

CaIRAPP PROBATION VIOLATIONS WORKSHOP



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS

March 21–22, 2011

Catalina Room, Third Floor
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California

Agenda

Evidence-Based Responses to Offender Behavior: Encouraging Prosocial Behavior; Effectively Managing Violations

MONDAY, MARCH 21, 2011

10:00–10:30 a.m. Welcome; Introductions; Workshop Goals; Icebreaker

10:30–11:00 a.m. Approach to the Workshop

- Assign team member roles
 - Facilitator
 - Recorder
 - Time keeper
- Establish your ground rules for working together

11:00 a.m.–12:00 p.m. Opening Presentation: Evidence-Based Responses to Violations

12:00–1:00 p.m. **Lunch**

1:00–1:15 p.m. Work Product #1: Develop Clarity around Language/Create Your Definitions

- Violation vs. revocation
- Responses vs. sanctions

1:15–1:45 p.m. Work Product #2: Clearly Define Your Goals

- Goals of supervision
- Goals of the violation process

1:45–2:00 p.m. **Break**

2:00–3:15 p.m. Work Product #3: Define the Range of Behaviors

- Identify violation behaviors
- Identify prosocial behaviors

3:15–5:00 p.m. Work Product #4: Responses to Violations and Prosocial Behaviors

- Identify responses available (current and future) to violation behaviors
- Identify responses available (current and future) to prosocial behaviors
- Link between behaviors, criminogenic needs and responses

5:00 p.m. Adjourn

TUESDAY, MARCH 22, 2011

- 8:00–8:30 a.m. **Continental Breakfast**
- 8:30–8:45 a.m. Welcome: Issues, Ideas, Concerns Following Yesterday’s Work;
Plan for the Day
- 8:45–9:45 a.m. Work Product #5: Additional Decision Making Considerations
- Level of risk
 - Special populations
 - Stabilizing/mitigating factors
 - Destabilizing/aggravating factors
- 9:45–10:45 a.m. Work Product #6: The Decision Making Instrument
- 10:45–11:00 a.m. **Break**
- 11:00 a.m.–12:00 p.m. Work Product #7: Key Policy Issues (Part A)
- Weighting
 - Scale behaviors across both lists
 - Scale responses across both lists
 - Approach to stabilizing/destabilizing factors
- 12:00–1:00 p.m. **Lunch** (working lunch as needed)
- 1:00–2:30 p.m. Work Product #7: Key Policy Issues (Part B)
- Focus of responses
 - Responses to and documentation of all violations
 - Documentation of prosocial behaviors
 - Circumstances under which an over/under ride will occur
 - Accumulation vs. “clean slate”
 - Define roles
 - Role of Probation Officer
 - Role of supervisors
 - Role of deputies/Chief
- 2:30–2:45 p.m. **Break**
- 2:45–3:15 p.m. Data Collection and Evaluation
- Purpose; general next steps; establish ad hoc work group
- 3:15–4:15 p.m. External Stakeholder Input
- Define stakeholders (court, defense, prosecution, other)
 - Develop strategy to engage/gain input and feedback
- 4:15–5:15 p.m. Plan a Pilot
- Which staff?
 - Which cases?
 - What training?
 - Which time period?
 - Oversight and problem solving
 - Monitoring the data
 - Feedback from end-users
 - Policy guidance
 - Modifications and improvements
 - Full scale implementation plan
- 5:15–5:30 p.m. Next Steps/Follow Up TA Needs
- Prepare a system map
 - Other work plan items
- 5:30 p.m. Adjourn

**CAL-RAPP
PROJECT
WORKSHOP**

MARCH 20-21, 2011

SAN FRANCISCO

**EVIDENCE-BASED
RESPONSES TO OFFENDER
BEHAVIOR:**

**ENCOURAGING PROSOCIAL
BEHAVIOR; EFFECTIVELY
MANAGING VIOLATIONS**

WORKSHOP GOALS

- ⦿ Review the key research that underlies an evidence-based approach to responding to prosocial behavior and violation behavior
- ⦿ Develop the framework of a system of structured responses to violation behavior
- ⦿ Develop the framework of a system of structured responses to rewards and incentives for prosocial behavior
- ⦿ Identify next steps for implementing these approaches

