JUSTICE STRATEGIES

A Project of the Tides Center

Reducing Recidivism:
A Review of Effective State Initiatives

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Justice Strategies, a project of the Tides Center, Inc.,
is a nonpartisan, nonprofit research organization.
Our mission is to provide high quality policy research
to advocates and policymakers pursuing more humane
and cost-effective approaches to criminal justice and
immigration law enforcement.

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Executive Summary

Millions behind bars
Last year the United State's adult population in prison or jail was estimated at over 2.3 million, about one in every 100 Americans. In the twenty-year period between 1987 and 2007, the number of individuals in prison rose by 173 percent, while the U.S. population grew by just 24 percent. One in every 106 adult white males, one in every 36 adult Hispanic men, and one in every 15 adult black men was incarcerated in mid 2006. Statistics also show high rates of racial disparity for minority women.

Colorado prison population growth
In 2007, Colorado's incarceration rate of 465 people in state prison per 100,000 residents was above the national average (447). By August 2008, the number of adults in prison in Colorado was 23,072, up 40 percent from 16,539 in December 2000. The female prison population increased even more rapidly, by 73 percent.

Probation and parole populations rise
Nationally, from 1995 to 2006 the number of adults under community supervision (on probation or parole) grew by more than one-third. Of those who exited probation in 2006, 18 percent were incarcerated due to failure under supervision, 9 percent were known to have been revoked for a technical violation of probation rules, and 4 percent were incarcerated for a new crime. By the end of 2006, there were 780,616 people under parole supervision, a 2 percent increase over 2005.

In Colorado, the number of people on parole is mushrooming. In August of 2008, the total parole population in Colorado was 8,862, with 1,381 under intensive supervision.

Recidivism rates are high
In 2006, for the nation as a whole, 39 percent of people who exited parole were revoked and re-incarcerated; 26 percent of this number were re-incarcerated for a technical violation of their supervision, not a new crime. In Colorado, 64 percent of people released from the Department of Corrections (DOC) in fiscal year 2002 were rearrested within three years. In fiscal year 2007, 4,055 individuals entered the DOC due to failure while on parole (35 percent of total DOC admissions). In fiscal year 2008, of the 5,222 individuals placed in community corrections residential facilities in Colorado, over one-third failed this placement, and many were sent to prison.

On June 30, 2007, there were 49,448 adults serving probation sentences in Colorado. More than 19,000 people had their probation sentence terminated in fiscal year 2007, with 32 percent failing for noncompliance with supervision conditions.

Racial disparity in parole revocations
A new study by University of Colorado Professor Sara Steen has found evidence of racial disparity in sanctioning people who commit technical violations of parole rules. Black parolees are eight times more likely to be revoked by the parole board than white parolees.

Fiscal consequences
Colorado's over-reliance on incarceration as a method of social control puts a heavy burden on taxpayers. In fiscal year 2007, Colorado spent 8.8 percent of its total general fund expenditures on corrections. Between 1987 and 2007, Colorado posted the second highest increase (5.1 percent) in the proportion of correctional spending in the U.S. The DOC budget for fiscal year

2009 is nearly $760 million – an 8 percent increase over the previous year. The cost of housing an adult in a DOC facility was $27,588 in fiscal year 2006, jumping by 4.2 percent to $28,759 in 2007. In 2007, about 20 percent of Colorado's prison beds were occupied by people who had failed parole.

Can community supervision "work"?
A review of research by experts at the Urban Institute (UI) published in 2005 raised serious concerns about the efficacy of traditional parole supervision. The UI research team concluded that supervision had little effect on the rate of rearrest after people were released from prison. They identified a number of explanations for disappointing research results, noting that:

- Parole supervision meetings between the offender and officer are infrequent.
- Parole officers are often located far from the neighborhoods where parolees reside.
- Responses to non-criminal behavior that constitute violations to the conditions of release are often inconsistent and depend upon the officer.
- Since 1970, the parole function has shifted from a service to a surveillance orientation.

George Mason University Professor Faye Taxman concluded that simply increasing the number of contacts or reducing caseloads without changing the nature of those contacts was unlikely to improve outcomes.

The Maryland experience:
Faced with a problem-plagued system when she was appointed to direct the Maryland Division of Parole and Probation, Judith Sachwald created a new model for community supervision. Based on research findings on what works in correctional services, the program design for Proactive Community Supervision (PCS) rests on four key prescriptive elements:

1. Use a standardized tool to assess criminal characteristics.
2. Engage people under supervision in a behavioral contract that joins their personal desires and goals to appropriate services that also address their specific criminogenic traits; monitor performance as a key to making progress with the offender; and focus attention on criminogenic issues.
3. Emphasize achievement of behavioral goals via positive and negative re-enforcers.
4. Maintain an environment where supervisees can take incremental steps and learn from missteps or small relapses.

Under PCS, each supervision agent is responsible for a mix of people on probation and parole. Agents carry either a caseload of 50-55 high-risk/high-need people or up to 200 low-risk/low-need people.

The use of classification practices and standardized assessment instruments enhances the personal and professional skills of individual supervision agents. The goal of assessment and classification is identification of the "criminogenic needs" of individuals under supervision. PCS case planning is a process that incorporates critical information from a range of sources:

- The assessment tool
- Objective information about the home environment
- Criminal history

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- Supervisee self-identified interest areas
- Drug test results

The process provides a flexible model of supervision focused on the typical types of criminogenic traits of those under supervision. The typologies and associated behavioral responses sought include:

- Disassociated / develop a pro-social social support network
- Drug-involved addict / achieve abstinence from illicit drug use
- Drug-involved entrepreneur / obtain pro-social employment
- Domestic violent / control power and control issues
- Mental health / address mental health issues
- Sex offender / control sexually deviant behavior
- Violent / address violent tendencies

Organizational development

Creating a more effective model for community supervision required fundamental changes in the culture of probation and parole. Introduction of PCS transformed the nature of community supervision through a shift in philosophy, changing the nature of the agent/supervisee relationship, and refocusing organizational and professional objectives.

Initial funding provided nine months of support for new personnel but budget retrenchment after 9/11 ended further funding increments. With no money for training staff, the existing department training unit was supplemented with 12 field supervisors reassigned as trainers who conducted comprehensive communication skills training. Consultants worked with the new training unit in train-the-trainers workshops, and four to five participants took the training to field offices.

Supervisors and line staff received intensive training on a variety of topics including:

- motivational interviewing
- interpersonal communication
- team building
- conflict management and resolution
- decision making
- fundamental PCS practices
- evidence-based practices
- strengthening community partnerships

The training program fostered peer-to-peer networks, respect for trainees, consistency, and patience with those not grasping the PCS concepts. There was a "no-fault" feedback standard and booster training for those still having trouble applying behavioral concepts.

A software tool assisted agents with the process of translating all of the data collected about the supervisee into a meaningful case plan. The software also integrated performance indicators used by supervisors to monitor outcomes.

Measuring PCS's impact

Evaluation of the PCS community supervision model was undertaken by a team of researchers led by Dr. Faye Taxman. She found that PCS cases involved far more contacts than traditional supervision cases. While PCS agents provided more scrutiny over people they supervised, they were not more likely to sanction them for their noncompliant behavior. Yet statistical analysis revealed that people supervised under PCS had a *42 percent lower rate of rearrest* for new crimes than those supervised using traditional methods. The technical violation rate was also lower for the PCS group: 35 percent compared to 40 percent of the non-PCS group.

What other states are doing

Correctional authorities in a number of states are working to improve outcomes within a comprehensive strategy called justice reinvestment. The idea springs from a realization that mass incarceration impacts many urban neighborhoods in ways that serve to perpetuate cycles of crime and incarceration.

The millions of dollars that are spent each year to imprison large numbers of people from impoverished neighborhoods in places like Hartford, Phoenix, and Wichita provide relatively little in terms of public safety when compared with the positive benefits of providing substance abuse treatment, housing, education, and jobs.

Proponents of justice reinvestment urge that steps be taken to reduce spending on prisons, investing a portion of the savings into the infrastructure and civic institutions of high impact neighborhoods to empower the residents and improve the quality of their lives.

Justice reinvestment in Connecticut

In 2004, Connecticut lawmakers embraced a comprehensive approach aimed to reduce, by at least 20 percent, the number of people sent to prison for technical violations of probation and parole.

They appropriated $13.4 million to provide expanded supervision and program services in the community. Two programs were specifically developed by the judicial branch's Court Services Support Division to address recidivism.

Probation Transition Program (PTP)

People who are sent to prison to serve a "split sentence" are released to probation supervision once the prison component of their sentence has been served. Once released, a PTP participant receives an average of four months of intensive case management before being transferred to a standard probation caseload. Each PTP officer carries a caseload of just 25 participants.

Three years after release from prison, the technical violation rate for the PTP participants (20 percent) is significantly lower than for a PTP comparison group (38 percent), indicating that PTP has exceeded the 20 percent goal set for reduction of technical violations.

Technical Violation Unit (TVU) People failing standard probation are referred to TVU where for 30 to 60 days participants receive services from contract providers under tightened supervision requirements. The person is transferred back to standard probation if results are positive.

The total violation rate for people referred to the TVU (counting both technical violations and those involving a new arrest) was 70 percent. The program's evaluators say that in theory all of the probationers would have actually been violated in the absence of the TVU alternative. If this is correct, the reduction they report in violations is encouraging.

Justice reinvestment in Arizona

Parole and probation revocations account for 17 and 26 percent of admissions, respectively, a driving factor behind prison growth. The cost of incarcerating residents from one particular Phoenix zip code amounts to $70 million annually.

The Legacy Project, a pilot program in zip code area 85041, is changing the way that parole officers supervise recently released prisoners. Prior to release, people who will return to 85041 from prison are housed

together for "transition-specific planning" where they meet the social workers and parole agents who will work with them after release.

Supervision agents assess criminogenic factors and team up with state social workers, sharing office space and facilitating access to needed services such as health insurance, unemployment or disability benefits, food stamps, drug treatment, and job training.

Justice reinvestment in Kansas
Before justice reinvestment was introduced, two-thirds of people admitted to Kansas prisons were sent there for violations of community supervision, 90 percent for technical violations. State officials want to cut these violations in half.

Key stakeholders believe that reducing recidivism in the long term depends on neighborhood revitalization – the provision of substance abuse, mental health, employment, and housing services for people returning from prison, as well as for their neighbors.

They targeted Council District 1 in Wichita, which accounts for $11.4 million of the funds spent on prison in a single year.

The Wichita Justice Reinvestment Advisory Committee includes members of the city council, members of the state legislature, and representatives of the local housing, police departments, and faith community.

The Governor's Health and Human Services Cabinet is working to integrate Medicaid, TANF, child welfare and foster care, parole, and probation into a neighborhood-focused service delivery model.

Corrections managers report that parole returns to prison have dropped by 49 percent, and convictions for new crimes have fallen by 40 percent during the past three years.

Preface

In May 2007, the Colorado Legislature approved a bill establishing the Colorado Commission on Criminal and Juvenile Justice. Its mission, as set out in statute, is to "conduct an empirical analysis of and collect evidence-based data on sentencing policies and practices, including but not limited to the effectiveness of the sentences imposed in meeting the purposes of sentencing and the need to prevent recidivism and re-victimization." During the first year the Commission chose a focus on reentry of people released from prisons and jails and established a Reentry Oversight Committee.

The Colorado Criminal Justice Reform Coalition (CCJRC) commissioned Justice Strategies to conduct a study of models of parole and probation supervision that have demonstrated success in reducing the incidence of crime and negative behavior among individuals under probation and parole supervision. Justice Strategies, a project of the Tides Center, Inc., is a nonprofit research organization dedicated to providing policy research to promote effective reforms. CCJRC is a nonprofit organization founded in 1999 that currently consists of over 100 diverse organizations and faith communities and over 6,000 individuals from across the state committed to halting the exponential growth in the state's prison population. CCJRC's constituents were well represented during 2008, with all three CCJRC staff members participating in task forces set up by the Reentry Oversight Committee. Pam Clifton served as a member of the Incarceration Task Force; Carol Peeples served on the Transition Task Force; and Christie Donner, CCJRC's executive director, served as team leader of the Post-Incarceration Task Force and on the Reentry Oversight Committee.

After a review of relevant research literature, the Justice Strategies research team determined that Proactive Community Supervision (PCS), a model pioneered in Maryland, offers the best example for curbing criminal activity, in particular. PCS also improves the institutional culture and offers professional support for probation and parole officers who have the difficult task of assisting their charges as they build stable law-abiding lives.

