



Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Community Supervision: an Effective Tool to Change Behavior

Presentation to the Washington Sentencing Guidelines Commission

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Bree Derrick, Deputy Division Director in State Initiatives at the CSG Justice Center, has conducted assessments of policies and practices in correctional agencies and helped more than a dozen states implement efforts to improve public safety. Bree has developed tools to help evaluate risk assessment quality and rehabilitative programming investments. Bree is an expert trainer in the Level of Service Inventory-Revised and trainer of the Women’s Risk Needs Assessment. Prior to joining the CSG Justice Center, Bree worked for the Rhode Island Department of Corrections in clinical and research capacities where she established gender-responsive practices systemwide, improved reentry services, and provided trauma treatments for incarcerated individuals. Bree has a master’s degree and certificate of advanced graduate study in counseling and is a licensed mental health counselor.

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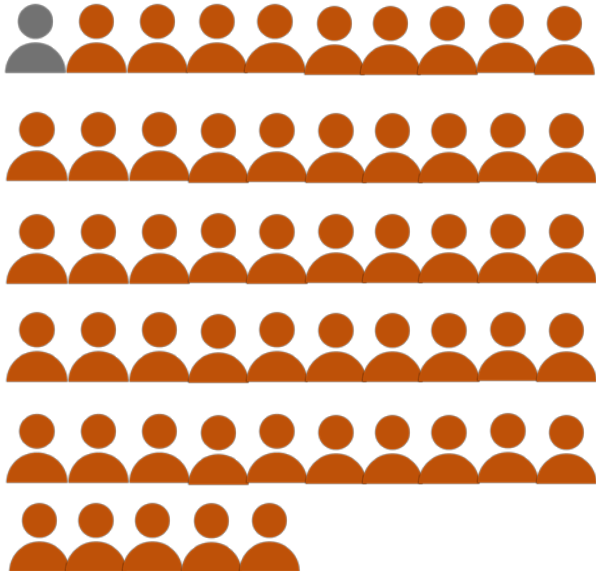
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Nationally, more than 4.5 million people are on probation and parole supervision.

1 in 55

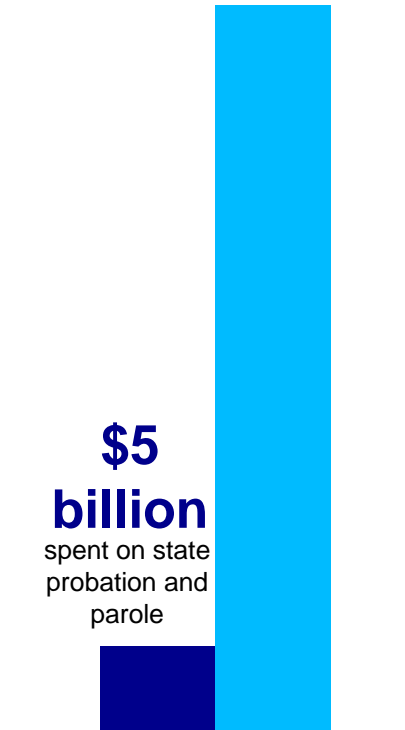
adults are on probation and parole supervision in the U.S.



State Spending on Corrections, 2015*

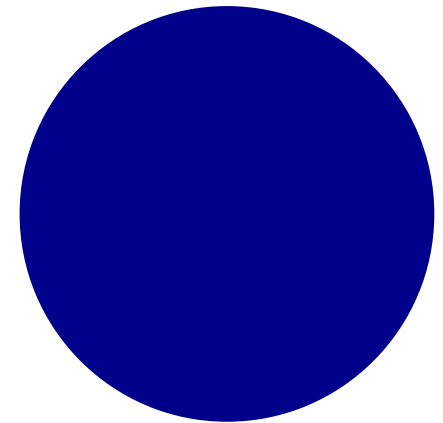
\$42.8 billion
spent on state prisons

\$5 billion
spent on state probation and parole



U.S. Criminal Justice Populations by Correctional or Supervision Status, 2015

4.5 million
people on probation and parole



1.5 million
people in state prison



*Probation and parole funding includes latest fiscal year available, which may vary by state. In six states, probation is funded at the county level. In five states, there is limited or no parole.

Source: CSG Justice Center, structured interviews, Aug. 2017; Vera Institute of Justice, *The Price of Prisons*; Bureau of Justice Statistics, *Correctional Populations*.

People sentenced to community supervision have lower recidivism rates than those sentenced to prison.

“Prisons are good for punishing criminals and keeping them off the street, but prison sentences (particularly long sentences) are unlikely to deter future crime. Prisons actually may have the opposite effect: Inmates learn more effective crime strategies from each other, and time spent in prison may desensitize many to the threat of future imprisonment.”

—Daniel Nagin (2013)

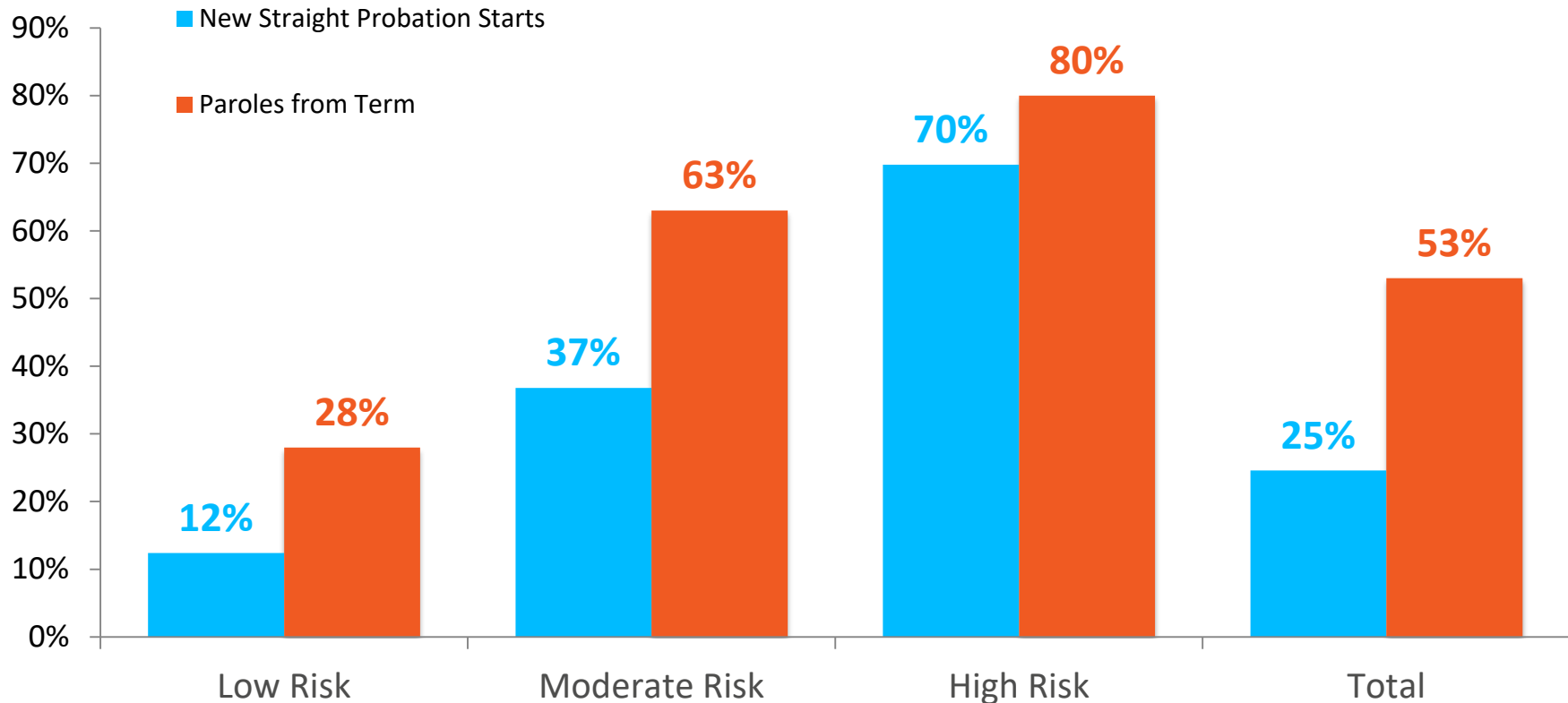
Smith, Goggin, and
Gendreau (2002):