GETTING ORGANIZED FOR THE WORK

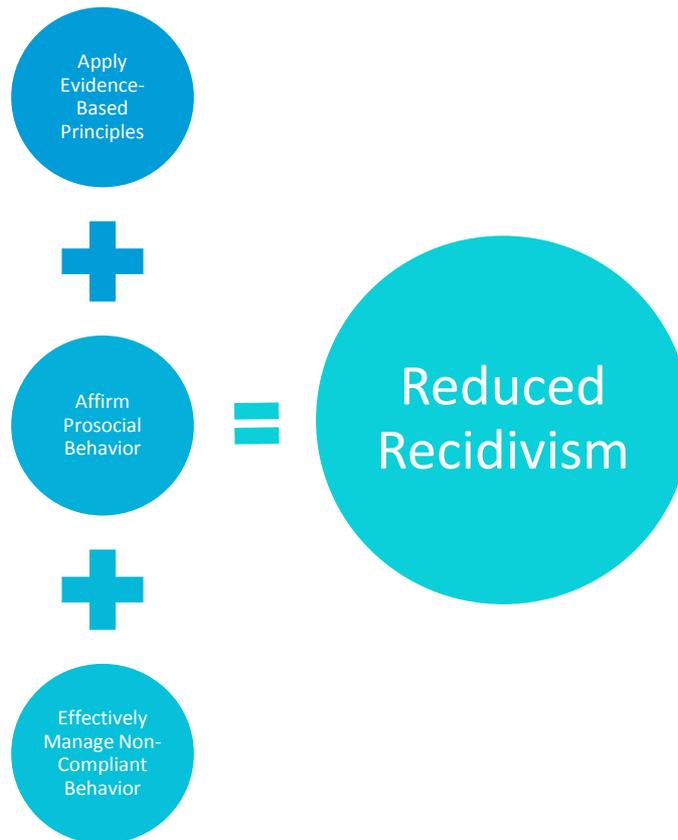
- ⦿ Establish your ground rules for working together
- ⦿ Team member roles
 - Select a facilitator (be mindful of the characteristics of an effective facilitator)
 - ⦿ Create a “Next Steps Action Planning” Page
 - ⦿ Create a “Parking Lot” Page
 - Select a recorder
 - Select a timekeeper
- ⦿ Group agreement on our learning environment
 - Outlook: creativity and innovation
 - Pace
 - Breaks
 - Questions, dialogue and sharing