Justice Strategies greatly appreciates the generous support for this research project received from the Open Society Institute. We are grateful for the willingness of some of the nation's most accomplished experts on these topics to share their insights and experience with us, including Judith Sachwald, Amy Solomon, and Faye Taxman. Sara Steen was most gracious in allowing us to preview findings from her groundbreaking research on parole recidivism in Colorado. Brian Hill provided a wealth of recent research on the effectiveness of the recidivism reduction program in Connecticut. Finally, we are deeply grateful to Christie Donner and the dynamic staff of the Colorado Criminal Justice Reform Coalition for all they do to advance more humane and balanced criminal justice policies in their state and across the nation.

This report is intended to support the mission of this dedicated group of community advocates, as well as to inform the work of the state officials who serve on the Colorado Commission on Criminal and Juvenile Justice. We hope it provides evidence of effective practices that may be useful as they seek to implement their many excellent recommendations for reform.

Introduction

With a prison population growth rate that ran three times the national average between 2000 and 2007, and correctional costs on the rise, Colorado policymakers are searching out effective policy alternatives to prison expansion. In 2007, about 4,000 of the state's prison admissions were comprised of people who had failed parole, while some 1,400 more were sent to prison that year for failing probation. If Colorado's correctional authorities can improve their ability to assist people on probation and parole to remain crime free and to avoid behaviors that lead to technical violations, significant cost savings – as well as significant improvements in public safety – would result.

The Justice Strategies report that follows, *Reducing Recidivism: A Review of Effective State Initiatives,* is focused on models of parole and probation supervision that have demonstrated success in reducing the incidence of crime and negative behavior among individuals released to the community under the supervision of the state. A rigorous evaluation of Proactive Community Supervision (PCS) in Maryland has documented a remarkable improvement in the most critical performance measures, including a 42 percent reduction in arrests for new criminal activity. PCS also improves the working environment for probation and parole officers and sharpens their professional skills.

Our first chapter, "Prison Population Growth and the Crisis in Community Supervision," sets the context with a review of the unprecedented growth of incarceration in the United States as a whole, and in Colorado in particular. We discuss the rapid rise in the number of people on probation and parole over the last several decades, and we examine how high rates of revocation – both for new criminal activity and for technical violation of supervision rules – are driving prison population increases. We end the chapter with disturbing evidence of the most detrimental consequences of these trends: disparate rates of revocation for blacks placed under community supervision, and the significant financial burdens being placed on Colorado taxpayers.

In Chapter II, "Can Community Supervision 'Work'?," we raise questions about the efficacy of traditional parole and probation supervision, looking to several important studies for guidance on the subject. We briefly review research findings that raise serious concerns about the viability of the traditional parole supervision model and highlight recent reports by experts who provide recommendations for improved policies and practices that may lead to greater success for people placed under community supervision.

Chapter III, "Organizational Transformation Changes Outcomes in Maryland," tells the story of how that state's Proactive Community Supervision program came into existence and how it served to transform the Division of Parole and Probation into a "learning organization." We recount how this landmark innovation in supervision practice was accomplished during a period when the state's budget was under enormous fiscal strain and describe how critical improvements were made in the Division's policies and procedures for professional training and staff supervision during the implementation phase, as well as the structural improvement of management information and operating systems. We chronicle how professional development

efforts worked hand in hand with research expertise to spearhead a process of organizational change that was expressly designed to incorporate evidence-based best practices in the field.

In Chapter IV, "Measuring PCS's Impact," we present key findings from Faye Taxman's evaluation of PCS. She scrutinized the core components of the PCS program and examined through statistical testing of an extensive body of data the bottom-line performance measures: compliance with the conditions of supervision, technical violations, and re-arrest rates.

In our final chapter, "What Other States Are Doing," we look at innovations in Connecticut, Arizona, and Kansas, discussing steps policymakers and correctional managers have taken to address upwardly spiraling prison growth, crushing budget expenditures, and ineffective corrections and community supervision policies. We give examples of how improvements in policies and practices in these three states have been spurred by an emerging national movement toward justice reinvestment, a comprehensive reform strategy that seeks to address the structural social deficiencies that produce crime. Justice reinvestment aims for a reduction in spending on corrections and the improvement of conditions in "high stakes" neighborhoods from which most people are sent to prison, and to which they return when they are released.

Chapter I: Prison Population Growth and the Crisis in Community Supervision

The United States incarcerates more people per capita than any other nation in the world. A recent report published by the Pew Center on the States estimated our adult population in prison or jail at over 2.3 million. One in every 100 adults in the U.S. is in jail or prison.[1] From 1987 to 2007, the number of individuals in prison rose from 585,084 to 1,598,316, a staggering 173 percent increase over two decades.[2] By comparison, the U.S. population grew by just 24 percent from 1987 to 2007, from 242.8 million to an estimated 300.9 million people.[3] If we consider those under criminal justice supervision, one in every 31 adults is involved in the justice system.[4]

The incarceration rates for African Americans and Latinos are even more disturbing. While one in every 106 white males age 18 or older was incarcerated in mid-2006, one in every 36 Hispanic men and one in every 15 black men were similarly situated.[5] One in every 9 black men between the ages of 20 to 34 years of age was behind bars on June 30, 2006.[6] The statistics also show high rates of disparity for minority women as well. While one in every 355 white women ages 35 to 39 was incarcerated in mid-2006, 1 in every 297 Hispanic and 1 in every 100 black women were incarcerated on June 30, 2006.[7]

The Pew Center report points out that the United States incarcerates more people than the 36 European countries with the largest incarcerated populations combined, including the Russian Federation. In total, these 36 nations have about 1.8 million people behind bars.[8] The report also details some interesting regional trends in the incarceration rates of the various states in our Union. Of the 16 states with rates higher than the national average (750 people in jails and prisons per 100,000 residents), 13 can be found in the Southeast and Southwest. With the exception of California, every state in America's southernmost region exceeds the national rate of incarceration, with Louisiana leading the nation at 1,138 inmates per 100,000.[9]

Prison population growth in Colorado and the region

The latest data on state prison populations from the Bureau of Justice Statistics (BJS) reveals that Colorado's incarceration rate of 465 people in state prison per 100,000 state residents in 2007

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[1] The Pew Center on the States, *One in 100: Behind Bars in America 2008* (February 2008) p. 5.

[2] Ibid. And Heather C. West and William J. Sabol, *Prisoners in 2007* (Washington, DC: Bureau of Justice Statistics 2008)

[3] *US Statistical Abstract Table 2,US Population 1960-2006,* and *Table 3, Resident Population Projections: 2007 to 2050.* http://www.census.gov/compendia/statab/cats/population/national_estimates_and_projections.html

[4] Lauren E Glaze and Thomas P. Bonczar, *Probation and Parole in the United States, 2007 – Statistical Tables* (Washington, DC: Bureau of Justice Statistics, 2008)

[5] The Pew Center, p. 6.

[6] Ibid, p. 34.

[7] Ibid, p. 6.

[8] Ibid, p. 35. The Russian Federation, with an incarceration rate of 628 inmates per 100,000 residents, comes in a distant second to the US with a rate of 750 per 100,000 residents. Russia is followed by Belarus, Georgia, and the Ukraine with 426, 401, and 345 inmates per 100,000 residents, respectively. In fact, except for the United States, the top 15 countries on this list of 37 are all former Soviet Bloc nations. England and Wales, with an incarceration rate per 100,000 of 148 and a total inmate population of about 80,000, ranked 16th from the top and is the first western nation, other than the US, to appear on the list.

[9] The Pew Center, p. 34.

was above the national average (447). While two neighboring states to the south – Arizona and Oklahoma – had even higher rates (554 and 665 respectively), all other neighboring states – Wyoming, New Mexico, Kansas, Nebraska and Utah -- had rates well *below* Colorado's (394, 313, 312, 243, and 239 respectively).[10]

The state prison population in New Mexico has actually declined by almost 7 percent over the last two years. Two years ago, New Mexico's legislators voted to increase use of "earned meritorious reduction" credits for prisoners convicted of non-violent and drug offenses, reducing their prison terms by an average of 29 days each. At the same time, judges are making greater use of drug courts for sentencing in these types of cases, and correctional officials have increased the use of sanctions other than prison to respond to non-criminal behaviors that violate the conditions placed on people under parole supervision.

According to Colorado Department of Corrections (DOC) statistics, prison sentence rates in Colorado have increased steadily in recent years.[11] The prison sentence rate was 112 per 100,000 during fiscal year 2001, and has increased every year since (with one exception in 2004) to a rate of 152 in 2007, for an increase of 21 percent. In August 2008, the number of adults in prison in Colorado was 23,072, up 40 percent from 16,539 in December 2000.[12] Over that period the male population increased by 37 percent, but the female population increased even more rapidly, by 73 percent.[13]

Probation and parole supervision are also on the increase

National figures indicate that from 1995 to 2006 the number of adults in our nation under community supervision (on probation or parole) grew by more than one-third. Most of these adults (84 percent) were serving a term of probation. In 2006 there were 4,237,023 people on probation, an increase of 30 percent since 1995.[14] The Bureau of Justice Statistics reports that probation failure is also on the increase, with the rate of successful completion falling from 60 percent in 2000 to 57 percent in 2006. Of those who exited probation in 2006, 18 percent were incarcerated due to failure under supervision, 9 percent were revoked for a technical violation of probation rules, and 4 percent were incarcerated for a new crime.[15]

The rate of people released from prison on discretionary parole fell from 37 percent in 2000 to 33 percent in 2006. At the end of 2006, there were 780,616 people under parole supervision, a 2 percent increase over 2005, with about half having entered parole supervision by mandatory

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[10] Heather C. West and William J. Sabol, *Prisoners in 2007* (Washington, DC: Bureau of Justice Statistics, 2008)

[11]Kristin L Rosten, *Colorado Dept. of Corrections Statistical Report Fiscal Year 2007* (Colorado Department of Corrections, June 2008, https://exdoc.state.co.us/secure/combo2.0.0/userfiles/folder_18/StatRpt2007.pdf) p. 20. Colorado defines its prison sentence rates "as the ratio of the number of offenders sentenced to prison during a fiscal year per 100,000 Colorado population."

[12] Colorado Department of Corrections, *Monthly Population and Capacity Report as of August 31, 2008* (published September 4, 2008) and *Monthly Population and Capacity Report as of December 31, 2000* (published January.31, 2001)

[13] Ibid.

[14] Lauren E. Glaze and Thomas P. Bonczar, *Probation and Parole in the United States, 2006* (Washington, DC: Bureau of Justice Statistics, 2007)

[15] The reason for revocation was unknown in 5 percent of the cases.

release from prison. The rate of failure on parole is higher than for probation but it is stable: 44 percent of people exiting parole in 2006 had successfully completed supervision, compared to 43 percent in 2000. The proportion of people exiting parole who were revoked and incarcerated in 2006 was 39 percent; 26 percent were known to have been incarcerated for a technical violation, while 11 percent were incarcerated for a new crime.

In Colorado the number of people on parole is mushrooming. In December 2000, the Colorado Department of Corrections supervised 3,933 individuals on parole, with 640 of them under intensive supervision; by August of 2008 the total parole population had risen to 8,862, with 1,381 under intensive supervision – a 125 percent increase in parole generally, and a 116 percent increase in intensive supervision.[16] A recent Colorado Department of Public Safety correctional population forecast indicates that the number of people on parole is expected to rise to 10,590 by 2013.[17]

Recidivism and technical violations in Colorado

The *Colorado Commission on Criminal and Juvenile Justice 2008 Annual Report* contains a wealth of information and statistics related to the problem of recidivism among people placed under community supervision in Colorado. Data presented showing rearrests of people after release from prison indicate that, as is true for the nation as a whole, post-prison recidivism presents a formidable challenge for parole authorities and places a heavy burden on taxpayers.

> Nationwide, two-thirds of prisoners were rearrested for a new offense within three years of leaving prison. In Colorado, 63.7 percent of inmates released from the Department of Corrections in Fiscal Year 2002 were rearrested within 3 years; 25.9 percent of all arrests were for violent crimes. Nearly half, 47.2 percent, received new court filings, and most returned to prison.[18]

The failure of people placed under community supervision – both new arrests for crime and violation of the conditions of supervision (technical violations) – is not just a serious issue for parole. The problem needs to be addressed by probation and community corrections agencies alike.