- Meta-analysis of 57 studies
- Total of 268,806 individuals
- **7% higher recidivism rates** for people sentenced to prison

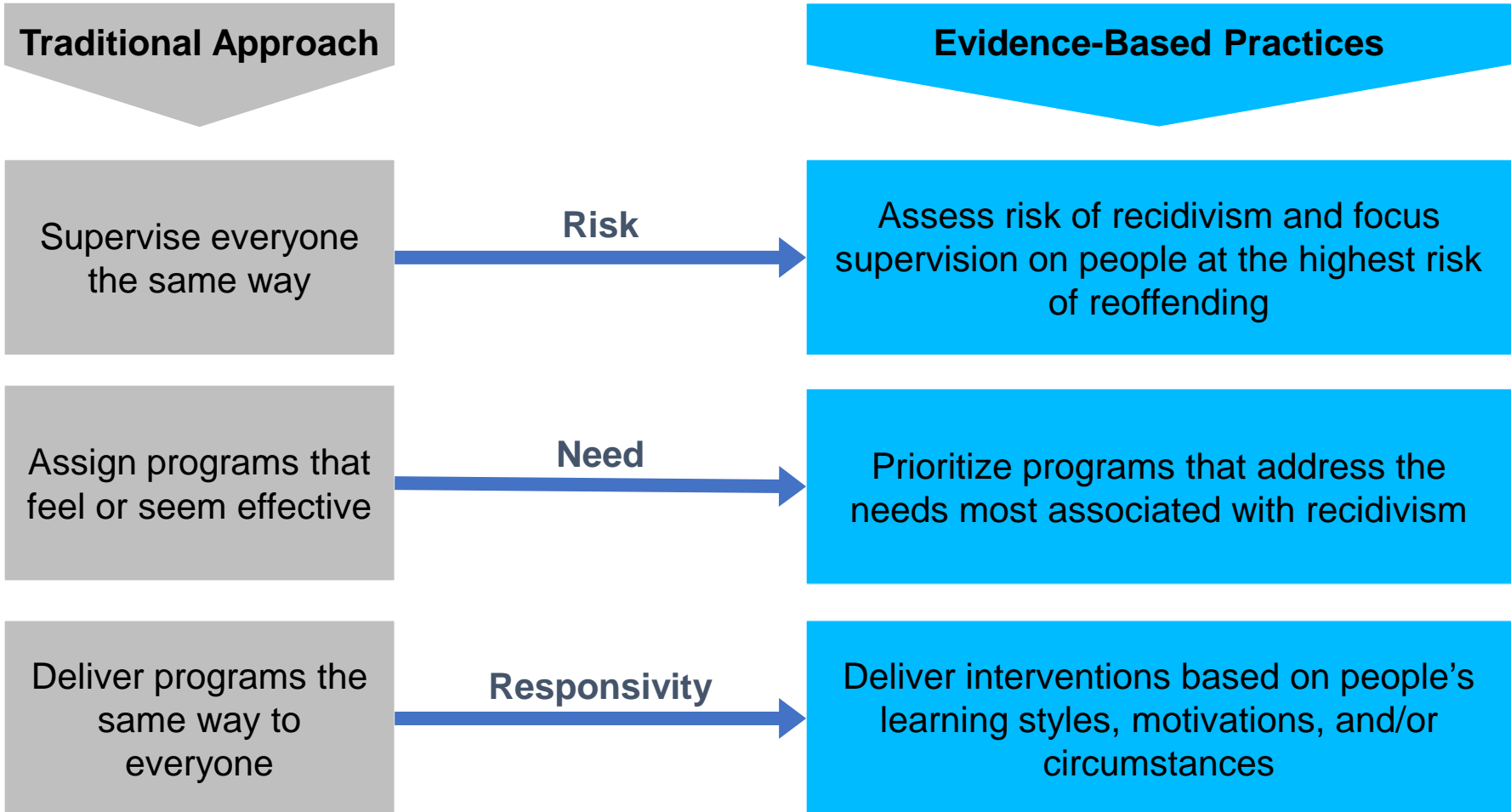
Source: *Psychology of Criminal Conduct 6th edition*, p284; <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>

Across all risk levels, people sentenced directly to probation do better than those sentenced to prison followed by a term of supervision.

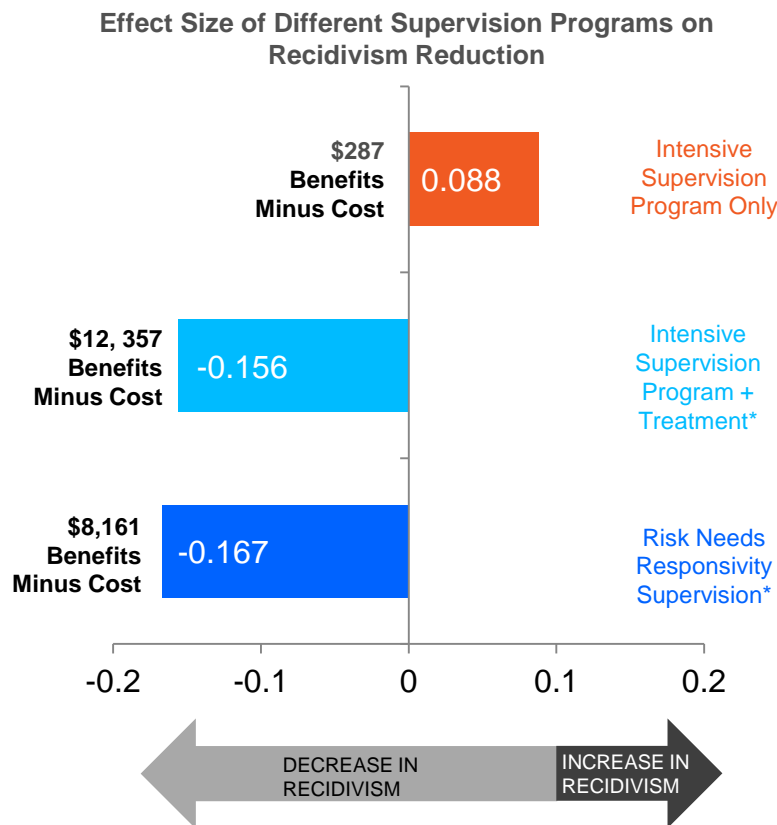
Idaho Three-Year Incarceration Rates by Risk Level
FY2008–2009 Probation Placements



RNR principles are the essential components of effective supervision.