EVIDENCE-BASED RESPONSES TO VIOLATIONS

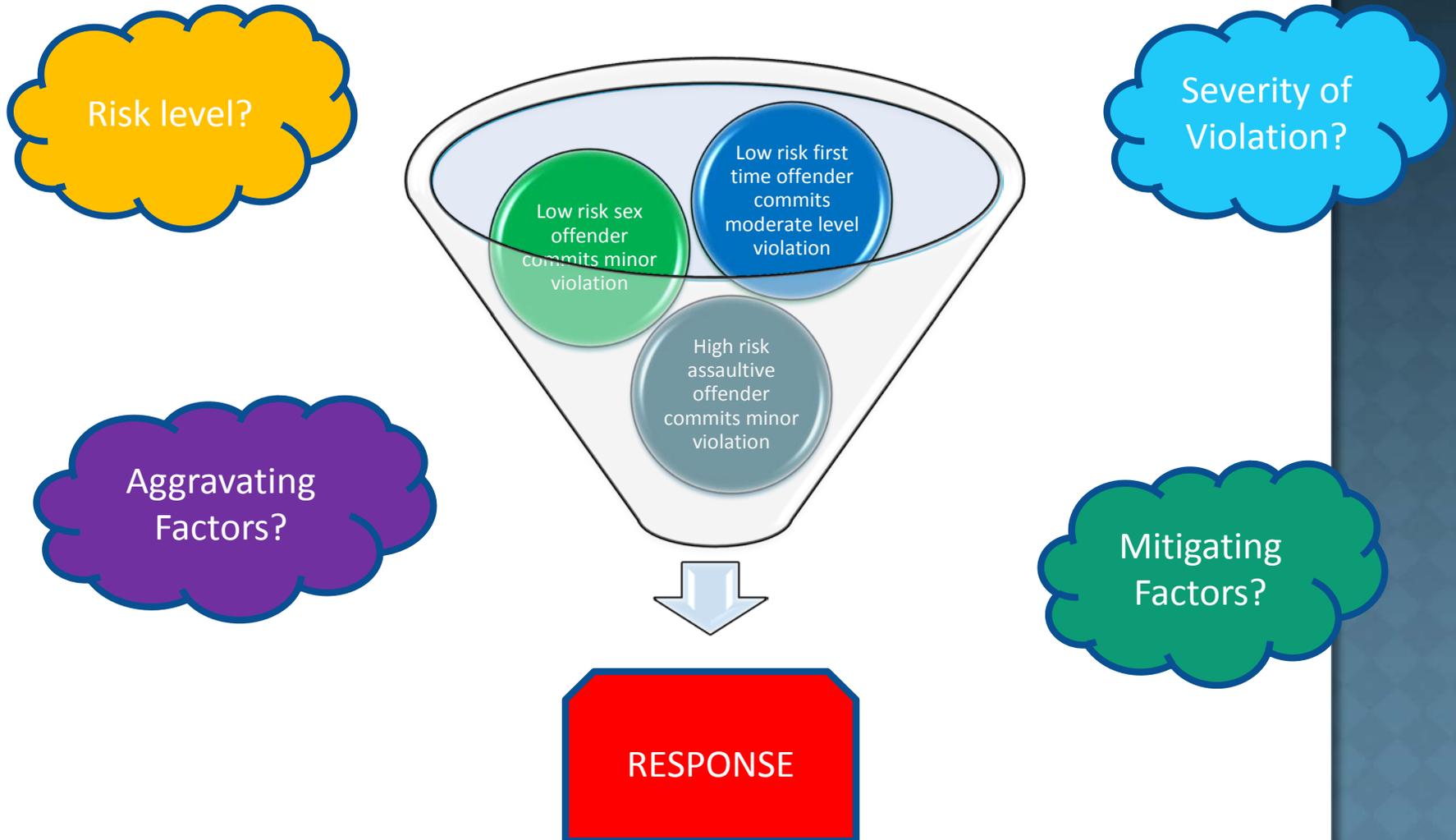
GOAL = INCREASE PUBLIC SAFETY BY EQUIPPING OFFENDERS TO BE SUCCESSFUL IN THE COMMUNITY

- What works in changing offender behavior generally?
- What works in responding to offender misbehavior?
- What are the implications of these findings on supervising offenders and responding to non-compliance?

An Overall Strategy to Increase Successful Outcomes



DO WE ADEQUATELY DISCRIMINATE – AND CONSIDER THE APPROPRIATE FACTORS – WHEN RESPONDING TO VIOLATIONS?



AN EVIDENCE-BASED APPROACH TO VIOLATION DECISION MAKING...

...uses research-supported approaches to encourage positive behavior change.

THE GOAL:

Use responses that will both hold offenders accountable *and* reduce the likelihood of future violations/new crime behavior.

TOP

5

RESEARCH FINDINGS
LESSONS FROM PRACTICE
PRINCIPLES FOR VIOLATIONS

5 KEY EBP RESEARCH
FINDINGS IMPORTANT TO
OUR WORK HERE TODAY

RESEARCH FINDING #1:

- Empirically-based assessment tools provide a more accurate statistical probability of reoffense than professional judgment alone.
 - See: Andrews & Bonta, 1998; Andrews et al., 1990; Gendreau et al., 1996; Grove et al., 2000; Grove & Meehl, 1996

EXAMPLES OF AN EVIDENCE-BASED PRACTICE:

- Administer an empirically-based risk assessment tool.