> In FY 2007, 4,055 individuals entered the Department of Corrections (35 percent of total admissions) due to failure while on parole; about 25 percent (1,008 individuals) had been convicted of new criminal behavior and returned to prison with a new sentence.

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[16] Colorado Department of Corrections, *Parole Population December 2000* and *Monthly Population and Capacity Report as of August 2008 (https://exdoc.state.co.us/secure/combo20.0/userfiles/folder_15/Aug2008.pdf)*, p. 4.

[17] Kerry Lowden„ Kim English, Linda Harrison, Diane Pasini-Hill, and Pat Lounders, *Crime and Justice in Colorado (*Denver: Colorado Department of Public Safety, Office of Research and Statistics, 2007)

[18] Kim English, Office of Research and Statistics; Jeanne Smith, Division of Criminal Justice; and Peter A. Weir, Department of Public Safety, *Colorado Commission on Criminal and Juvenile Justice 2008 Annual Report* (Colorado Department of Public Safety, published December 2008, http://cdpsweb.state.co.us/cccjj/ 2008recommendations.html) p. 11..

Among the 3,047 in FY 2007 who returned for noncompliance of their parole supervision conditions, some portion of these will also have committed new criminal acts that ultimately were not prosecuted.

It is not only former DOC inmates who fail community supervision. In FY 2008, of the 5,222 individuals placed in community corrections residential facilities in Colorado, 2,333 were transitioning from prison into the community and 2,880 were sentenced by the court to halfway house programs. Just over one-third of these offenders failed this placement, many of whom were then sent to prison.

According to a recent report from the Division of Probation Services, on June 30, 2007, 49,448 adults were serving probation sentences in Colorado, and 19,717 terminated their probation sentence. Of those who terminated their sentence, seven percent committed a new crime (1,395) and 32 percent (6,269) failed for noncompliance with supervision conditions. Just over half of those arrested for a new crime were sentenced to DOC (747) and another 1,433 were sentenced to DOC for failing supervision conditions.[19]

A study by Dr. Sara Steen, Associate Professor of Sociology at the University of Colorado, provides important new insights about recidivism and technical violations in Colorado's parole system. [20] The study followed 300 individuals released from prison to the Denver metro area for their first 18 months on parole. A rich array of data on demographics and criminal history, as well as parole performance, was gathered from DOC files, parole officer chronological records, and parole board case files. These data were supplemented with observation of revocation hearings and parole officer interviews. Research questions focused on 1) behavior by parolees deemed by supervision agents to violate the conditions of parole; [21] 2) violation complaints filed by agents with the parole board; and 3) parole revocations.

Using sophisticated quantitative analysis methods, Professor Steen was able to identify specific indicators that predicted both technical violation behaviors and new offense violations behaviors (those triggered by an arrest).

To begin with, the average number of technical violation behaviors between those on parole with and without new offenses varied little (7.33 compared to 6.69). Male parolees, younger parolees, and those with significant academic needs were both more likely to have committed a new offense violation behavior. On the other hand, people placed under Intensive Supervision Program (ISP) parole had more technical violation behaviors than non-ISP parolees. The

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[19] Ibid, p. 21.
[20] Sara Steen, Peter Lovegrove, Shelby McKinzey and Tara Opsal, *Parole Revocation in Colorado* (University of Colorado, Boulder, February 2009) pp. 9-11.
[21] Ibid, p. 12. In this study, violation behavior is defined as information about the parolee's behavior(s) garnered from the chronological files of parole officers, as distinguished from violations listed in complaints. For study analyses, violation behaviors and violations were generally coded as follows:
New offense (non traffic): Whether or not they committed a new non-traffic offense.
New offense (traffic): Whether or not they committed a new traffic offense.
Technical violations: Number of technical violations.
Abscond: Whether or not they were listed as an absconder at any point.

strongest predictor of technical violation behaviors was whether someone under parole supervision had significant mental health needs, with an average number of technical violation behaviors more than two and a half times greater.

Not surprisingly, people with new offense violation behaviors as well as technical violation behaviors were more likely to have a revocation complaint filed against them with the parole board. Other unsurprising predictors include having been classified as needing sexual offender treatment[22] and having more prior offenses in their criminal record. But while race was not found to predict either technical violation *or* new offense behaviors, black parolees were almost two and a half times more likely to have a complaint filed against them than white parolees.

As to revocation outcome, four indicators were significant: having a new offense violation, the number of technical violations, whether a parolee was arrested while their parole revocation hearing was pending, and whether they were on ISP supervision (with those on ISP *less* likely to be revoked). Looking at revocations triggered solely by technical violations (i.e., those that did not involve an arrest for a new offense), Steen found that the number of technical violations was significant, with each additional technical violation making parolees more than two times more likely to be revoked. Again, race was a significant indicator, with black parolees eight times more likely than white parolees to be revoked. Professor Steen cautions that the number of cases where a parolee was revoked for purely technical violation behavior was relatively small. Nonetheless, she considers that since "being black was also a significant predictor of having a complaint filed, we feel confident in saying that race seems to be an important factor in parole revocation decision making."[23]

Fiscal consequences of heavy reliance on incarceration

Correctional costs consume a very significant share of the state budget in Colorado. In fiscal year 2007, Colorado spent 8.8 percent of its total general fund expenditures on corrections, outranked in this category by only Vermont, Florida, and Oregon. Colorado also saw the second highest increase (5.1 percent) in the proportion of correctional spending between 1987 and 2007, tying with Arkansas for second highest rate of increase, after Vermont.[24]

The DOC budget for fiscal year 2009 is nearly $760 million – an 8 percent increase over the previous year. In fiscal year 2006, the average cost for housing an adult in a DOC facility was $27,588, jumping by 4.2 percent to $28,588 in fiscal year 2007. By comparison, in fiscal year 2007, the average annual cost of parole supervision in the community was just $3,401, with intensive parole supervision costing $8,319.[25]

With correctional costs on the rise and economic circumstances worsening, there are more reasons than ever for state policymakers to search out effective policy alternatives to prison

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[22] This indicator had the largest impact on complaint filing, with these parolees being almost 19 times more likely to have a complaint filed against them.

[23] Steen, Lovegrove, McKinzey and Opsal, pp. 23-24.

[24] The Pew Center, p.14.

[25] Kristin L Rosten, *Colorado Dept. of Corrections Statistical Report Fiscal Year 2007* (Colorado Department of Corrections, June 2008, https://exdoc.state.co.us/secure/combo2.0.0/userfiles/folder__18/StatRpt2007.pdf) Table 23 Cost Per Inmate by Facility, Fiscal Years 2006 and 2007).

expansion. The fiscal burden for increasing the reliance on jail and prison beds denies taxpayers opportunities to improve their lives through better funded health care, education, and a myriad of other important services that go lacking because of increased investment in building and operating jails and prisons.

In 2007, about 20 percent of Colorado's prison beds were occupied by people who had failed parole. Nearly 2,100 prisoners were there due to a technical violation only (no new crime).[26] Clearly, if Colorado's correctional authorities were able to find new ways to assist people on parole to remain crime free and to reduce behaviors that led to technical violations, significant cost savings – as well as significant improvements in public safety – would result.

Annual Adult Correctional Costs in Colorado in FY 2007	
Placement type	**Annual costs**
Community Supervision	
Regular probation	$1,121
Special supervision probation program for women	$2,505
Intensive supervision probation	$3,275
Intensive supervision probation/sex offender	$5,038
Diversion – Residential Community Corrections	$12,457*
Incarceration	
County Jails	$22,000**
Department of Corrections (DOC)	$28,759 state facility $19,231 private facility
DOC Reception and Diagnostic Center	$54,790
Post-Prison Community Supervision	
Transition – Residential Community Corrections	$12,457*
Regular parole	$3,401
Intensive supervision parole	$8,319

Source: *Colorado Commission on Criminal and Juvenile Justice 2008 Annual Report*, p. 21.
Notes: *In community corrections, offenders are expected to pay an additional $17/day. The current average collection rate is $14/day. **County jail costs vary depending on size and programming available.

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[26] *Colorado Commission on Criminal and Juvenile Justice 2008 Annual Report* (Appendix A, The status of parole returns to prison in Colorado, prepared by Linda Harrison) p. 81.

Chapter II: Can Community Supervision "Work"?

Until quite recently, the prospects for reforming parole supervision to accomplish such goals did not look promising. In 2005 researchers at the Urban Institute (UI) reanalyzed data from a post-prison supervision cohort in 1992, concluding pessimistically that supervision had little effect on the rate of rearrest after people were released from prison. The supervision that was provided was traditional face-to-face contacts and did not involve enhancements to adequately supervise the offender or to ensure that the conditions of release addressed the offender's criminogenic needs.

> Mandatory parolees, who account for the largest share of released prisoners, fare no better on supervision than similar prisoners released without supervision. In fact, in some cases they fare worse. While discretionary parolees are less likely to be arrested, this difference narrows (to 4 percentage points) after taking into account personal characteristics and criminal histories.[27]

The UI research team identified a number of possible explanations for these disappointing research results, noting that:

- Parole supervision consists of meetings between the offender and officer on an infrequent basis (generally once or twice a month).

- Parole officers are often located far from the neighborhoods where parolees reside, therefore limiting their understanding of the situational contexts that affect parolees.

- In most states, responses to non-criminal behavior that constitute violations to the conditions of release are often inconsistent and depend upon the officer, therefore often making those responses inappropriate to the seriousness of the infraction.

- Since 1970, the parole function has shifted from a service orientation to a surveillance oriented, control-based strategy centered on monitoring behavior, detecting violations, and enforcing the rules.

They cautioned that simply reducing caseloads and increasing the intensity of supervision contacts does not improve outcomes. The multi-site study of intensive supervision programs (ISP) in both probation and parole conducted more than a decade ago by Joan Petersilia and Susan Turner found that people under ISP had just as many rearrests as those supervised on regular caseloads, and that ISP resulted in higher rates of technical violations.[28] The UI researchers speculated that the traditional supportive services model might not be any more

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[27] Amy L. Solomon, Vera Kachnowski and Avinash Bhati, *Does Parole Work? Analyzing the Impact of Postprison Supervision on Rearrest Outcomes* (Washington, DC: The Urban Institute, March 2005).

[28] Joan Petersilia and Susan Turner, "Intensive Probation and Parole" *Crime and Justice: A Review of Research*, Vol. 17, edited by Michael Tonry (Chicago: University of Chicago Press, 1993).

suited to the practice than the "trail 'em, nail 'em, jail 'em" risk-control approach. Rather, they suggested that a "strengths-based" approach might hold more promise.

In a seminal article published just as parole and probation reform efforts were being launched in Maryland, Faye Taxman provided theoretical grounding for a transformation of community supervision. She reviewed the disappointing results of decades of experiments with intensive supervision and reductions in the size of supervision caseloads.

> Smaller caseloads did not result in fewer arrests or greater participation in treatment services. The studies tended to find that agents with reduced caseloads tended to be involved in more administrative duties than in supervision of offenders.[29]

Pointing out that existing research had shed little light on the qualitative nature of contacts between supervision agents and their clients, Taxman concluded that simply increasing the number of contacts or reducing caseloads without changing the nature of those contacts was unlikely to improve outcomes.

Considerable attention has been given in recent years to the role that high rates of technical violations play in driving prison population growth. *When Offenders Break Rules*, a recent report from the Public Safety Performance Project at the Pew Center on the States, examines problems and proposes solutions in this area. The authors point out that most people under community supervision will violate some condition on occasion (most commonly by using alcohol or drugs), by not participating in treatment or maintaining employment (both of which are difficult for this population to secure without assistance), or by failing to pay supervision fees, fines or restitution. They noted that "it is typical for 75 to 80 percent of parolees to be, at one time or another, in violation of their supervision. But the prevalence of violations should not hide the fact that they vary widely in terms of severity and risk to the community."[30]

The report emphasizes the importance of strategic approaches grounded in research findings for reducing revocation rates. The authors recommend the use of objective risk assessment tools and systems that structure discretion in the use of graduated responses to violations. They stress the point that supervision conditions must be tailored to meet the level and type of risk presented in individual cases and that supervision techniques should be geared to motivate people to change. They recommend a set of action steps for correctional agencies looking to transform supervision policies and practice:

- Articulate successful completion of supervision as a goal in service of community safety.

- Advance an agency culture that supports a strategic approach to parole violations.

