.

The second point is *community justice*. In community justice, the goal is restoration of community quality of life. When probation operates from a community justice standpoint, then it seeks to develop community capacity for informal social control, and finds ways to strengthen the kind of community life that sustains interpersonal safety (Clear, 2005).

The last point is *partnerships*. Clear points out that partnerships are the “new” probation. Welfare, schools, businesses, law enforcement, community groups, and financial institutions should all partner to assist with, but not be responsible for, cases (Clear, 2005).

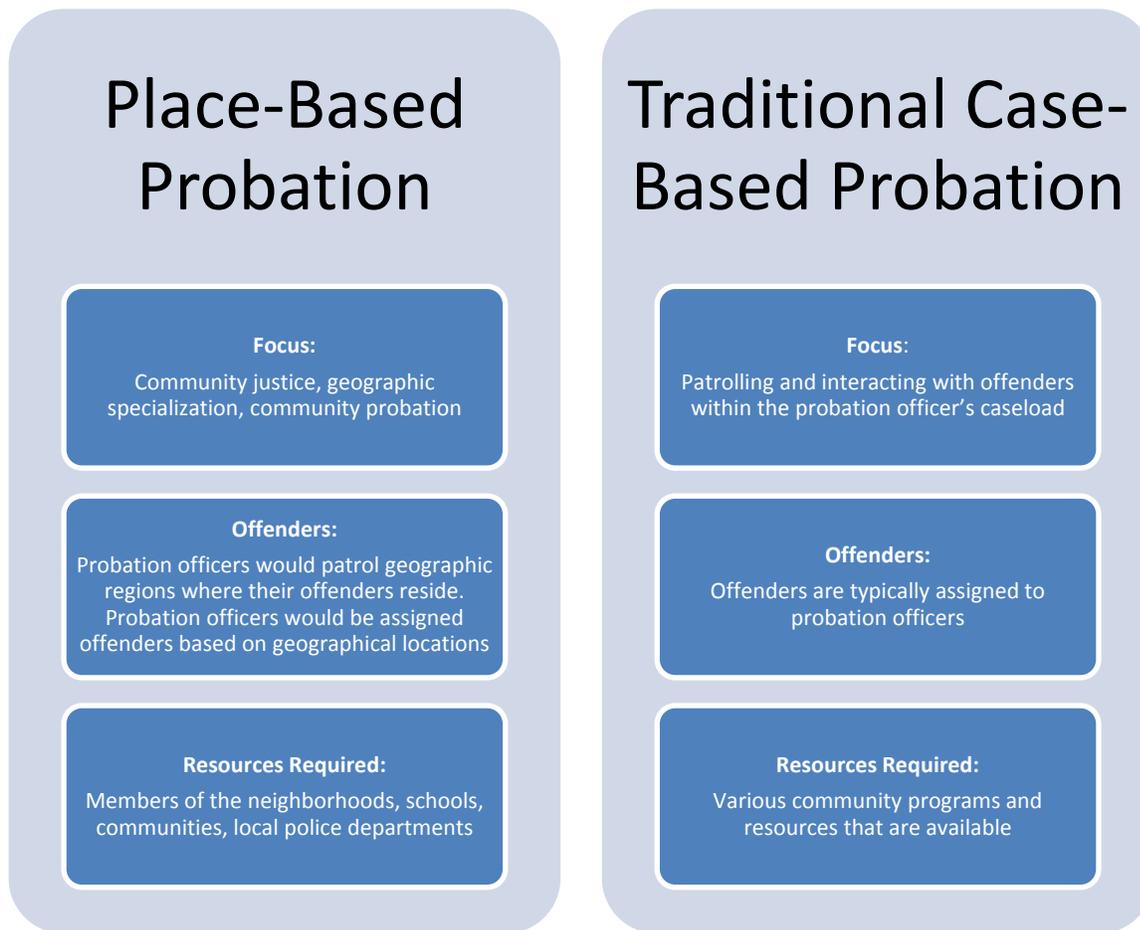
Those three new ideas tie into one overall theme: *Placeload Probation*. Neighborhoods and residential areas should become a new area of focus. Three points of placeload probation are: (1) geographic specialization, (2) probation as characterized by its community partnerships and (3) probation officers practice community probation (Clear, 2005). Under *geographic specialization*, probation officers are housed in specific locations where there is an abundance of law violators (Clear, 2005). Certain communities would require just one probation officer, and other communities would require a concentration of law enforcement or probation officers. The number of probation officers is dependent on the number of probationers in a given area.

For *community partnerships*, Clear used the idea of a probation officer helping out in community projects. Each probation officer, however, will have to think of his or her own way to contribute to the community (Clear, 2005).

Lastly, under *community probation*, partnerships between probation officers and the communities are said to improve and strengthen social bonds. Community probation includes:

1. Design collaborations between community groups and criminal justice initiatives that rebuild community infrastructure, thus creating safe community space
2. Help probationers build their own homes
3. Strengthen the support for schoolwork of children living in the neighborhood
4. Work with families whose members are missing due to incarceration, developing and sustaining the economic wellbeing of those who remain
5. Develop community membership groups that overcome the sense of alienation permeating community life
6. Establish alternative child-supervision strategies for families whose parent-aged adults are missing (Clear, 2005)

Figure 4: Differences between Placeload Probation vs. Traditional Probation



Recommended Reading for Places, not Cases:

Clear, T. R. (2005): Places not Cases? Re-Thinking the Probation Focus. *The Howard Journal*, 44, p. 172-184.