RESEARCH FINDING #2:

- Services should be targeted to those offenders who are assessed as medium or high risk to reoffend. Offenders who are at low risk to reoffend are unlikely to benefit from a correctional intervention designed to change their behavior.
 - See: Andrews, 2007; Andrews & Bonta, 2007; Andrews, Bonta, & Wormith, 2006; Andrews & Dowden, 2007; Andrews, Dowden, & Gendreau, 1999; Bonta, 2007; Dowden, 1998; Gendreau, Goggin, & Little, 1996; Lipsey & Cullen, 2007

EXAMPLES OF AN EVIDENCE-BASED PRACTICE:

- Assess the risk level of offenders to determine who (i.e., medium and high risk) should get services, and the length and intensity of those services.

RESEARCH FINDING #3:

- Risk of recidivism is greatly reduced when attention is paid to criminogenic needs (dynamic risk factors) such as antisocial attitudes, beliefs and values, antisocial peers, and certain personality and temperamental factors. There is a clear association between the number of criminogenic needs targeted and reduced recidivism; the higher the number of needs targeted, the lower the rate of recidivism.
 - See: Andrews, 2007; Andrews et al., 1990

EXAMPLES OF AN EVIDENCE-BASED PRACTICE:

- Use assessment instruments to identify offenders' individual criminogenic needs.
- Understand criminogenic needs and know how to effectively address them in case management planning and supervision/violations process.

RESEARCH FINDING #4:

- The most impactful programs aimed at changing criminal behavior and reducing recidivism are cognitive-behavioral and behavioral interventions.
 - See: Andrews, 2007; Aos, Miller, & Drake, 2006a; Landenberger & Lipsey, 2005; Lipsey & Landenberger, 2006; Lipsey, Landenberger & Wilson, 2007

EXAMPLES OF AN EVIDENCE-BASED PRACTICE:

- Use cognitive behavioral interventions to promote behavioral change



RESEARCH FINDING #5:

- The use of incentives can be a powerful tool in shaping offender behavior and promoting positive behavioral change.
 - See: Andrews and Bonta, 2006; Cullen & Gendreau, 2000; Drake & Barnoski, 2008; Latessa, Cullen, & Gendreau, 2002; National Research Council, 2007; Petersilia, 2007; Petersilia, 2004; Taxman, Soule, & Gelb, 1999

EXAMPLES OF AN EVIDENCE-BASED PRACTICE:

- Develop policies/implement practices to encourage prosocial behavior (such as letters of affirmation, reduced reporting requirements, and early termination).

5 KEY PRACTICE LESSONS
IMPORTANT TO OUR WORK
HERE TODAY

KEY PRACTICE #1: DON'T WAIT FOR FAILURE

- ⦿ Often we have a good idea who will fail, and how.
- ⦿ Take a proactive approach to offender management...
 - anticipate failure and intervene in appropriate ways to make the violation less likely
- ⦿ Spend more time with those offenders who appear most likely to violate rules or conditions
 - establish more appropriate case plans to interrupt failure
 - work with community providers and others to address criminogenic factors.

KEY PRACTICE #2:

ACKNOWLEDGE AND ENCOURAGE POSITIVE BEHAVIOR

- The use of incentives can be a powerful tool to enhance motivation
 - Develop structured methods to identify and reward positive behavior to encourage pro-social behavior



KEY PRACTICE #3:

WHEN VIOLATIONS DO OCCUR, RESPOND TO EVERY VIOLATION

- ⦿ In order to demonstrate commitment to supervision rules or conditions, staff should respond to every violation promptly.
 - A primary value is letting offenders know we are paying attention.
- ⦿ We want to be clear in the message we send to offenders (and staff) about rules. Rules or conditions are taken seriously (so create/impose them wisely).
- ⦿ Ignoring violations only encourages more violations – and promotes failure rather than success.

KEY PRACTICE #4:

MAKE RESPONSES EFFECTIVE

- ⦿ Responses do not need to be harsh to be effective.
- ⦿ Respond in ways proportional to the wrong-doing.
- ⦿ Resolve problems at the lowest possible level.