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[29] Faye S. Taxman, "Supervision – Exploring the Dimensions of Effectiveness" (*Federal Probation*, Vol. 66, No. 2. September 2002).

[30] Peggy Burke, Adam Gelb and Jake Horowitz, *When Offenders Break the Rules: Smart Responses to Parole and Probation Violations* (Washington, DC: The Pew Charitable Trusts, November 2007).

- Routinely measure and report rates of successful completion of supervision.

- Design and implement a policy framework that includes graduated responses based on offender risk and violation severity and allows probation and parole agencies to impose those responses as quickly as possible.

According to a new Urban Institute report, parole practices continue to focus heavily on the surveillance model. Yet there is emerging consensus among correctional leaders that implementing supervision strategies grounded in research evidence and new learning in the field can produce more positive outcomes for people on parole, their families and communities.[31] Drawing on a wide range of "best thinking" from experts in the field, the new report recommends 13 model policies and practices that should guide efforts to improve the practice of parole supervision and produce better outcomes.

The first seven are prescriptive policies for parole agencies at the organizational level:

Define success as recidivism reduction and measure performance. Defining success as reduced recidivism and improved reintegration outcomes among the parolee caseload will drive agencies to change their practices in a way that will hold parolees accountable and reduce future victimizations.

Tailor conditions of supervision. Conditions should be realistic – few in number and attainable. They should be relevant – tailored to individual risks and needs. And they should be research-based – supported by evidence that they will change behavior and result in improved public safety and reintegration outcomes.

Frontload supervision resources. Supervision resources and strategies should be better aligned to match the risk of early recidivism and concentrated in the first few days and weeks after release.

Implement earned discharge. An opportunity to reduce a term of supervision, frequently termed "earned discharge," could be a powerful incentive for parolees to participate in appropriate programs and to get and retain a job, stay sober or in treatment once they are back in the community, and work to repair damage resulting from their criminal behavior.

Focus resources on high-risk parolees. A key aspect of identifying and effectively supervising this population is the use of validated risk and need assessment tools. Based on these assessments, interventions directed to individuals with higher levels of risk, and that address specific criminogenic needs, will result in better outcomes.

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[31] Amy Solomon, Jenny Osborne, Laura Winterfield, *et.al, The Role of Parole in Reentry: Supervision Strategies to Improve Public Safety* (Washington, DC: Urban Institute Justice Policy Center, December 2008).

Implement place-based supervision. It is well-known that parolees are concentrated in a relatively small number of disadvantaged neighborhoods in each state. Place-based parole (also known as community-based or neighborhood-based parole) takes officers out of their offices and the confinement of 9-5 weekday work hours and into the neighborhoods where their parolees live and work.

Engage partners to expand intervention capacities. Given the substantial treatment, health, housing, education, and employment needs of the parole population, it is essential for parole supervision agencies to partner with other government and private agencies—community health care providers, housing authorities, substance abuse counselors, mental health service providers, workforce development boards, faith-based organizations, and other salient groups—who increasingly recognize aspects of the reentry problem as their own and have specialized expertise to be effective.

The next six are prescriptive elements for improving supervision practices at the parole agent level:

Assess criminogenic risk and need factors. Research has shown that assessment instruments (reliable, validated, and normative) are a better predictor of an offender's risks and criminogenic needs than individual professional judgment. These instruments also increase the chances that individuals will be matched with the appropriate type of treatment and services.

Develop and implement supervision case plans that balance surveillance and treatment. The supervision case plan should build on empirical risk and needs assessments, strengths-based assessments, and parolee input as well as the input of other involved stakeholders. Interventions outlined in the supervision plan should also be sensitive to issues related to culture, motivation, temperament, and learning style.

Supervise parolees to enhance their engagement. In a behavioral management approach, the routine interaction between parole officers and parolees is reframed as an intervention in itself, one in which effective communication is central. Using the techniques of motivational interviewing and positive reinforcement, parole officers can enhance engagement by clearly communicating conditions of supervision, reviewing assessment information and developing case plans with parolees, working with parolees to update and modify goals and supervision conditions as appropriate, and explaining the reasoning behind such adjustments.

Engage informal social controls. Interactions with a parole officer comprise only a small fraction of a parolee's time – even under the more intensive supervision regimes. Rather, the vast majority of a parolee's hours are spent with family, friends, employers, and alone – just like the rest of us. Understanding and engaging a parolee's natural web of supports is a practical and cost-effective way to complement the role of the parole officer.

Incorporate incentives and rewards into the supervision process. Positive reinforcements are as much as four times as effective as sanctions in enhancing individual motivation toward positive behavior change and reduced recidivism. Drawing attention to the gains an individual has made rather than focusing on lack of progress can promote positive responses.

Employ swift, certain, and graduated problem-solving responses to violations of parole. The purpose of responding to violations should be to confront behavior in a way that will change it without necessarily relying on a costly return to prison or jail that disrupts the reintegration process. Responding to violations with a continuum of available sanctions and rewards, from low intensity community-based options to highly secured residential and institutional options, can be more effective to prevent relapse and future offending – and less expensive – than revocation and re-incarceration.[32]

While researchers worked to identify the problems and to draw lessons from the literature to suggest effective reforms, correctional officials in one state mounted a comprehensive effort to transform community supervision policies and practices. That effort addresses most – if not all – of the 13 elements identified above. A rigorous evaluation has documented very encouraging results, indicating that serious and sustained efforts to change the focus of supervision can win remarkable improvements: reducing the likelihood that people on parole will commit new crimes while at the same time sending fewer people back to prison for technical violations.

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[32] Amy L Solomon,.Jesse Jannetta, Brian Elderbroom, Laura Winterfield, Jenny Osborne, Peggy Burke, Richard P. Stroker, Edward E. Rhine, and William D. Burrell, *Putting Public Safety First: 13 Strategies for Successful Supervision and Reentry* (Washington, DC: Urban Institute Justice Policy Center, December 2008).

Chapter III: Organizational Transformation Changes Outcomes in Maryland

A report presented to the Maryland legislature by the Secretary of Public Safety and Correctional Services in October 2000 painted all too typical a picture of the state of parole and probation supervision across the nation:

> Approximately one-third of the growth in the State's prison population between 1985 and 1995 was due to an increase in probation and parole violators. An estimated one-half of these violators were technical violators, meaning they were incarcerated for breaking the rules of their release … Currently, one-third of those arrested in Baltimore City are on parole or probation at the time of arrest, and 44 percent of the bed-days at the Baltimore City Detention Center are consumed by those already on parole or probation.[33]

That year the annual cost of imprisonment was $21,456 compared to just $512 a year for community supervision. After Kofi Apea Orleans-Lindsay, a young man serving probation in Silver Spring, shot and killed a state trooper during an undercover drug sting, the editors of *The Baltimore Sun* castigated Maryland politicians for playing "…a perilous act of balancing cost containment against public safety."[34] The crisis had been long in the making. Weak leadership in the Division of Probation and Parole had failed to curtail the mounting calamity.

The Baltimore Sun editorial included a series of damning disclosures about conditions in the Maryland Division of Parole and Probation (DPP). Thousands of people sentenced to probation had failed to report, as required, to a DPP office for even their first meeting with an agent. Arrest warrants for absconders took up to six weeks to be typed because the agency's record-keeping system was largely not computerized. And, there was no warrant squad within the DPP to serve the warrants after they *were* processed. Huge caseloads overwhelmed the best efforts of most supervision agents, characterized by one judge as "public slaves," not public servants.

At the height of the crisis, the DPP director quietly retired. He was replaced by Judith Sachwald, who began immediate and aggressive efforts to mend the agency and to experiment with a new model for supervision that would come to be known as Proactive Community Supervision (PCS).[35] She said that some of the needed groundwork had already been done.

> Things had already started to change in the late '90s, when supervision agents made the case to the legislature that their caseloads were too large. The legislature had approved more money for the department but also issued a policy statement, warning correctional officials that in return, they wanted to see a better product. The former director had hired Mario Paparozzi, a national expert on parole, who came up with a formula for supervision that – in addition to other strategies –

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[33] Judith Sachwald, *Proactive Community Supervision: A Plan for Making Maryland Communities Safer* (A report to the Budget Committees of the Maryland General Assembly, Parris N. Glendening, Governor; Kathleen Kennedy Townsend, Lt. Governor, October 2000) page 2.

[34] Editorial staff, "Crime and No Punishment" (*The Baltimore Sun,* Nov. 19, 2000).

[35] Ibid.

would allocate fewer resources to low risk supervisees and more to moderate and high risk individuals.

When I came on as director in March of 2000, I took Mario's recommendations and proceeded to develop a strategic plan. There had been no discussions about evidence-based practice, at the time. We sat down as a department and talked about what our vision was. Faye Taxman (then serving as head of the Bureau of Governmental Research at the University of Maryland) shared her research, and we explored drug treatment alternatives and psychological interventions such as motivational interviewing and cognitive behavioral therapy. We decided that our objective as a department was to make parolees and probationers valuable members of the community and law-abiding citizens again. No one told us when we started that it was going to be so hard – so we went ahead and did it.[36]

PCS was not just another supervision regimen layered onto existing practice. Rather, it was a research-based strategy that involved a fundamental reordering of the relationship between parole and probation agents and the people they supervise, with the overarching goal of making Maryland communities safer. Faye Taxman argued that traditional supervision contacts between agents and their clients represent a missed opportunity for motivational work toward behavioral change.

Supervision has been dominated by surveillance and control strategies, with some efforts toward brokering treatment and employment services. The approach has generally been to rely upon the treatment interventions that serve offender populations to incorporate the research principles instead of developing within supervision such evidence-based practices.[37]

Instead, Taxman recommended recasting community supervision as a series of steps and progress measures keyed toward behavior change. "The contact is equivalent to 'brief interventions,' which are short in duration but empower the offender to change his/her behavior."[38] By incorporating evidence-based techniques and cognitive-behavioral strategies, the mission of supervision could be transformed from enforcement of compliance with static conditions to a dynamic process of personal growth.

The architects of the PCS model built upon a foundation of "what works" literature, applying relevant research findings to probation and parole supervision. The program design for PCS rests on four key pillars:

1. Use a standardized tool to assess the criminal characteristics (dynamic risk factors) that are susceptible to change.

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[36] Judith Sachwald. Personal interview.
[37] Faye S. Taxman, (2002). "Supervision – Exploring the Dimensions of Effectiveness," *Federal Probation* 66(2), p. 20.
[38] Ibid., p 18.

2. Engage people under supervision in a behavioral contract that marries their personal desires and goals to appropriate services that also address their specific criminogenic traits; monitor performance as a key to making progress with the offender; and focus attention on criminogenic issues.

3. Emphasize achievement of behavioral goals via positive and negative re-enforcers that will assist the supervisee in achieving these goals.

4. Maintain an environment in which supervisees can take incremental steps that allow them to grow and evolve from each scenario and to learn from missteps or small relapses.[39]

The primary objective was to create a supervision environment where respect for supervisees is demonstrated, and the ground rules for supervision are clearly communicated, while responding to the criminogenic needs that propel people toward criminal activity.

> PCS changes the character of criminal supervision. Contacts with supervisees are focused on better understanding them and what drives their criminal behavior. The goal is not to catch supervisees doing bad things. Rather, each contact is an opportunity for supervisees to show incremental steps toward responsible behavior.
>
> This redefinition changes the nature of the interactions during supervision contacts and provides a consistent context for all contacts. The result is that supervisees are more likely to make strides in meeting supervision requirements and mandates, and are less likely to violate them.[40]

The traditional role of the supervision agent was to be broadened, from surveillance of people under supervision to engaging them in a change process by facilitating their involvement in treatment programs and pro-social activities, and helping them build the skills that are necessary to be productive members of society. The agent's role was essentially redefined as that of a behavioral manager.

New guidelines were established regarding the use of socially acceptable decorum in the office environment. Agents were introduced to motivational interviewing techniques and other communication strategies for teaching social skills through interactions with their supervisees. The organization changed how front-line supervisors reviewed agents' cases to ensure that they were actually using the new strategies.

By placing greater emphasis on the relationship between an agent and the person under supervision, PCS builds a more supportive environment where people can make progress towards success. It transforms that supervision relationship making it more productive instead of

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[39] Judith Sachwald, Earnest Eley Jr. and Faye S. Taxman, *An Ounce of Prevention: Proactive Community Supervision Reduces Violation Behavior* (Topics in Community Corrections, 2006) page 32. Accessed at http://www.nicic.org/Library/period307.
[40] Ibid.

a "nail 'em, jail 'em" model. And, it empowers those under supervision to take responsibility for meeting their conditions of release.