CONCLUSION

What We Discovered

Sometimes, what departments need to do is to simply change their mindset. A chief probation officer from a large California county stated that the higher the revocation rate, the higher the “success” rate (Clear, 2005). The chief probation officer suggested that if a probationer gets his or her probation revoked, that would mean that there is less misbehavior on the street. Such a mindset, however, could lead to a slippery slope. Locking up and punishing *every* offender could make the community feel better, but without rehabilitation, the offender will continue to recidivate and go through the system’s “revolving door.”

What we discovered about best practices in probation is similar to the research done by Frost and Clear (2012), probation departments should: (1) classify offenders by risk, (2) focus on offenders’ criminogenic needs, and (3) use cognitive-behavioral methods, evidence-based practices, and motivational interviewing. The implementation of these methods coupled with the use of punitive sanctions has yielded success in newer probation programs such as HOPE and Travis County’s.

What could Work

What works for probation departments across America will differ. Choosing a program that works in a particular region is not like picking out shirts in a clothing store. One shirt does not work for every person, and similarly, one program does not work for *every* probation department in the entire country. For example, many departments have attempted to replicate Hawaii’s HOPE. A replication of HOPE is not possible because the community and culture of Hawaii is going to be different from the culture in a place like Maine.

What could work, then? Even though the replication of a program may not work for every department across the country, using these successful programs as a template could garnish considerable success. However, we must not forget the reasons behind the success of these programs: classification of probationers by risk, focus on criminogenic needs, cognitive-behavioral methods, evidence-based practices, and motivational interviewing practices. Without these factors, possible new programs may falter and departments may have to start back at step one, which could prove very costly.

References

- California Legislative Analyst's Office (2009). *Achieving Better Outcomes for Adult Probation*. Sacramento, CA:
- Alexander, M., VanBenschoten, S., & Walters, S. (2008). Motivational interviewing training in criminal justice: Development of a model plan. *Federal Probation*, 72(2), 61-121.
- Bonta, J., Bourgon, G., Rugge, T., Scott, T. L., Yessine, A. K., & Gutierrez, L. K. (2010). The strategic training initiative in community supervision: Risk-need-responsivity in the real world 2010-01. *Ottawa: Public Safety Canada*.
- Clark, M. (2005). Motivational interviewing for probation staff: Increasing the readiness to change. *Federal Probation*, 69(2), 22.
- Clear, T.R. (2005). Places not Cases? Re-Thinking the probation focus. *The Howard Journal*, 44, p. 172-184
- Craig, L. (2012). Motivational interviewing. *Corrections Today*, 74(2), 88.
- Bonta, J., Bourgon, G., Rugge, T., Scott, T. L., Yessine, A. K., Gutierrez, L., & Li, J. (2011). An experimental demonstration of training probation officers in evidence-based community supervision. *Criminal justice and behavior*, 38(11), 1127-1148.
- Bourgon, G., & Gutierrez, L. (2012). The general responsivity principle in community supervision: the importance of probation officers using cognitive intervention techniques and its influence on recidivism. *Journal of Crime and Justice*, 35(2), 149-166.
- Drake, E. (2014). *Predicting criminal recidivism: A systematic review of offender risk assessments in Washing State*. (Doc. No. 14-02-1901). Washington State Institute for Public Policy.

- DeMichele, M., & Payne, B. K. (2007). Probation and Parole Officers Speak Out-Caseload and Workload Allocation. *Fed. Probation*, 71, 30.
- Fabelo, A., Nagy, G., & Prins, S. (2011). *A Ten-step Guide to Transforming Probation Departments to Reduce Recidivism: A Report*. New York: Justice Center, Council of State Governments.
- Jalbert, S. K., & Rhodes, W. (2012). Reduced caseloads improve probation outcomes. *Journal of Crime and Justice*, 35(2), 221-238.
- Jalbert, S. K., Rhodes, W., Flygare, C., & Kane, M. (2010). Testing probation outcomes in an evidence-based practice setting: Reduced caseload size and intensive supervision effectiveness. *Journal of Offender Rehabilitation*, 49(4), 233-253.
- McEvoy, K. (2013). *HOPE: A Swift and Certain Process for Probationers*. Washington DC: National Institute of Justice
- Miller, M., Drake, E., & Nafziger, M., Washington State Institute for Public Policy, & United States of America. (2013). *What Works to Reduce Recidivism by Domestic Violence Offenders?*. Washington State Institute for Public Policy.
- Frost, N. & Clear, T. (2012). New Directions in Correctional Research, *Justice Quarterly*, 29:5, 619-649
- National Institute of Justice (2008). *Hawaii's Swift and Sure Probation*.
- Pearsall, Beth (2014). *Replicating HOPE: Can Others Do It As Well As Hawaii?* NIJ Journal, 273
- Taxman, F. S. (2012). Crime control in the twenty-first century: science-based supervision (SBS). *Journal of Crime and Justice*, 35(2), 135-144.

Taxman, F. S., & Thanner, M. (2006). Risk, need, and responsivity (RNR): It all depends. *Crime & Delinquency*, 52(1), 28-51.

The STRONG – Static Risk and Offender Needs Guide.(2014). Assessments.com.

U.S. Department of Justice. (2007). *Motivating Offenders to Change: A Guide for Probation and Parole*. Washington, DC: U.S. Dept. of Justice, National Institute of Corrections.

Wilson, James Q, & Petersilia, Joan (2011). *Crime and Public Policy*. New York: Oxford University Press.