Violations of supervision conditions are windows on offenders' "trouble spots."

View them as opportunities to understand and address problem areas before they escalate.



KEY PRACTICE #5: USE A GUIDELINE TO SUPPORT CONSISTENCY AND PROPORTIONALITY

- ⦿ Ensures that staff are considering the appropriate factors in their decision making and weighting them in similar ways.
- ⦿ Resolves internal matters such as “supervisor shopping.”
- ⦿ Creates a common language and common expectations among staff and between probation and the Court.

5 PRINCIPLES & RESEARCH
FINDINGS RELATED TO
VIOLATIONS THAT ARE
IMPORTANT TO OUR WORK
HERE TODAY

PRINCIPLE #1: CELERITY

- ✓ **Reducing time delay between behavior and response = reduced violations, therefore...**
- ✓ **Respond to violations as quickly as possible**

See: Rhine, 1993

PRINCIPLE #2: CERTAINTY

- ✓ **Increasing certainty of response = reductions in future deviance, therefore...**
- ✓ **Respond (in some way) to every violation**

See: Grasmack & Bryjak, 1980; Nichols & Ross, 1990; Paternoster, 1989

PRINCIPLE #3: CONSISTENCY

- ✓ **Similar decisions in similar circumstances = increased compliance, therefore...**
- ✓ **Use decision making instruments that produce consistent results**

See: Paternoster, Brame, Bachman, & Sherman, 1997

PRINCIPLE #4: NEUTRALITY

- ✓ **Processes that are impartial, logical and fair = increased adherence to rules, therefore...**
- ✓ **Inform offenders how responses are determined**

See: Tyler, 1990

PRINCIPLE #5:

PROPORTIONALITY

- ✓ **Level of punishment should be commensurate with the severity of the behavior, therefore...**
- ✓ **Match sanction severity to the severity of the violation**

See: Von Hirsch, 1993

COMPONENTS OF STRUCTURED DECISION MAKING POLICIES/TOOLS

◎ RISK ASSESSMENT

- Risk assessment tools serve as the anchor.

◎ SCALED VIOLATIONS

- A scaled continuum of violation behavior defines for officers the relative importance of various types of non-compliant behavior.

◎ CATEGORIZED RESPONSE OPTIONS

- An arrayed set of responses (least intrusive to most intrusive) guides officers in the selection of proportional responses, while still allowing for the selection of a response that **will address individual offenders'**

◎ STABILIZING/DESTABILIZING (AGGRAVATING/MITIGATING) FACTORS

- Takes into account unique conditions in a case that may suggest that the appropriate response is more intensive *or* less intensive than the presumptive response level. Enables agencies to add objectivity to traditionally subjective circumstances.