The personal and professional skills of individual supervision agents are bolstered by consistent classification practices and utilization of standardized assessment instruments: the Level of Service Inventory-Revised (LSI-R), the Home Contact Checklist, and the O-SELF, an instrument that assist people to self-identify their primary areas of interests and needs, which agents can then use to establish and focus supervision goals.

Prior to PCS, supervision agents managed a mixed caseload of people under parole and those sentenced to probation who were classified as both high and low risk. Caseloads averaged 103 cases per agent.[41] Some high-risk cases received inadequate amounts of attention and time, given the criminogenic risk factors involved, while many low-risk cases got more attention than necessary.

Under PCS, each agent is still responsible for a mix of probationers and parolees, but higher risk cases are handled on separate caseloads from those classified as low risk. People who are classified as higher risk receive more intensive supervision. Individual agents carry either a caseload of 50-55 people classified as high risk/high need who need intensive management, or a caseload of up to 200 people classified as low risk/low need.

The goal of assessment and classification is identification of the "criminogenic needs" of individuals under supervision. PCS case planning is a process that incorporates critical information from a range of sources:

- The assessment tool
- Objective information about the home environment
- Criminal history
- Supervisee self-identified interest areas
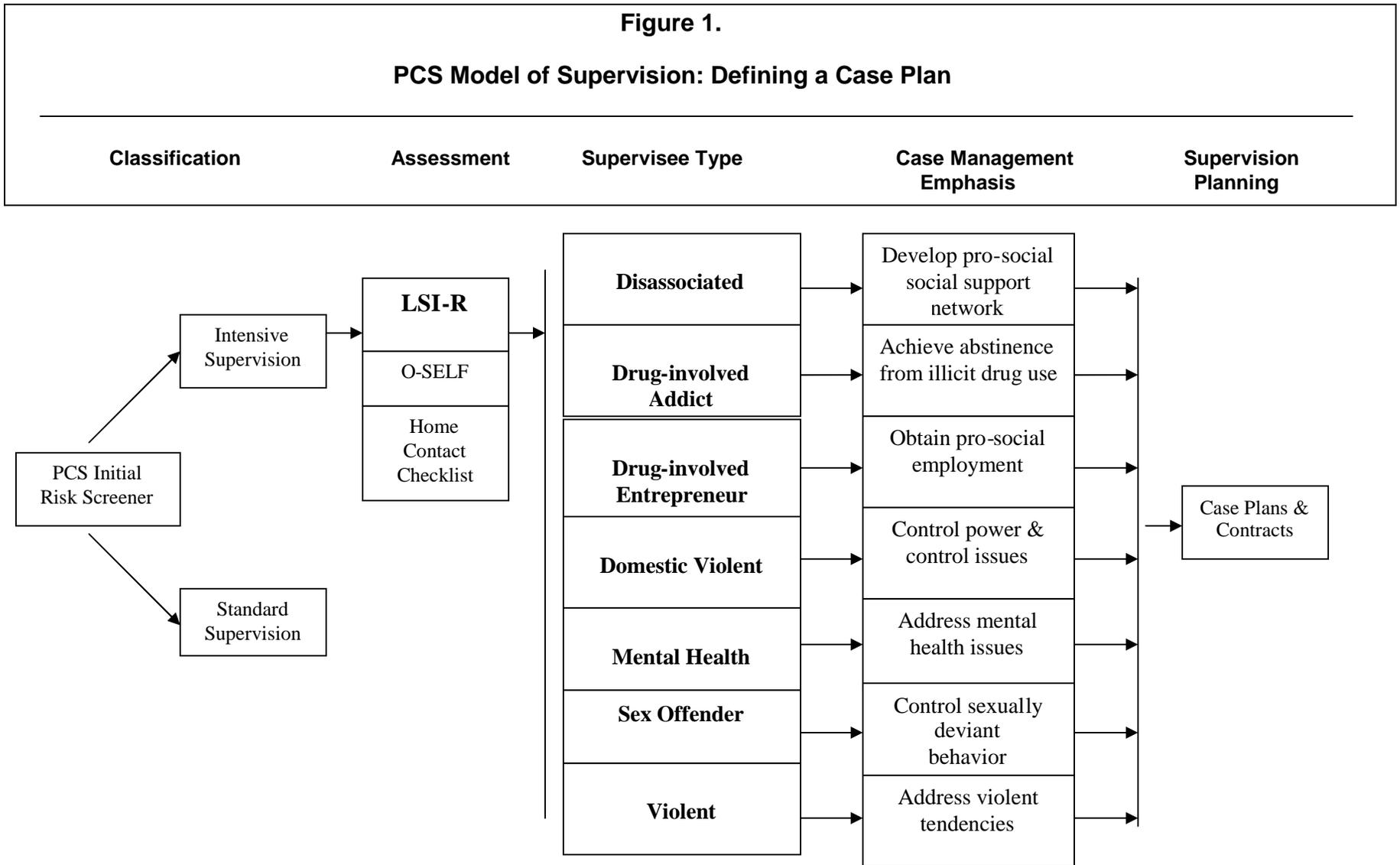- Drug test results[42]

The process encourages the supervision agent to relate this analysis to a set of typologies that serve as guideposts toward a customizable case plan and supervision contract. The process provides a flexible model of supervision focused on the typical types of criminogenic traits of those under supervision. The figure that follows graphically adopts and combines elements of the PCS assessment process with the descriptive categorizations that assist development of tailored case plans.[43]

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[41] Judith Sachwald, *Proactive community supervision: A Plan for making Maryland communities safer*, page 7.
[42] Judith Sachwald, Earnest Eley Jr. and Faye S. Taxman, *An Ounce of Prevention: Proactive Community Supervision Reduces Violation Behavior* (Topics in Community Corrections, 2006) page 33. Accessed at http://www.nicic.org/Library/period307
[43] See Judith Sachwald and Earnest Eley Jr., *Proactive Community Supervision: A Second Chance for Community Corrections and Supervision* (American Probation and Parole Association, Perspectives, Summer 2007) p.31.

Figure 1.

PCS Model of Supervision: Defining a Case Plan

Classification	Assessment	Supervisee Type	Case Management Emphasis	Supervision Planning

		Disassociated	Develop pro-social social support network	
Intensive Supervision	**LSI-R**			
	O-SELF	Drug-involved Addict	Achieve abstinence from illicit drug use	
	Home Contact Checklist	Drug-involved Entrepreneur	Obtain pro-social employment	
PCS Initial Risk Screener		Domestic Violent	Control power & control issues	Case Plans & Contracts
		Mental Health	Address mental health issues	
Standard Supervision		Sex Offender	Control sexually deviant behavior	
		Violent	Address violent tendencies	

The PCS case planning typologies were not intended to be an exhaustive list of behavioral issues. They assist agents to recognize that different people have different "drivers" affecting their criminal behaviors and are meant to serve as descriptive anchors around which agents could build case plans and contracts.[44] Once a typology has been assigned, the agent can choose from a set of responsibilities tailored to that typology as well as specify additional responsibilities.[45] "The typologies were templates that provided a context for designing case plans," explains Sachwald. "Instead of forcing agents to start with a blank canvas, they could connect the dots leading to a case management plan."[46]

PCS case plans focus on specific behavioral goals and define behavioral tasks in terms of small, incremental steps that can be taken by those under supervision to improve their situation.

> For example, if a supervisee believes that her boss does not like her, then the case plan should address this concern. The supervisee can identify some reasons why the boss may have a negative impression (e.g., the supervisee often gets to work late, takes too many breaks, or waits to be told to do everything). The process of identifying the reasons for the boss's negativity and ways to remedy those issues (e.g., leave earlier for work, take public transportation instead of waiting for an unreliable friend to show up, or reduce smoking to diminish the number of breaks) arrives at a behavioral goal that is focused on improving the supervisee's situation and helping him/her develop the skills to manage similar situations appropriately.[47]

The case plan is intended to serve as a "dynamic road map" toward goals that can reasonably be achieved – requiring measured steps to better family, work, and personal circumstances that might result in negative legal consequences.

A changed relationship

PCS fundamentally changes the nature of community supervision through a shift in philosophy, in the makeup of the agent/supervisee relationship, and in organizational and professional development objectives. The PCS program philosophy calls for acknowledgement of the individual needs, circumstances, and character of people under state supervision – not just to assure public safety in the short run, but to enhance future public safety by understanding and addressing criminogenic and personal behavioral choices that may lead to future criminal involvement. Sachwald emphasizes: "Our job is not to count the things we do, but to do the things that count."[48]

The success of PCS's supervision strategy is due in large part to a focus on the supervisee's interests and needs, and on identification of those factors that will motivate them toward positive

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[44] Faye S. Taxman, Christina Yancy, and Jeanne E. Bilanin, *Proactice Community Supervision in Maryland: Changing Offender Outcomes* (Maryland Division of Parole and Probation, February 2006, http://nicic.org/Library/021333) p. 3.
[45] Ibid, p.9
[46] Judith Sachwald. Personal interview.
[47] Sachwald, Eley, and Taxman, p. 36.
[48] Sachwald and Eley, p.29.

change. Data from self-assessments show that people tend to prioritize employment and education issues first, then family and parenting issues, and then their own mental and physical health over criminal behavior and substance use issues.[49] This order suggests that people under supervision feel they most need assistance in assuming responsibility for their own survival and for the support and wellbeing of their family members.

While reducing caseloads and focusing more attention on the needs of people classified as high risk, PCS encourages supervision agents to define their role as performing activities in support of the special circumstances faced by individuals under their supervision.

> [F]or each responsibility assigned to a supervisee, her agent has a complementary responsibility designed to help her make progress toward meeting the goal. By declaring these responsibilities, agents are indicating to supervisees that they are invested in them successfully completing supervision.[50]

Organizational development

Two critical events faced state leaders and PCS advocates early in the program development effort as they struggled to maintain a focus on changing the Maryland Division of Parole and Probation (DPP). The first came in early October 2000 when the plan for putting PCS into operation was first submitted to Governor Glendening and the legislature. The shooting death of the state trooper at the end of October deepened concerns that a crisis was at hand, but first-year costs for implementation were estimated at more than four million, and the governor was not inclined to place a request for additional support for DPP in his budget proposal for fiscal year 2002.

Bipartisan support for PCS was growing, however. Lt. Gov. Kathleen Kennedy Townsend was a key supporter within the administration, and the Republican legislative caucus began to move when Delegate John Leopold (now County Executive of Anne Arundel County) held a press conference to express his support. Several newspaper accounts of the crisis in supervision capacity appeared, and the combined efforts of the Lt. Gov. and the Republican caucus turned things around. The governor instructed his budget agency to find the funds to support PCS.

Initial funding for PCS was appropriated during the 2001 legislative session for fiscal year 2002, providing nine months of support for new personnel, available on July 1, 2001. But the tragic events on September 11, 2001, would quickly eclipse any hope for further funding increments for building PCS.

> When 9/11 happened, governors all over the nation were forced to freeze budgets and reorder priorities. We had managed to get just 87 new agents out of the 244 we had envisioned for PCS, and we never got funding support for the psychologist or the trainers that the proposed program plan called for. We had to get creative with the funds we did have, so we made the decision to roll out the program on a phased basis, starting up four "pioneer sites" (we never called them

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[49] Sachwald, Eley, and Taxman, p. 36.
[50] Sachwald, Eley, and Taxman, p. 37.

"pilots") to introduce the PCS model. The first PCS employees were hired in early October. They were immediately placed in entry level training, and in January 2002 they were assigned to the Mondawmin field office to serve the Baltimore City zip code with the lowest income level, and the highest rate of HIV. We were determined to make sure that the model would work in the toughest areas of the state. The next set of employees came on board in the spring of 2002 and were assigned to the field in July 2002, in Silver Spring, Hyattsville, and Denton, giving us a chance to test the phase-in program across a set of diverse communities – from urban and suburban, to ex-urban and rural.[51]

With no money for training staff, one of the first creative ventures came when DPP managers were faced with the challenge of introducing the PCS program model to hundreds of supervision agents. To supplement the existing department training unit, 12 field supervisors were reassigned to create a cadre of trainers who conducted comprehensive communication skills training.[52] Consultants worked with the new training unit in train-the-trainers workshops. Four to five handpicked participants took the training on the road with the support of consultants in their initial presentations. According to Sachwald, many of the reassigned field supervisors, who developed a superior knowledge of the methods and objectives of PCS while supplementing training needs, later went on to take leadership positions in DPP, deepening the process and broadening the scope of organizational change.