When applied correctly, RNR supervision strategies can reduce technical violations by 16 percent.



*Technical violators only

Characteristics of Intensive Supervision

- Surveillance focus
- One-size-fits-all approach
- Contact frequency as a key performance measure for officers
- Use of incarceration as primary sanction
- Proportionality of sanctions not prioritized
- Little consideration of criminogenic “needs”

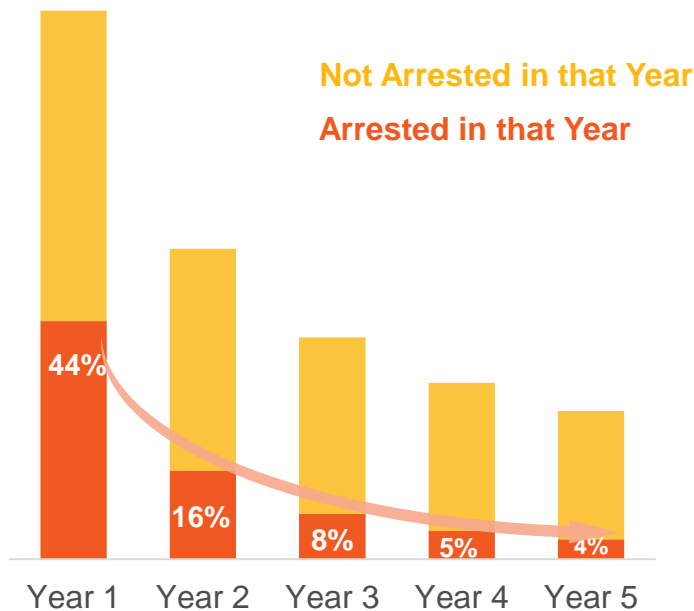
Characteristics of RNR Supervision

- Assessing risk/needs
- Focusing on higher-risk parolees
- Balancing supervision and treatment
 - Using incentives and rewards
 - Involving offenders in process
- Responding to violations in swift and consistent manner
- High-quality CBI programming

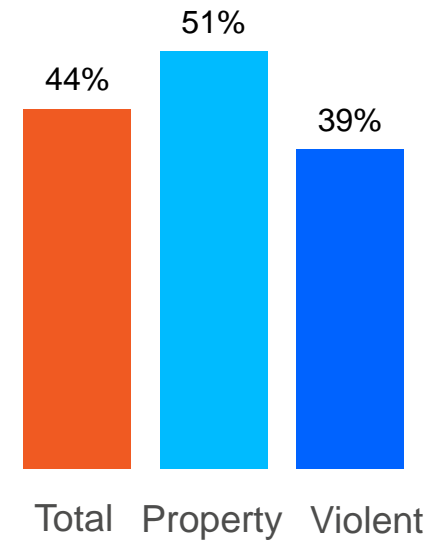
Source: Washington State Institute for Public Policy. Benefit Cost Results: Adult Criminal Justice System. October 2018
<http://www.wsipp.wa.gov/BenefitCost?topicId=2>.

People are most likely to be rearrested with the first year of release, and people convicted of property offenses have the highest recidivism rates.

Five-Year Rearrest Rates for People Released from Prison in 30 States, 2005



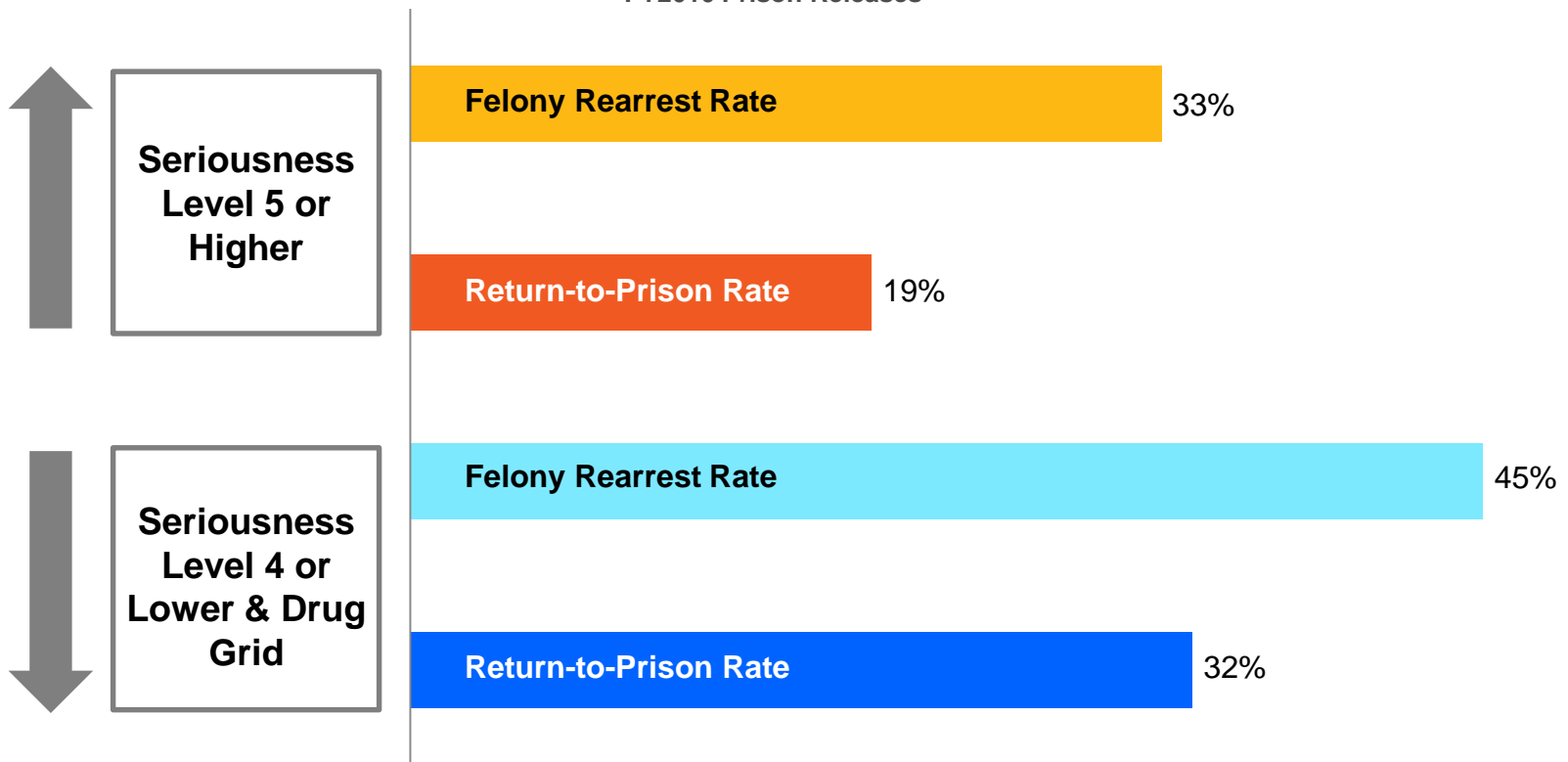
Year One Percentage of People Rearrested by Most Serious Offense Category



Sources: Bureau of Justice Statistics, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, 2014.