Implementation of PCS involved more than just establishing a new supervision strategy and changing the relationship between agents and the people they supervise, important and laudable goals in and of themselves. Creating a more effective model for community supervision also required fundamental changes in the *culture* of the organization. Organizational development experts will tell you that changing an organization's culture is one of their most difficult tasks. Faye Taxman, who led the research team that evaluated the impact of PCS, says that Sachwald devoted unflagging leadership during the entire process of change. "Judy invested herself and the senior staff personally in PCS. They went to all the sites, all the trainings and talked to all division employees about the need for and process of change."[53] According to Sachwald, the range of organizational interventions needed was daunting.

> As director, I spent a huge part of my time as the principal cheerleader and
> problem solver until I was able to bring in Earnest Eley as PCS Coordinator to
> help us solve problems and maintain the spirit of our initiative. From modifying
> our chain of command; to revising our supervision manual and making it
> available to employees on an intranet site; to the introduction of automated
> reporting and case notes systems; from developing a new supervision plan format;
> to revising supervisory review procedures – we were engaged in a massive
> process of aligning our activities and resources with practices that would help us

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[51] Judith Sachwald. Personal interview.
[52] Judith Sachwald and Earnest Eley Jr. "Proactive Community Supervision: A Second Chance for Community Corrections and Supervision" (American Probation and Parole Association, *Perspectives*, Summer 2007) p. 32.
[53] Faye S. Taxman. Personal interview. August 8, 2008.

> to achieve our mission. It was a demonstration that you can make huge changes with zero new resources.[54]

The original PCS plan had called for major infrastructure improvements to DPP's management information system. At the time Sachwald assumed leadership of DPP, there was just one desktop computer for every seven employees. Agents with caseloads well over 100 were attempting to keep track of their cases on notepads they carried around with them.

> We never got the IT resources we needed from the state, so we tapped grant money to purchase laptops for all of our agents and supervisors. We had no funding for specialized software, so the agents made creative use of *Word* and *Excel* spreadsheets to reduce the amount of writing they had to do. We revised our existing forms and developed online templates that could be filled out with checkmarks. We got to the point of being able to fill out reports online that could be then emailed directly to the Parole Commission for disposition. We never got our paperwork reduction strategies to where we wanted, but 15 months ago the Division was finally able to introduce an online case management system.[55]

Professional Development

The PCS implementation effort also ignited broader organizational change through system-wide training. PCS designers understood that for the model to be successful, agents and supervisors would need a new skills set.

> The PCS team must be an enthusiastic, energetic group of professionals who think creatively, want to take an active role in executing a supervision plan and can work cooperatively with a team. They must be able to make decisions and be empowered to act on them.[56]

> More than 700 agents and 100 first- and mid-level supervisors participated in DPP's initial communication and skills development. DPP conducted training in three phases: pre-training, comprehensive classroom training, and booster training. Pre-training sessions were conducted by facilitators from the University of Maryland, Bureau of Governmental Research. The three-hour introduction to the concepts of PCS included a briefing on the menu of training the agents and supervisors would receive in preparation for their transition to the PCS model of managing their caseloads.[57]

To develop the skills set needed to implement PCS, supervisors and line staff received intensive training on a variety of topics, including motivational interviewing, interpersonal

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[54] Judith Sachwald. Personal interview
[55] Ibid.
[56] Judith Sachwald and Ernest Eley Jr., p.32.
[57] Ibid.

communication, team building, conflict management and resolution, decision making, fundamental PCS practices, evidence-based practices, and strengthening community partnerships.[58]

The revamped training program also assisted the integration of skills needed for PCS by fostering peer-to-peer networks and respect for trainees, as well as consistency and patience with those having difficulty grasping the new concepts. Training sessions were designed to avoid lectures, requiring interaction between employees. An interactive CD-ROM was developed by staff at the University's Bureau of Governmental Research that depicted the community supervision "flow process" a supervisee moves through as he or she becomes invested in rehabilitation. "PCS has a 'no-fault' feedback standard and booster training for those who, nine months after the training, are still having trouble applying the behaviorally focused concepts."[59]

Training in case planning provided the next level of professional development.

> This involved training on the use of the selected case plan instrument (Level of Service Inventory-Revised, LSI-R), how to identify criminogenic traits through interviewing supervisees, and how to address criminogenic traits in the resulting case plans. The emphasis on professional development acquainted agents with the supervision toolbox (e.g., drug tests, community services, treatment, vocational education, employment, and support networks) and how the different tools can be used for the purpose of improving supervision outcomes. A software tool called MOCSE (Maryland Offender Case-planning Software for Empowerment) was also provided to agents to assist with the process of translating all of the data collected about the supervisee into a meaningful case plan.[60]

The PCS strategy has involved not only equipping staff with new skills, but also equipping the entire organization with the means to focus on recidivism reduction strategies. MOCSE integrates a series of performance indicators to be used by front-line supervisors to monitor case outcomes. The goal is to provide supervisors with easy access to data for monitoring the performance of their units.[61]

Supervisor training supports included the introduction of a coaching model. Front-line supervisors were trained to use quality contact standards (QCS) during random observations to monitor agents' communication skills with those they supervise.[62] The QCS form gauges agents' ability to accomplish several skills during a contact, including their deportment and manner of interacting with the people they supervise, their use of appropriate communication skills, their ability to make appropriate treatment and service referrals, and their use of sanctions in a clear and fair way, when necessary.

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[58] Ibid.

[59] Judith Sachwald. Personal interview.

[60] Judith Sachwald and Earnest Eley Jr., p. 33.

[61] Taxman, Yancy and Bilanin. 2006 pp.4-5.

[62] Judith Sachwald and Earnest Eley Jr., p. 32.

Judith Sachwald says that supervisors were encouraged to reinforce the training provided to agents and were – themselves – given new tools for leadership.

> Two months after training, supervisors were required to provide employees with feedback using the QCS and those not getting the concepts were sent to get coaching and provided with additional opportunities to observe peers who were successfully applying behavioral control methods.

> With grant support, we were able to contract with the University of Maryland's School of Business for a leadership program for our first and second level managers and supervisors. They were able to get additional training in how to supervise others, support organizational change, provide leadership, coaching and mentoring to help people through the change process.[63]

In December 2004, *Tools of the Trade: A Guide to Incorporating Science into Practice* was jointly published by the National Institute of Corrections and the Maryland Department of Public Safety and Correctional Services. The origin of this document – as well as its guiding principle – can be traced to PCS.

Reviewing the change process

Faye Taxman describes the PCS change process as consisting of four major components:

1. Training for supervision agents to develop expertise in use of new communication strategies and to reinforce the core components of a social learning environment, with motivational interviewing as the key to engage the people they supervise in an active role in their case plan.

2. Creation of a social learning environment that uses face-to-face contacts as opportunities for information exchange and for revision, refinement and restatement of supervision goals, while demonstrating proper respect for those under supervision.

3. Use of performance measures, both for those under supervision and for supervision agents, with monthly reviews of case plan accomplishments and reporting of employment and participation in treatment, as well as arrests, positive urine results, and technical violation warrants to the central office.

4. Evolution toward an organizational learning environment with training on supervisory skills and employee feedback to supervisors, application of research findings in corrections, book clubs, and the reading of journal articles to encourage staff to broaden their perspective and enhance their role as change agents.[64]

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[63] Judith Sachwald. Personal interview.
[64] Faye S. Taxman, "No Illusions: Offender and Organizational Change in Maryland's Proactive Community Supervision Efforts" (*Criminology and Public Policy*, vol. 7. no. 2 July 2008), p. 285.

Change did not come overnight, and the difficulties and frustrations encountered on the road were many. When asked what, with the benefit of hindsight, she would have done differently, Sachwald said that more resources, earlier on, might have helped to further sharpen the skills of supervision agents.

> With a few more dollars, I would have introduced more cognitive behavioral training earlier on in the process. We were never able to convince the Department of Health, which was responsible for drug treatment, that we needed more cognitive-behavioral treatment options. I would have introduced the National Institute of Correction's *Thinking for a Change* program and motivational interviewing training for everyone earlier on, and I would have done more training on the LSI-R. It's a hard instrument to interpret, and to understand what to do with the results once you have them.[65]

Sachwald says that some agents embraced the PCS approach immediately, while others hung back, unconvinced that change was necessary. But over time the organizational environment was transformed.

> Change was part of the process. We had to let go some popular employees who were unable to adjust to how the work needed to be done under PCS. Change is always painful for employees and it is most painful for those employees who have enough time in the system to retire and those with 10 to 15 years of service invested in the system. Employees with less time in than that tended to be more open-minded and flexible about the changes required of them.

> People mean a lot of different things when discussing organizational change and organizational development. I focused on the organizational climate – the physical, intellectual and emotional state of the organization. It changed a *lot* in the last five years.[66]

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[65] Judith Sachwald. Personal interview.
[66] Ibid.

Chapter IV: Measuring PCS's Impact

To gauge the impact of the PCS community supervision model, an evaluation was undertaken by a team of researchers from the University of Maryland and Virginia Commonwealth University. The results, which revealed that people supervised under PCS had lower rates of both rearrests for new crimes *and* warrants issued for technical violations, were published in a Division of Parole and Probation report in February 2006, and again by Dr. Taxman in *Criminology and Public Policy* in July 2008.[67]

Implementation of PCS Core Components

The research group examined the PCS cases to determine the extent to which the core elements of the PCS program were actually implemented. They focused on the use of the LSI-R, identification of a typology and the triggers of criminality, the development of a case plan, and implementation of the plan.

- An LSI-R had been administered in 70 percent of the cases, with the average score (15.6 points) representing medium risk to the community. Twenty-eight percent of those with an LSI-R scored at the moderate- to high-risk level (18-25 points), and 13 percent scored at 26 points or more (high-risk), leaving 59 percent at the low-risk level.[68]

- Typologies had been assigned in 56 percent of the cases, and triggers were identified in all but five of these cases.

- PCS case plans assign more requirements (ranging from 90 to 150 percent more than in traditional supervision cases) that are geared to criminogenic traits.[69]

- People under PCS supervision took more action on their responsibilities than those under traditional supervision.[70]

People placed under parole and probation supervision with PCS case plans and their supervision agents bear many more responsibilities for taking actions geared toward addressing criminogenic traits than those without case plans, and, according to information recorded in their case files, in

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[67] Taxman, Yancey, and Bilanin, "Proactive Community Supervision in Maryland" p. 1, and Taxman, "No Illusions" pp. 275-302. The evaluation used an individual match design to compare outcomes for 274 randomly-selected high-risk PCS cases with 274 cases of people supervised under traditional probation and parole supervision who had the same characteristics (gender, race, age, education, number of prior arrests, and type of conviction offense) as the PCS group.

[68] Taxman, Yancey and Bilanin, 2006, P. 9. People who scored in the highest category of risk on the LSI-R had the highest rate of rearrest (45.0 percent) while those who scored in the low-risk category had the lowest rate of rearrest (19.3percent). These findings validate the LSI-R instrument.

[69] Taxman, Yancey and Bilanin, 2006. p.10

[70] Ibid.

almost all cases actually took more actions.[71] (See "Development and Implementation of Responsibilities and Actions in Case Plans," in the Appendix of Statistical Tables).

Contacts between agents and the people they supervise included both face-to-face and telephone interactions, as well as collateral contacts with family and associates. The research team found that PCS cases involved more contacts than traditional supervision cases. The number of contacts per month, as well as the number of drug testing conditions, was higher for PCS cases with a typology as compared to cases without a typology. The mean number of days elapsing between contacts was shorter for those assigned a typology (24 days) than those who were not (48 days) (See "Supervision Contacts and Drug Tests," in the Appendix of Statistical Tables).

Yet despite the increased intensity of contacts and the greater number of responsibilities for taking action (i.e., conditions of supervision) for the PCS group, no significant difference was found across typologies in the mean number of incidents of noncompliant behavior: 18.5 incidents per case for the traditional group and 17.5 incidents per case for those assigned typologies. Those classified as drug involved, who had the greatest number of conditions, also had a greater number of noncompliant incidents, owing in part to the fact that offenders could not access treatment services to meet their rehabilitation needs.

Those categorized as having domestic violence, mental health, or sexually deviant typologies received a greater number of sanctions (44 percent) compared to those in PCS without a typology (39 percent). Those in other typology categories ("disassociated," "drug involved," and "violent") received fewer sanctions. (See "Noncompliant Behaviors and Sanctions" in the Appendix of Statistical Tables). That those with typologies characterized by mental health and sexual deviance issues receive more sanctions is consistent with findings from Dr. Steen cited earlier. Most importantly, increased intensity of supervision did not generally result in increased sanctions. Rather, incidents of non-compliance were frequently used as opportunities for practicing pro-social behaviors.

Drug-involved people tended to have more incidents of noncompliance including attendance at treatment, and people classified as violent had fewer. The difference between the traditional group and those who were assigned typologies was not statistically significant. Yet with the increased number of responsibilities, contacts, and drug tests, one would have expected the PCS cases to have had more incidents of noncompliance than those without a typology.[72] Finally, while agents may provide more scrutiny over people they designated to a particular typology, they were not more likely to sanction them for their noncompliant behavior.[73] This result runs contrary to prior research on intensive supervision models, such as the Petersilia study discussed earlier, where more supervision was found to result in higher, not lower, levels of violations. This is an impressive result, especially when combined with information on the positive impact the PCS model had on rearrest, stated below.

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[71] More actions were taken by those under supervision in all type categories but one: people classified as "disassociated." People classified as "disassociated" averaged just 0.7 actions, compared to 0.9 for those with no typology classification.
[72] Taxman, Yancey and Bilanin, p. 11.
[73] Ibid.

The impact of PCS

The research team compared the PCS and non-PCS groups across three critical outcomes measures: positive drug tests, new arrests, and requests for warrants (a proxy for technical violations, defined as non-criminal behavior acts that are violations of supervision requirements).[74]

Forty-nine percent of the people under PCS supervision were required to undergo drug testing, compared to 63 percent of those under traditional supervision. Interestingly, researchers found no difference between the PCS and non-PCS groups regarding their failure to appear for testing or submission of positive drug tests. Statistical tests indicated that participation in PCS had no effect on the likelihood of having a positive drug test, controlling for the influence of time on supervision and prior arrests.[75] This is largely due to the small number of people needing treatment that secured access to treatment services while under supervision, a problem that continues to be a limitation of the system.

The rearrest rate for the PCS group was significantly lower: 30 percent of the PCS sample compared to 42 percent for the non-PCS group. A logistic regression model was used to examine the differences between the PCS and non-PCS group, controlling for time on supervision. It found that those supervised by the PCS model had a *42 percent* lower rate of being rearrested for new criminal behavior than did the non-PCS group. Since the PCS group had more contacts with agents they might be expected to have had a higher rate of technical violations, yet the technical violation rate was lower for the PCS group, 35 percent compared to 40 percent of the non-PCS group. [76]

PCS participants remained arrest free and without a request for a technical violation warrant longer than did those under traditional supervision.[77] The percentage of those who remained arrest free in the first 30 days was the same for both the PCS and non-PCS group. By one year into the program, however, the PCS group had significantly more people remaining arrest free: 71 percent compared to only 62 percent of non-PCS cases. And the PCS group had fewer technical violation warrants filed against them at both 50 and 365 days into the program.

The research team attributed these remarkable findings to the theoretically sound design of the PCS model.

> PCS provided a new model for supervision consisting of goal-directed supervision plans that are tied to specific criminogenic traits. The agents used behavioral management strategies—valid risk and needs tools, case plans, and compliance management strategies—in an environment where the focus was on resocializing the offender to be a productive member of the community. This strategy for supervision is theoretically sound, as it is based on the literature on behavioral change and conditioning as well as organizational change. PCS results illustrated

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[74] Taxman, Yancey and Bilanin. p. 12
[75] Ibid.
[76] Taxman. "No Illusions." p. 293.
[77] Ibid., p.294

that a goal-focused supervision plan can reduce the likelihood of arrest and technical violations that result in warrants and often revocation. Even more importantly, the results suggest that more productive, goal-centered contact between the offender and agent can have a positive outcome. [78]

The PCS evaluation results provide empirical evidence that major changes in community supervision practices can be accomplished with relatively few new resources, and that if the key components of change are based on the best available information about effective interventions, the results can significantly improve outcomes for people under supervision and enhance public safety at the same time. Taxman has drawn from her evaluation findings to provide a list of lessons for improving practice.

- An assessment instrument, in this case the LSI-R, can be used to develop case plans that are meaningful to offenders.

- Case plans can target different goals based on criminogenic traits.

- Offenders will take responsibility for conditions in their case plan if they understand the rationale.

- Offender non-compliance can be managed in a way to reduce warrants for technical violations but ensure public safety.

- Adherence to case plans can reduce rearrest and technical violation rates. [79]

Implementation of new initiatives evolves slowly. The evaluation detected that the model was not fully implemented on all cases – as might be expected over a short time period. The results were garnered even though 30 percent of the 274 PCS cases did not receive a proper assessment, and only 56 percent of the PCS cases had been assigned a typology. Even so, the evaluation results illustrate how introduction of a behavior-change model for supervision designed to engage and support people in improving their situation can spur broader organizational improvement for supervision agents and better outcomes for those they supervise, their families, and communities. With greater administrative compliance to the PCS model, we can look forward to even more impressive outcomes.

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[78] Taxman, Yancey and Bilanin, p 16.
[79] Ibid., p. 17.

Chapter V: What Other States Are Doing

Concerns that more and more people return from prison to their home communities each year without adequate support or resources to help them remain crime free and assume responsibility for themselves and their families has spawned a national movement to address their "reentry" needs. The enactment of the Second Chance Act by Congress in 2008 signaled the support of policymakers on both sides of the aisle. But if more support becomes available, it will be important to remember that, as Judith Sachwald says, the focus must be broader than just "compartmentalized innovation."[80] New community supervision programs – however well-intentioned or "evidence-based" – are not likely to make a significant dent in recidivism rates unless the agency responsible for supervision of people on parole is transformed, as it has been in Maryland, into a comprehensive community-based support system that guides people toward becoming productive members of their communities.

Moreover, sustaining substantial improvements in critical outcome measures, such as have been achieved in Maryland, over time will require a sustained focus on social and economic conditions in the communities that people reenter. Correctional authorities in a number of states are working to improve outcomes for people in reentry within a comprehensive strategy called justice reinvestment – developed at the Open Society Institute – for shifting and often reducing spending on corrections, increasing public safety, and improving conditions in the "high stakes" neighborhoods from which most people are sent to prison and to which they return when they are released.

The idea of justice reinvestment springs from a realization that mass incarceration impacts many urban neighborhoods in ways that serve to perpetuate cycles of crime and incarceration. The millions of dollars that are spent each year to imprison large numbers of people from impoverished neighborhoods in places like Hartford, Phoenix, and Wichita provide relatively little in terms of public safety when compared with the positive benefits of providing substance abuse treatment, housing, education, and jobs. Proponents of justice reinvestment urge that steps be taken to reduce spending on prisons and invest a portion of the savings into the infrastructure and civic institutions of high impact neighborhoods to empower the residents and improve the quality of their lives.

The concept of justice reinvestment has theoretical grounding in research findings that show how the policy of mass incarceration is itself a generator of the crime problems policymakers intended to eliminate with "get tough" laws and tighter restrictions on parole. Ground-breaking research has documented the effect of sending so many people to prison for such long terms. Dina Rose and Todd Clear examined crime statistics in Tallahassee neighborhoods and found that in neighborhoods where incarceration rates shot up the most, crime rates increased more there than in other neighborhoods in the following year. And when crime dropped in Tallahassee overall, it fell the least in the high-incarceration zones.[81]

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[80] Judith Sachwald and Earnest Eley Jr., p. 30

[81] Todd R. Clear, Dina R. Rose, Elin Waring, and Kristen Scully, "Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization" (*Justice Quarterly,* vol. 20 no. 1, March 2003).

These experts argue that when too many people are pulled from their neighborhoods, incapacitation reaches a "tipping point" that can send crime rates spiraling up. Simply churning large numbers of young people from the inner city through the prison system destabilizes neighborhoods already stressed by poverty and crime. Networks of informal social control in such locations, imperfect as they are, may still serve to keep the level of crime within limits. Those involved in low-level non-violent criminality may still provide support and care for their children and other important pro-social supports for their neighbors and friends. Viewed purely as an economic asset, each prisoner represents a net financial loss to his or her family and home community.

Connecticut pilots justice reinvestment and reduces probation violations

In Connecticut, the Council of State Governments provided *Building Bridges*, a report authored by James Austin, Michael Jacobson, and Eric Cadora, three national experts on parole and re-entry. [82] *Building Bridges* called for various changes to the state parole and probation systems to greatly reduce admissions to prison for technical violations of supervision and reduce the prison population.

Eric Cadora prepared maps that graphically displayed the disproportionate representation of residents of just a handful of low-income neighborhoods within the state prison system. Cadora's "justice mapping" technique has revealed that many urban neighborhoods in the U.S. contain "million dollar blocks" – places where so many residents are sent to prison that the total cost of their incarceration is more than $1 million.

The maps helped to illustrate the high incarceration rates in certain New Haven neighborhoods that were incurring significant prison expenditures: $19.9 million for residents from The Hill, $15.3 million for Fair Haven, and $8.6 million for Newhallville. Four neighborhoods in Hartford account for almost half of the flow of prisoners from that city into state prisons: Northeast, Asylum Hill, Barry Square, and Frog Hollow. Incarcerating Hartford's prisoners was costing the state $64 million each year.

Responding to the call for reform, lawmakers embraced a comprehensive approach to cut down on the number of people who are sent to prison for technical violations of both probation and parole. Parole and probation officials were asked to submit plans to the legislature explaining how technical violations could be reduced by 20 percent.

At the same time, legislators appropriated $13.4 million to provide expanded supervision and program services. More than $7 million of this amount was provided for contracts for new residential beds, including $2.4 million for 130 drug treatment beds targeted to people diverted from pretrial incarceration, $500,000 for people enrolled in alternative to incarceration programs, and $4.4 million for 310 new halfway house beds for returning prisoners.

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[82] James Austin, Michael Jacobson, and Eric Cadora, "Building Bridges: From Conviction to Employment; A Proposal to Reinvest Corrections Savings in an Employment Initiative" (Council of State Governments, Criminal Justice Programs. January 15, 2003. Online at http://www.csgeast.org/pdfs/justicereinvest/BuildingBridges.pdf).

The appropriation also included new probation and parole staff positions to improve supervision and support services, including $4.2 million for 68 new probation officers, $450,000 for 12 new community release officers, and a new a job development coordinator to work with people nearing release from prison. One million dollars was earmarked for creation of Building Bridges pilot projects in New Haven and Hartford to provide housing and aid re-entry for parolees.

According to a Legislative Program Review Committee assessment of the implementation of HB 5211 (now Public Act 04-234), in 2003 one of every four prison admissions in Connecticut was for a violation of probation. More than half were triggered by a technical violation, not a new crime. [83] To address the problem, HB 5211 provided funds for two new probation programs:

- **Probation Transition Program (PTP)**
  People sent to prison to serve a "split sentence" are released to probation supervision once the prison component of their sentence has been served. To assist their reentry, people assessed as "high risk" are referred to the PTP unit, operated in partnership with Community Partners in Action, a nonprofit agency based in Hartford. Probation officers and CPA staff members meet with split-sentenced prisoners within 90 days of release to provide them with information about their obligation to report to probation, to collect information about where they plan to reside after release, and to identify their needs for specific re-entry services. A service plan is developed that might cover housing, employment, substance abuse treatment, and mental health services. Once released, a PTP participant receives an average of four months of intensive case management before being transferred to a standard probation caseload. Each PTP officer carries a caseload of just 25 participants.[84]

- **Technical Violation Unit (TVU)**
  People who are failing under standard probation supervision are referred by their probation officer through the chief probation office of their unit. As with PTP, caseloads are capped at 25 people. For the next 30 to 60 days, participants receive services from contract providers under tightened supervision requirements. During a second phase the person's progress to stabilization is assessed. If the result is positive, the person will be prepared for transfer back to a standard probation caseload.[85]

The Legislative Program Review report found that decreases in the number of probation violations since initiation of these programs had reduced the number of prison admissions for such violations. The success of these interventions has since been documented by a research team at Central Connecticut State University.[86] Three years after release from prison, the technical violation rate for the PTP participants (20 percent) was significantly lower than for a

[83] Public Act 04-234 "An Act Concerning Prison Overcrowding, Final Implementation Monitoring Project Status Report, January 2008." Hartford, CT: Legislative Program Review and Investigations Committee.
[84] Ibid.
[85] Ibid.
[86] Stephen M., Cox, Kathleen Bantley, and Thomas Roscoe, "Evaluation of the Court Support Services Division's Probation Transition Program and Technical Violation Unit" (State of Connecticut, Judicial Branch, December 2005. Online at http:..www.jud.ct.gov/CSSD/research/PTP-TVU_Final.pdf) and "Third Addendum to the Final Report of the Court Support Services Division's Probation Transition Program and Technical Violation Unit" (August 2008)

PTP comparison group (38 percent), indicating that PTP has exceeded the 20 percent goal set for reduction of technical violations. The rates of violation that involved a new arrest (39 percent for PTP participants and 42 percent for PTP comparison group) indicate that the lower technical violation rate in the PTP did not result in increasing new arrests.