National trends are reflected in Washington: People who committed less serious offenses had much higher recidivism rates than those who committed more serious offenses.

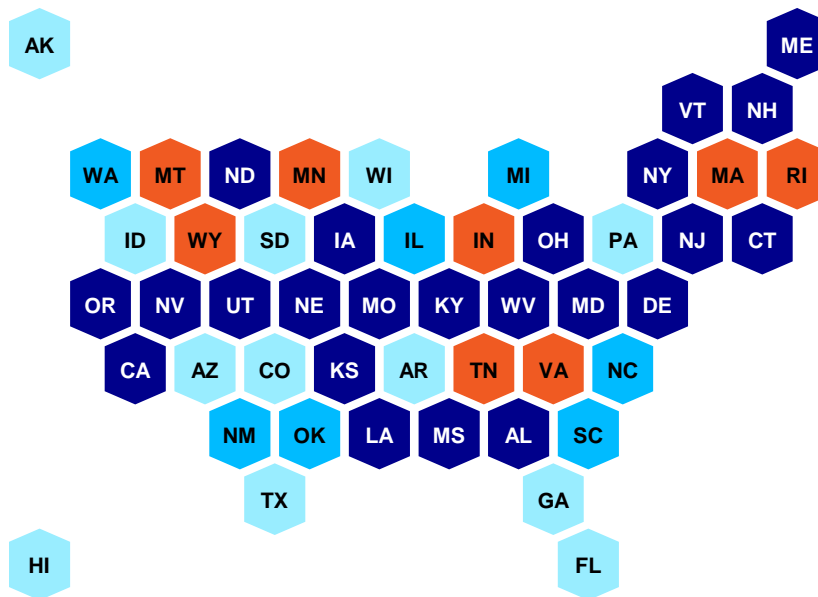
Three Year Felony Rearrest and Return-to-Prison Rates by Offense Seriousness Level, FY2010 Prison Releases



Source: Justice Center analysis of DOC and WSP data.

Lengthy probation terms can expand the criminal justice footprint, undermine cost-effectiveness, and dilute supervision for the highest-risk individuals.

Statutory Cap of Five Years or Less on Probation Terms, a Statutory Mechanism for Shortening Probation Terms, or Both, by State



8 states have neither a cap of 5 years or less nor a mechanism to shorten felony probation terms

12 states have statutes allowing for probation terms to be shortened, but do not have caps of 5 years or less

7 states have a cap on maximum felony probation terms of 5 years or less

23 states have both a cap of 5 years or less and a mechanism for shortened probation

Sources: National Conference of State Legislatures, "Probation Term Maximums"; Bureau of Justice Statistics, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010, 2014.*

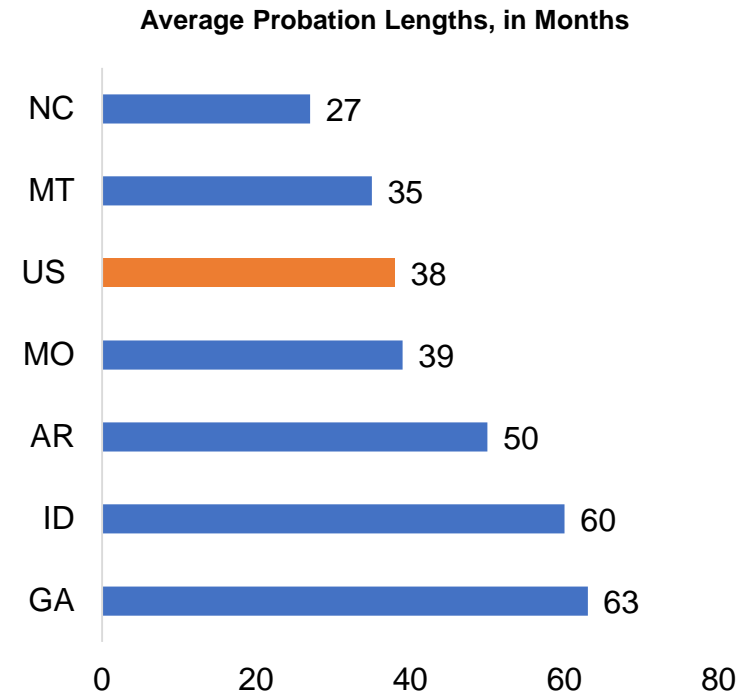
The average probation term in the U.S. is 38 months, and research shows that it should vary by risk level and allow a mechanism to incentivize time off.

“Research shows that people on community corrections can be incentivized by earning time off of probation for exemplary behavior ...; that supervising people who present a low risk of rearrest increases recidivism; and that the **impact of supervision wanes after a few years.**”

—Statement on the Future of Community Corrections, Harvard Kennedy Executive Sessions (May 2018)

“The maximum supervision period should **be limited to no more than five years for higher risk levels**, and for a period **not to exceed twelve months for lower risk levels**, except for those individuals convicted of serious, violent, and/or predatory sexual crimes for whom the longer five-year maximum applies, regardless of level of risk.

—Rhine, Petersilia, Reitz (2016)



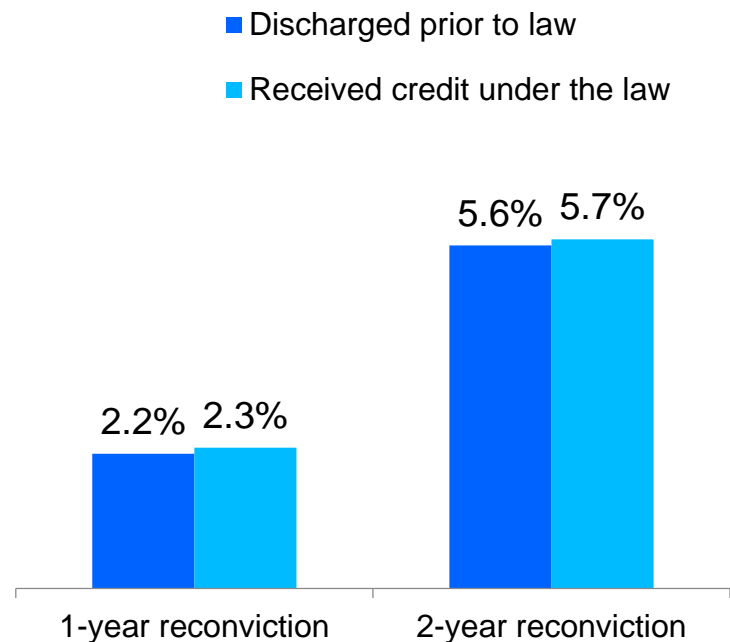
Sources: <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/executive-session-on-community-corrections/publications/less-is-more-how-reducing-probation-populations-can-improve-outcomes/statement-on-the-future-of-community-corrections>; BJS, *Felony Sentences in State Courts, 2006 –Statistical Tables*; Rhine, Petersilia, Reitz (2016) *Improving Parole Release in America*.

Missouri was able to reduce supervision lengths and population while maintaining public safety.