The total violation rate for people referred to the TVU (counting both technical violations and those involving a new arrest) was 70 percent. The program's evaluators say that in theory all of them would have actually been violated in the absence of the TVU alternative. If this is correct, the reduction they report in violations is encouraging.[87]

Since 2004, when the justice reinvestment concept was first introduced in Connecticut, the idea has spread. Planning efforts have since taken root in a number of other states, including two of Colorado's neighbors: Arizona and Kansas.

Justice reinvestment in Arizona

Correctional managers in Arizona struggle with unbridled prison population growth. Recent projections indicate that if current trends continue the state prison population will grow by 52 percent over the next ten years, twice the rate of increase projected for the state's general population, costing taxpayers billions of dollars. Analysis of population growth reveals the high rate of failure among people on community supervision as the primary driving factor behind prison growth: parole and probation revocations account for 17 and 26 percent of admissions respectively.

As in Connecticut, geographical analysis showed that a handful of neighborhoods contribute a greatly disproportional share of the people who go to prison and return upon release. South Phoenix contains just 1 percent of state residents yet accounts for more than 6 percent of the

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[87] From inception in October 2004 through August 31, 2008, 2,358 people were released from prison through the PTP. During the same period probation officers referred 2,842 people to the TVU in lieu of violation. The research involved tracking outcomes of participants in three study groups over a period of three years. The PTP and TVU groups were made up of all participants admitted to each program from inception in October 2004 to May 1, 2005. A PTP comparison group was made up of all split-sentenced probationers from the courts where PTP units were initiated and whose cases were closed during June, July, and August 2004. The data comparisons are presented here:

New Arrests and Probation Violations Across Study Groups*

	PTP (n=397)	PTP Comparison (n=134)	TVU (n=349)
Violations of Probation and New Arrests Within One Year			
New Arrests	82 (21%)	24 (18%)	69 (20%)
Technical Violations	78 (20%)	51 (38%)	122 (35%)
New Arrests and Tech. Violation	70 (18%)	32 (24%)	53 (15%)
Totals	230 (58%)	107 (80%)	244 (70%)

*Study group differences were statistically significant at p.<.05

prison population. The cost of incarcerating residents from a single Phoenix zip code mounts to $70 million annually.[88]

The Arizona Governor's Office and the Department of Corrections are collaborating with Maricopa County (Phoenix) and experts at the Council of State Governments to develop a plan to reduce crime and incarceration rates in such high-risk neighborhoods. To begin, they decided to focus on parole and find ways to change lives. The Legacy Project, a pilot program in South Phoenix's 85041 zip code area, is changing the way that parole officers supervise recently released prisoners.[89]

Zip code 85041 has concentrations of poverty, crime, and delinquency that have spanned decades, with half of the area's families receiving public welfare, food stamps, and/or state-funded health benefits. More than 200 people returned to the neighborhood from prison over the past year.

Prior to release, people who will return to 85041 are housed together for "transition-specific planning." They meet the social workers and parole agents who will work with them after release to help them and their families achieve stability.

As in Maryland, the effort is to move the focus away from a "zero tolerance" approach to technical rule violations toward assessment of criminogenic factors such as poverty, unemployment, substance abuse, and mental illness. Supervision agents are teaming up with state social workers, sharing office space and facilitating access to needed services such as health insurance, unemployment or disability benefits, and food stamps. They assist people coming out of prison to secure drug treatment and job training.

Justice reinvestment in Kansas

The most ambitious experiment with justice reinvestment is taking shape in Kansas. Before the effort got underway, two-thirds of people admitted to Kansas prisons were sent for violation of community supervision, 90 percent of which were technical violations. State officials, as part of a justice reinvestment strategy, have made a concerted effort to cut these violations in half. Key stakeholders realize that lasting reductions in recidivism will depend on neighborhood revitalization and the provision of substance abuse, mental health, employment, and housing services in the communities where people return to from prison.

Maps provided by Eric Cadora and the Justice Mapping Center are helping them to understand the problems in "high stakes" communities. Northeast central Wichita is the neighborhood with the highest incarceration rate in Kansas. Council District 1 accounts for $11.4 million of the funds spent on prison commitments over the course of a single year. The annual price tag for

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[88] "Reducing Crime & Generating Savings: Options for Arizona Policymakers" (New York: The Council of State Governments Justice Center, February 2008. Online at http://justicereinvestment.org/states/arizona/pubmaps-az)
[89] Amanda J. Crawford and Yvonne Wingett, "Ending a Cycle of Crime: Ex-cons Get a Helping Hand." (*The Arizona Republic,* June 15, 2008).

imprisonment of probation and parole violators is $5.5 million. People from District 1 occupy almost 600 prison beds, more than twice the number used by any other council district.[90]

Nearly a third of those released from prison in Kansas are homeless or lack appropriate housing options. A Department of Corrections' collaboration with the Kansas Housing Resources Commission and the Department of Social and Rehabilitation Services is working to address housing and related needs. A reentry specialist is working in Wichita to expand access to affordable housing opportunities.

A community advisory committee has been formed that includes members of the city council and the state legislature along with representatives of the local housing department, police department, and faith community. The committee is charged with the development and implementation of a neighborhood-based housing development project. They plan to target a neighborhood in Council District 1 that is currently peppered with hundreds of abandoned, boarded-up houses and blighted properties.

The Kansas justice reinvestment project is focused on redevelopment of neighborhood housing. Prisoner labor could contribute to improving the housing stock while prisoners learn construction skills. Richard Baron, partner in McCormick Baron Salazar – an experienced developer of economically integrated urban neighborhoods in St. Louis – traveled to Wichita last year to meet with local officials, local developers, and the heads of state agencies. Plans are underway in Wichita to create a city redevelopment authority empowered to acquire abandoned properties and prepare them for development.

Members of the Governor's Health and Human Services Cabinet have toured the neighborhood and are formulating a plan for integration of state resources now being expended for Medicaid, TANF, child welfare and foster care, parole, and probation to create a more neighborhood-focused model for service delivery. Last year, leaders of several banks, hospitals, private foundations, schools, and universities joined government officials in Wichita to announce commencement of the New Communities Initiative. Urban Strategies, McCormick Baron's non-profit partner organization, is facilitating the development of social capital and public services in the target area.

Corrections Secretary Roger Werholtz has championed the justice reinvestment concept. He says that the effort is working well, with the number of parolees being returned to prison dropping from 203 a month in 2003 to 103 a month in 2007, and convictions for new crimes by people on parole plummeting from 424 a year in the late 1990s to 280 a year in the past three years.[91]

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[90] Michael Thompson, Tony Fabelo and Eric Cadora, "Building Community Capacity to Reduce Crime and Save Prison Space" (Council of State Governments PowerPoint presentation to the Wichita Summit, April 18, 2005).
[91] Editorial, "Kansas a Leader on Parole Reform" (*The Wichita Eagle,* May 27, 2008).

Conclusion

High rates of recidivism and technical violations among people supervised in the community by correctional authorities are serious national problems that diminish public safety and increase incarceration costs. More than a decade of research studies have found that simply intensifying community supervision does not reduce recidivism. Rather, it produces a higher rate of technical violations. Responding to these findings, a handful of new reform initiatives, anchored in evidence-based practices, are demonstrating that more effective supervision models can have a positive impact in both regards.

This report has focused primarily on the Maryland Division of Parole and Probation's Proactive Community Supervision model as a highly effective alternative to traditional supervision. A rigorous evaluation of the Maryland model has shown that very significant improvements can be won with relatively few new resources. By improving the operating environment for supervision agents – providing them with new tools for assessment and new skills for supervision – correctional managers have transformed the relationship between agents and the people they supervise. This was accomplished through astute planning, judicious introduction of evidence-based practices, and uncommon dedication to training agents and their supervisors. The remarkable results achieved in Maryland prove that improvements in public safety can go hand in hand with reducing correctional costs.

Finally, the research findings from Dr. Steen's investigation in Colorado of the disparate impact on blacks of sanctions for technical parole violations, while not yet conclusive because of the size of the study's sample, are nonetheless alarming, given the statistical strength of the findings. This suggests that a focus on racial disparity be considered a high priority in the work of the Colorado Commission on Criminal and Juvenile Justice. The subject warrants continued careful study and additional resources if we are to maintain necessary public confidence in equal justice and the fair administration of our laws.

Colorado's crime rate has been sustained at a historic low for the past eight years.[92] Yet current correctional policies and practices show high rates of failure, the prison system mushrooming in size, and correctional costs on an upward spiral. The situation – given the current economic crisis – cannot continue. Proven models for reform are available. It is time to take action to implement these reforms in Colorado. We hope the information contained in this report will prove useful as policymakers in Colorado, particularly the Commission on Criminal and Juvenile Justice, evaluate and implement strategies for reform.

Appendix of Statistical Tables

These tables are drawn from Dr. Faye Taxman's research to illustrate the implementation and impact of PCS in Maryland, as discussed on pages 29 and 30.

Development and Implementation of Responsibilities and Actions in Case Plans					
	Typology				
	Disassociated (n=71)	Drug Involved (n=36)	DV/MH/Sex (n=16)	Violent (n=30)	Typology Unidentified (n=121)
Mean # of Agent Responsibilities in Case Plan	3.4	6.4	4.3	2.9	0.5
Mean # of Offender Responsibilities in Case Plan	3.8	5.0	4.2	4.0	2.0
Mean # of Responsibilities where Agent Took Action	2.3	4.2	3.1	2.5	0.3
Mean # of Responsibilities where Action by Offender Was Taken	0.7	2.2	2.7	2.0	0.9

Source: Faye S. Taxman, "No Illusions: Offender and Organizational Change in Maryland's Proactive Community Supervision Efforts" (*Criminology and Public Policy*, vol. 7, no. 2 ,Table 3, June 2008) p. 291,

Supervision Contacts and Drug Tests		
	Had a Typology	
	Yes	No
Mean Number of Contacts per Month	1.7	1.3
Mean Number of Drug Tests per Month for People with Court-Ordered Conditions	2.0	1.3
Mean Days Between Contacts	24	48

Source: Faye S. Taxman, "No Illusions: Offender and Organizational Change in Maryland's Proactive Community Supervision Efforts" (*Criminology and Public Policy*, vol. 7, no. 2 ,Table 4, June 2008) p. 292,

Noncompliant Behaviors and Sanctions					
	Typology				
	Disassociated (n=71)	Drug Involved (n=36)	DV/MH/Sex (n=16)	Violent (n=30)	Typology Unidentified (n=121)
No Noncompliant Behaviors	17%	6%	13%	17%	9%
Mean Number of Noncompliant Incidents	19.2	26.1	11.3	6.3	18.8
Noncompliant Incidents Sanctioned	33%	27%	44%	26%	39%

Source: Faye S. Taxman, "No Illusions: Offender and Organizational Change in Maryland's Proactive Community Supervision Efforts" (*Criminology and Public Policy*, vol. 7, no. 2 ,Table 5, June 2008) p. 292,

Survival Days on Supervision				
	Arrest Free		Technical Violation Warrants Filed	
	30 Days	365 Days	50 Days	365 Days
PCS	95%	71%	2%	20%
Non-PCS	95%	62%	6%	29%

Source: Taxman, Faye S., Christina Yancey and Jeanne E. Bilanin, Proactive community supervision in Maryland: Changing offender outcomes, Maryland Division of Parole and Probation, February 2006

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