Since instituting an earned compliance credit policy for people on supervision, the state reduced its supervised population by nearly **20 percent**.

- Credits are only available to people convicted of lower-level felonies on supervision for at least two years.
- Under the policy, probation or parole can be shortened by 30 days for every month of compliance with conditions of supervision.
- Over two-thirds of people receiving the credit were convicted of drug and property offenses.
- People on probation and parole who earned the compliance credits reduced their supervision terms by an average of 14 months.

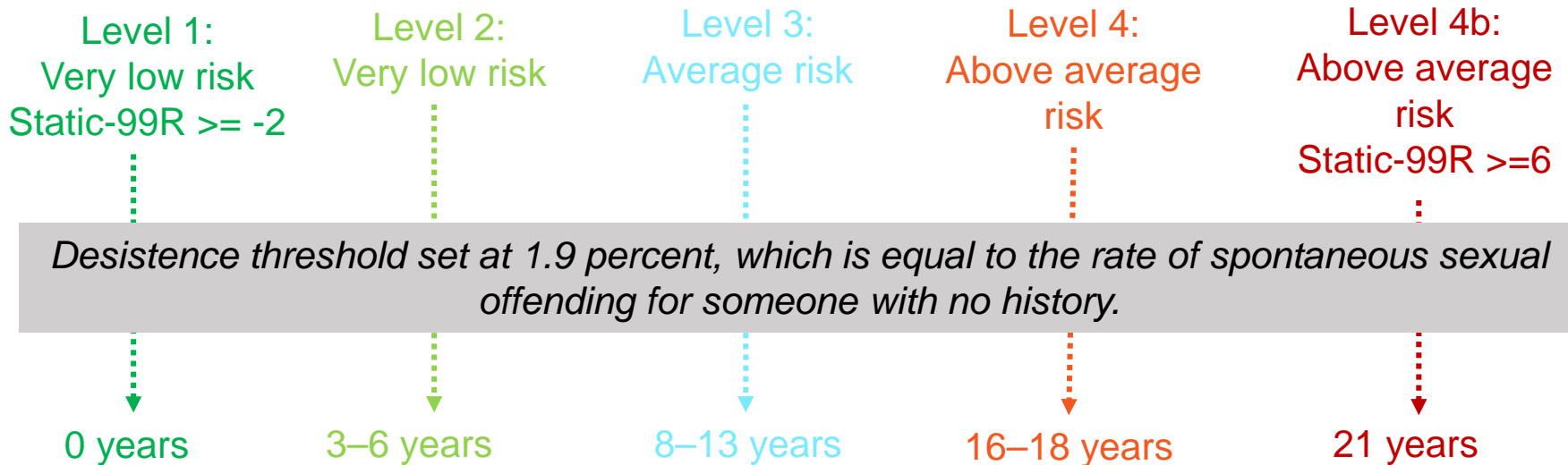
Recidivism Rates for People on Probation and Parole Receiving and Not Receiving Earned Compliance Credits



Source: Pew Charitable Trusts, *Missouri Policy Shortens Probation and Parole Terms, Protects Public Safety*, August, 2016.

Lifetime supervision of people convicted of sex offenses may provide limited, if any, benefit.

Data from 20 different samples, totaling more than 7,000 people convicted of sex offenses, was used to answer the question, “At what point in time does the risk of sexual recidivism decrease to a rate that is equal to someone with no sexual offending history spontaneously committing a sexual offense?”



Note: Static-99R scores range from -3, very low risk, to 12, highest risk.

Source: Hanson, Harris, Letourneau, and Wellington. *Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender. Psychology, Public Policy, and Law (in press).*

Tailoring conditions based on individual risk factors promotes success and allows officers to focus on what's most important.



Evidence-based condition setting provides a roadmap for success

1. Are conditions created based on objectively determined **risk or criminogenic need**?
2. Are the conditions well **tailored** to address the circumstances of the individual?
3. Is there **value** in what is being required?
4. Are the conditions **manageable**?

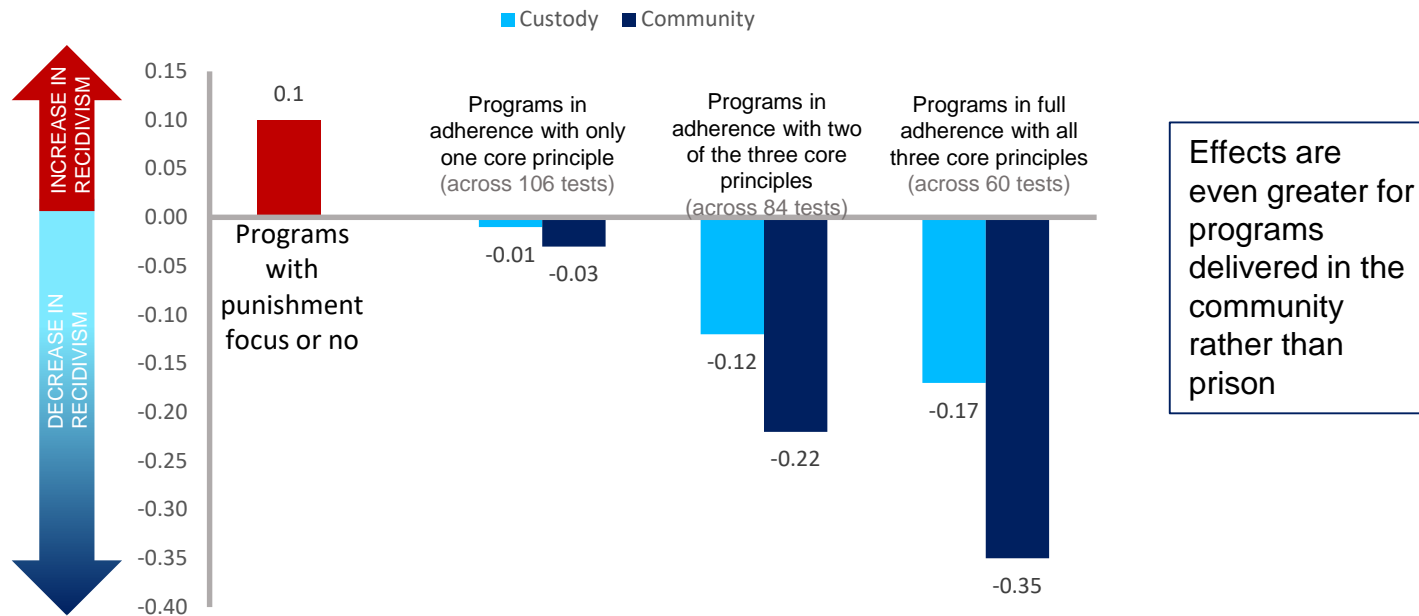


Challenges to effective condition setting

- **Overload** with multiple conditions that are "lofty" and difficult to achieve
- Require **multiple, difficult tasks** at the same time
- Require **financial resources** for people with few resources
- **Conditions unrelated** to criminogenic needs or offense

Strong adherence to core RNR principles improves recidivism reduction.

MEAN EFFECT SIZE BY RNR ADHERENCE AND CORRECTIONAL SETTING



Source: D.A. Andrews and J. Bonta. *The Psychology of Criminal Conduct*, 5th Ed. (New York, New York: Routledge, 2010).

States have been able to improve successful completions of supervision by applying evidence-based practices.



NORTH
CAROLINA

↓ **42%**
revocations

PROBATION SUPERVISION

- ✓ Require that people on supervision be assessed for risk level, and supervised accordingly
- ✓ Allow for 90-day capped prison sanctions (dunks) for the probation and post-release supervision population in lieu of revocations
- ✓ **Increased number of probation officers by 175** and provides for officer training in evidence-based supervision practices

DELEGATED AUTHORITY

- ✓ Allow probation officers to respond to technical violations by imposing swift and certain sanctions of 2- or 3-day jail stays (dips), without first going to court for approval

TECS

- ✓ The Treatment for Effective Community Supervision (TECS) **prioritizes substance addiction treatment for higher-need people who are at a high risk of reoffending**



ARIZONA

↓ **29%**
revocations

TRAINING

- ✓ Targeted training to probation officers, judges, and other criminal justice stakeholders on evidence-based practices
- ✓ Using PSI and **risk assessments to inform supervision conditions**, and focusing resources on people most likely to reoffend

HIRING PRACTICES

- ✓ **Updated hiring practices** to focus on skills and abilities of probation officers to promote behavior change utilizing evidence-based practices

PROBATION SUPERVISION

- ✓ Align with evidence-based practices

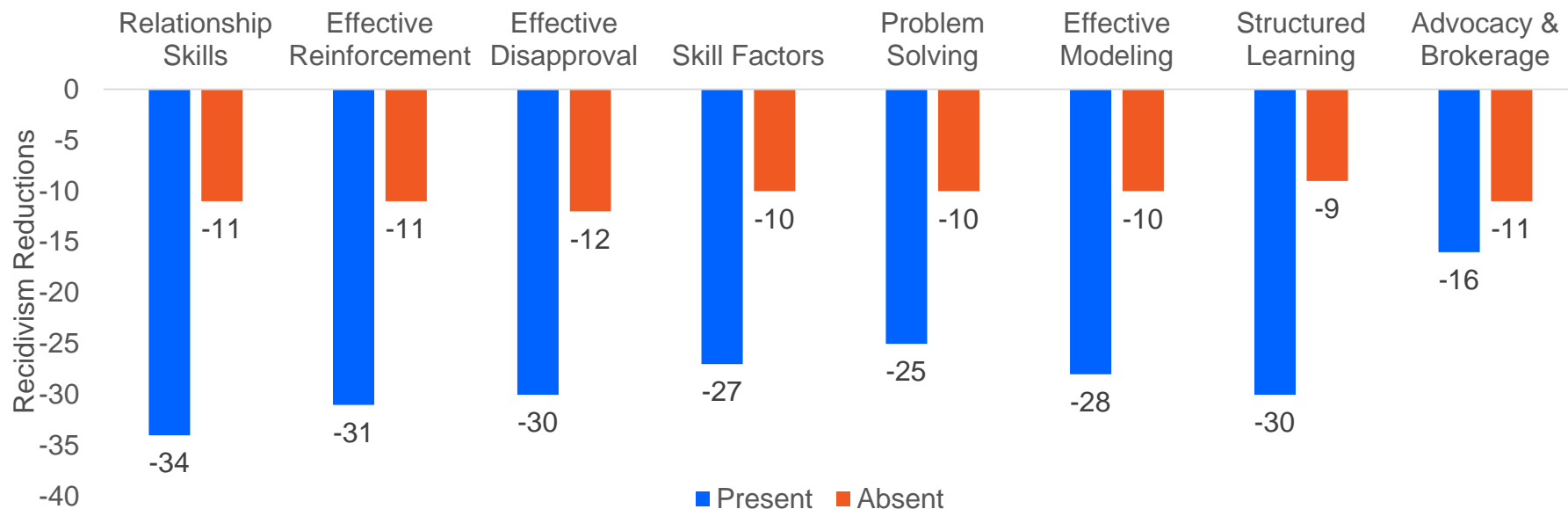
Supervision officers need to become “coaches” instead of “referees.”

Dimension	Referee	Coach
1. Main Job Function	Procedural justice—apply the rules as intended	“Win”—behavioral change and improved conduct (lower recidivism)
2. Response to a Rule Infraction	“Blow the whistle” and apply the penalty	Accountability and education—learn from mistakes
3. Knowledge of Offender	Know if the person followed the rules or not	Know the person’s deficits (“criminogenic needs”) that need to be improved and strengths that can be built upon
4. Relationship with Offender	Impersonal: Authority figure who imposes sanctions	Supportive and trustworthy: Authority figure who is authoritative (“warm but restrictive”)
5. Feedback to Offender	Warnings, sanctions, and revocation	Training and encouragement: Develop skills so as to perform more successfully
6. Professional Expertise	Know and apply the rules equitably	Core correctional practices
7. Organizational Culture	Control	Human service
8. Organizational Goal	Efficiency and equity	Behavioral change and a good life

Source: Lovins, Cullen, Latessa, Lero Jonson Probation Officer as a Coach: Building a New Professional Identity. Federal Probation.

The use of core correctional practices (CCP) promotes greater reductions in recidivism.

A Meta-Analytic Review of Core Correctional Practices

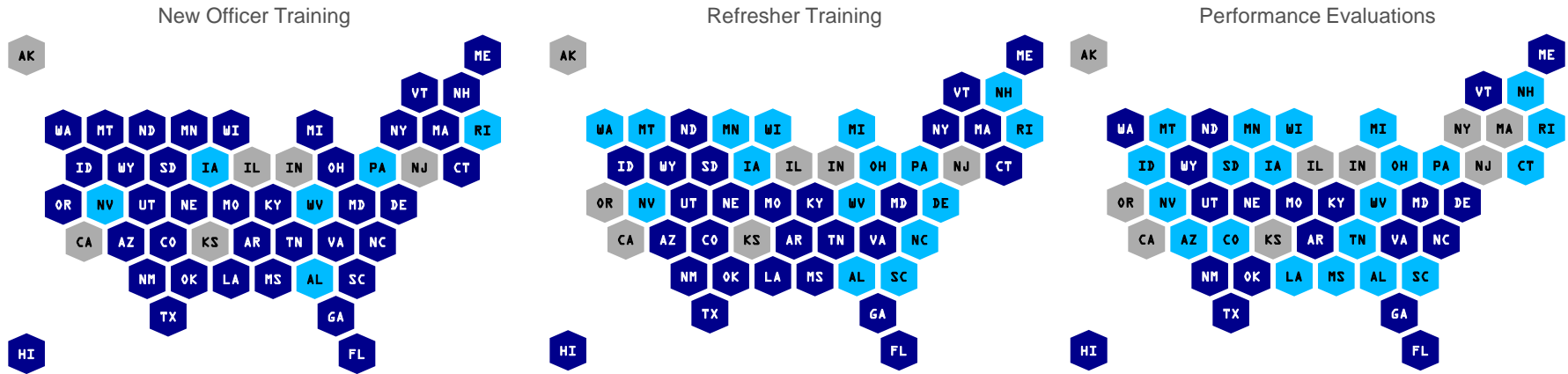


Effects were the greatest when utilized in conjunction with ***Risk, Need, and Responsivity*** principles

Sources: Dowden, Craig & A. Andrews, Don. (2004). The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-Analytic Review of Core Correctional Practice. *International journal of offender therapy and comparative criminology*. 48, 203-14.

Three-quarters of states report that probation officers are trained in CCP, but fewer states provide ongoing training or related performance evaluations.

Reported Use of CCP in Probation Departments by State*



38 states report that they **incorporate** CCP into officer training

6 states report that they **do not incorporate** CCP into training

6 states report **not knowing** if they incorporate CCP into officer training or did not respond

27 states report that they **provide** CCP refresher training to officers

16 states report that they **do not provide** CCP refresher training

7 states report **not knowing** if they provide CCP refresher training or did not respond

20 states report that they **include** the use of CCP in performance evaluations

21 states report that they **do not include** the use of CCP in performance evaluations

9 states report **not knowing** if they include the use of CCP in performance evaluations or did not respond

*CCP can include motivational interviewing, targeted interventions, skill training with directed practice, and positive reinforcement, among other activities. Agencies may have answered "yes" to this question if they train on the full range of CCP or only a subset of these practices. The quality of these trainings may vary. In AL, CCP rollout was scheduled for Sept. 2017. In the following states, training for probation officers is not administered at the state level due to a decentralized probation system: CA, IL, IN, KS, OR, PA, and TX.

Summary of key research



Prison does not deter crime and even has a criminogenic effect.



A lack of lower-intensity accountability measures (e.g., probation) at sentencing can lead to incarceration of individuals who could be better managed in the community.



Supervision yields better outcomes and costs less than incarceration.



Longer sentence lengths do not improve outcomes.



Research demonstrates the effectiveness of a Risk, Need, Responsivity (RNR) approach to supervision.



Doing supervision well means moving to a “coaching” model.



Incentivizing discharge through compliance helps safely reduce the supervision footprint.

The CSG Justice Center's supervision system checklist can help states identify areas for policy and practice improvement.

1 Assess risk and need

2 Target the right people

3 Frontload supervision and treatment

4 Ensure adequate linkage to proven programs

5 Use case planning to facilitate behavior change

6 Respond to both positive and negative behaviors

7 Hold individuals accountable

8 Measure and incentivize outcomes

In Washington, policy changes over the past 30 years have greatly altered who receives supervision.

	POST JAIL/AS A SENTENCE						POST PRISON					
	Property		Drug		Violent*		Property		Drug		Violent*	
Pre-1984	L,M	H	L,M	H	L,M	H	L,M	H	L,M	H	L,M	H
Post-1984	L,M	H	L,M	H	L,M	H						
1999	L,M	H	L,M	H	L,M	H			L,M	H	L,M	H
2003				H		H				H		H
Today				H		H				H		H

L,M

Low- and Moderate-Risk

H

High-Risk

Supervision has been maintained for serious violent offenses, sex offenses, and those with alternative sentences regardless of risk.

*Violent includes violent offenses and crime against a person offenses.

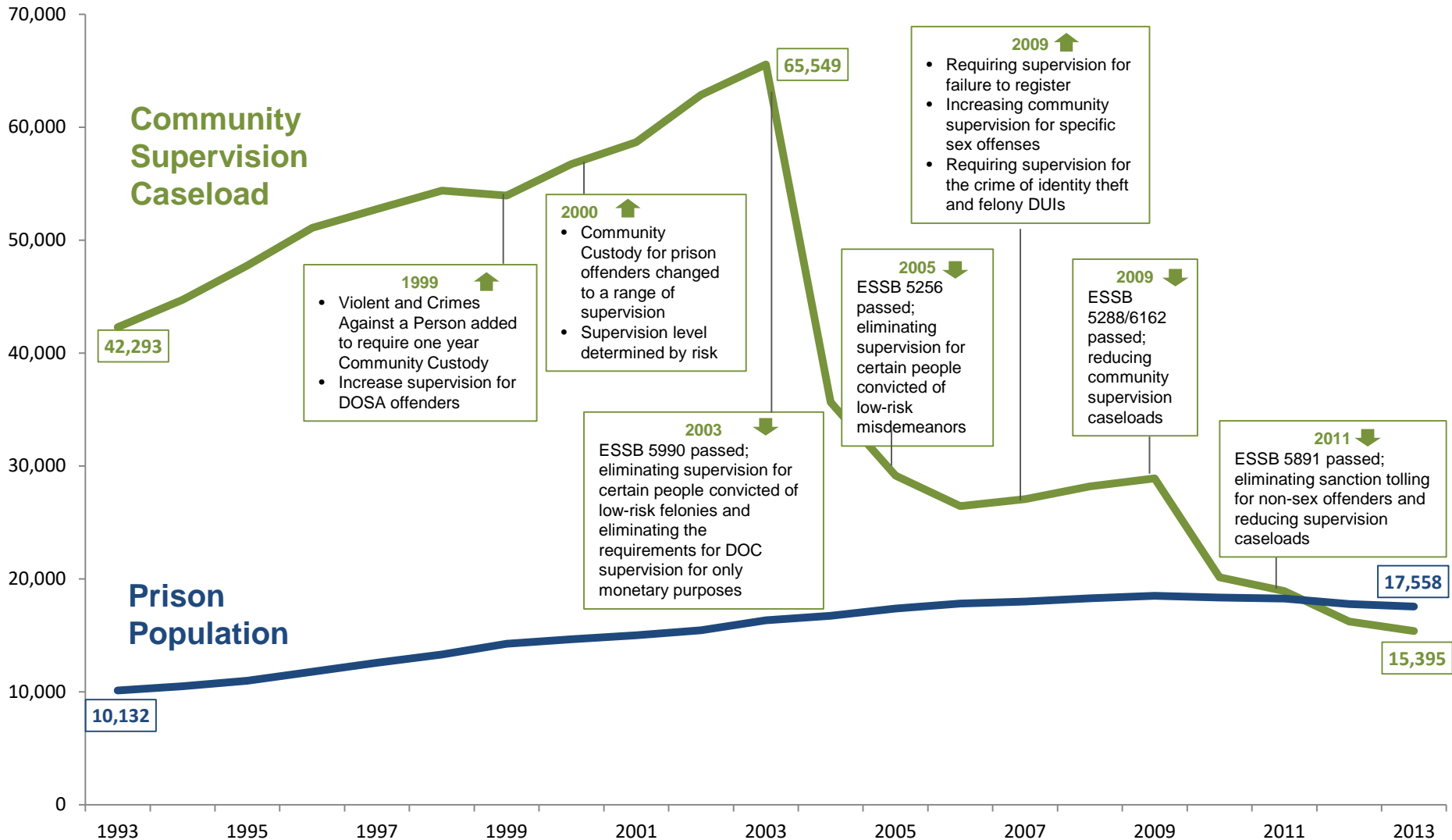
Source: Communications with Washington Department of Corrections staff.

Washington State Legislature. 56th Legislative Session. [SB 5421] Enhancing supervision of offenders.

Washington State Legislature. 58th Legislative Session. [SB 5990] Changing times and supervision standards for release of offenders.

Washington State Legislature. 61st Legislative Session. [SB 6162] Providing for the supervision of offenders sentenced to community.

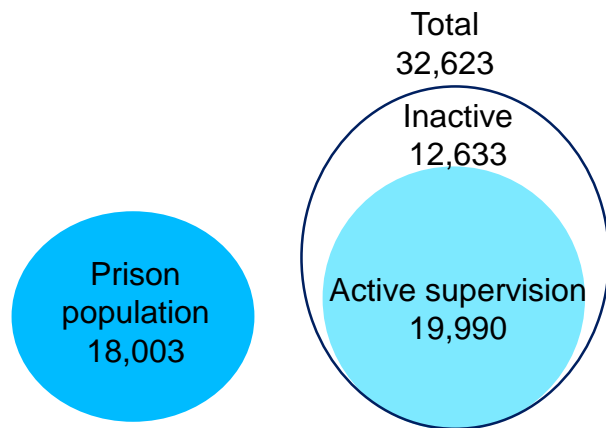
The supervision population grows and contracts as a result of policy change.



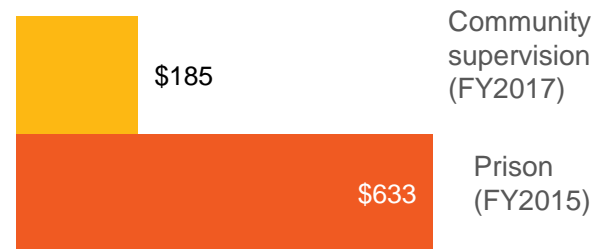
Source: Washington State Department of Corrections, "Major Sentencing Changes Impacting Community Supervision Caseloads and Prison Population."

In Washington, the state spends more than \$600 million on prisons and only \$185 million to supervise more than 32,000 individuals.

Washington Populations as of August 2018



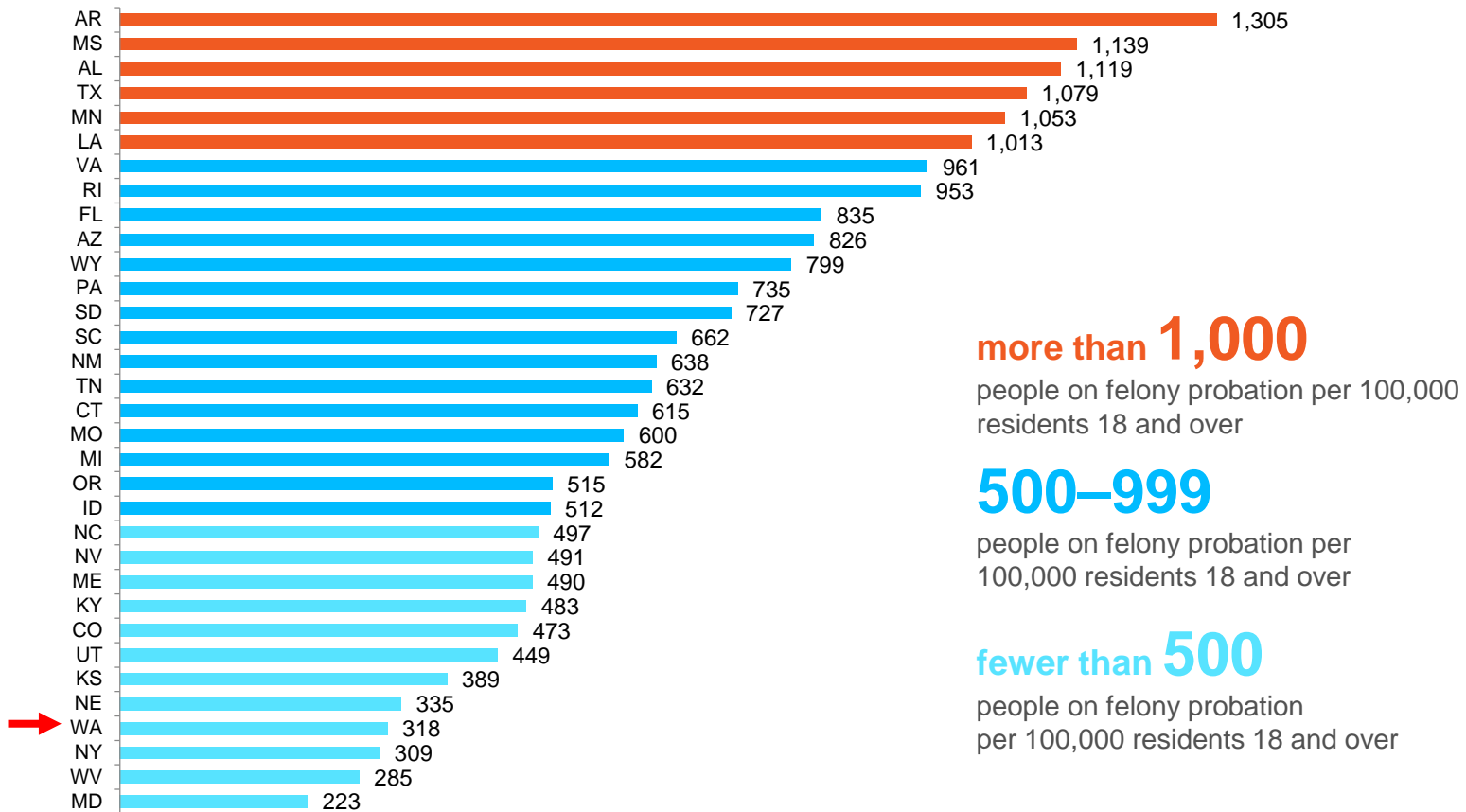
Correctional Spending in Washington (in millions)



Source: <http://www.doc.wa.gov/docs/publications/reports/400-RE001.pdf>; Vera Institute, *The Price of Prisons* (prison expenditures); CSG Justice Center, structured interviews, Aug. 2017 (supervision expenditures).

As a result, Washington has low supervision rates compared to other states.

Felony Probation Rate (per 100,000 Residents 18 and Over), 2015*



*The following states did not or were unable to provide felony probation population data during the structured interview and are not included: AK, CA, DE, GA, HI, IL, IN, IA, MA, MT, NH, NJ, ND, OH, OK, VT, WI.

Source: CSG Justice Center, structured interviews, Aug. 2017; U.S. Census American Fact Finder, American Community Survey.

Swift and Certain (SAC) sanctioning offers a powerful tool, but must be coupled with programming to effectively change behavior.



2015 study found that SAC:

- Reduced propensities for confinement following a violation (20 percent reduced odds)
- Reduced average days confined (49 fewer days confined among people experiencing a violation)
- Reduced propensity for reconviction (20 to 30 percent reduced odds of reconviction, with the largest reduction for violent felonies)

In addition, SAC participants had:

- Greater proportion involved and more hours spent in CBT programming



Concerns related to SAC:

- Questions remain about long-term effects
- Lack of replication in demonstration sites
- Curbing undesired behavior doesn't teach the desired behavior
- **4 reinforcers : 1 punishment**

Areas for further consideration in WA:

- Is there an opportunity to expand the use of probation as an alternative to incarceration? Does the budget support this?
- Can compliance incentives be applied to all supervision terms?
- Are there enough programs in the community to effectively change behavior? Can programs be accessed in a timely fashion? In all localities?
- How can policymakers balance accountability with right-sizing the population under correctional control?
- Do you have access to real-time revocation measures to monitor outcomes?

Thank You

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