APPLY EVIDENCE-BASED PRACTICES TO SUPERVISION



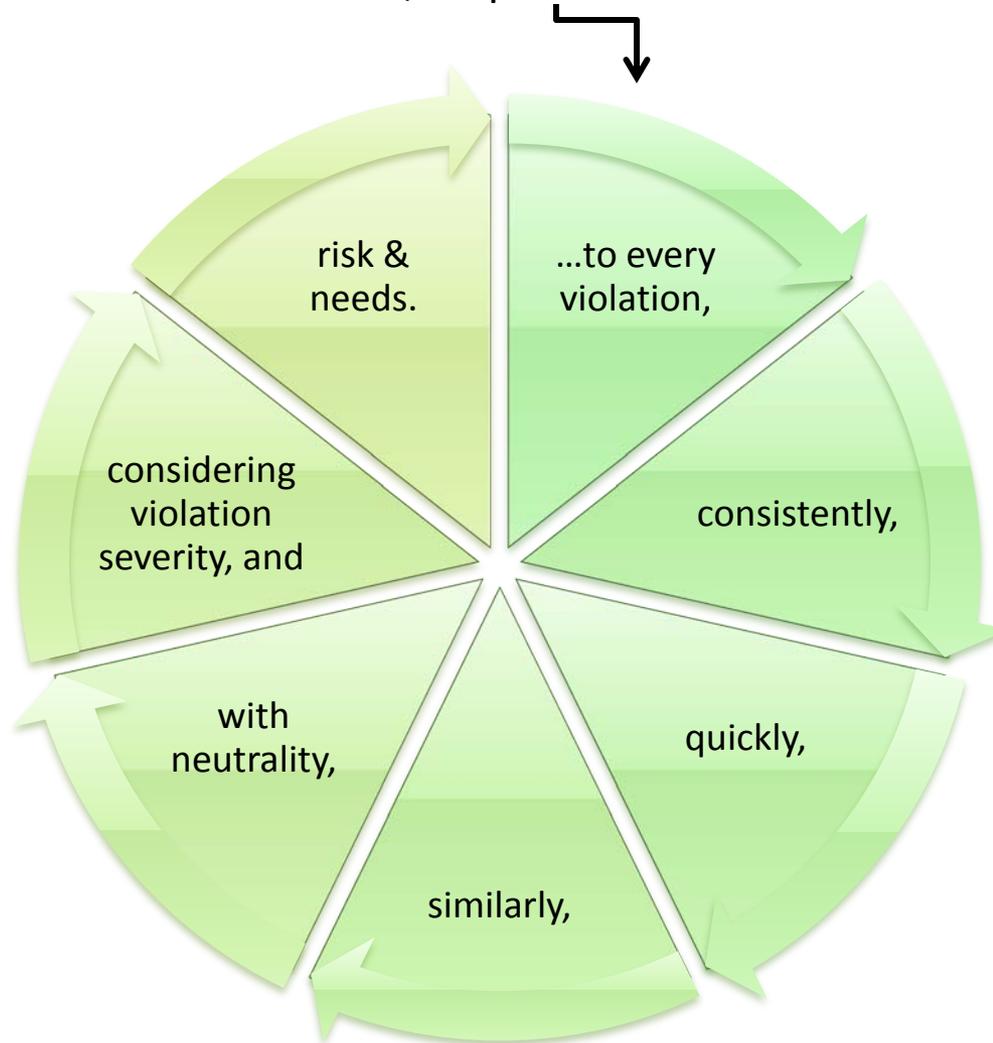
A VIOLATION PREVENTED IS BETTER THAN A VIOLATION RESPONDED TO EFFECTIVELY



"I'll have an ounce of prevention."

SO.... ESTABLISH PROCESSES TO EFFECTIVELY MANAGE NON-COMPLIANT BEHAVIOR

BUT... When violations *do* occur, respond....



Work Product #1

DEVELOP CLARITY AROUND
LANGUAGE/CREATE YOUR
DEFINITIONS

WORDS HAVE DIFFERENT MEANINGS TO EACH OF US

◎ Example: Many different definitions for “recidivism”

- Recidivism is... a conviction for a felony within 3 years of supervision discharge
- Recidivism is... a new arrest for any new crime at any time
- Recidivism is... a finding by the court that a technical violation of supervision has occurred.

An important step in this process is
to create a common language: probation, defense,
prosecution, judiciary, offenders, others.

DEFINE THE FOLLOWING WORDS

1:00 – 1:15

VIOLATION

Tip: This is a behavior.

REVOCACTION

Tip: This is an action.

RESPONSE

Tip: This is a neutral word; it does not suggest type or severity.

SANCTION

Tip: This is generally regarded as a punishment.

A special note about the term “graduated sanctions.”

DEFINE THE FOLLOWING WORDS

1:00 – 1:15

VIOLATION

Tip: This is a behavior.

RESPONSE

Tip: This is a neutral word; it does not suggest type or severity.

REVOCACTION

Tip: This is an action.

SANCTION

Tip: This is generally regarded as a punishment.

A special note about the term “graduated sanctions.”

WORDS WITH MANY MEANINGS

- ⦿ Recidivism
- ⦿ Public safety
- ⦿ Community safety
- ⦿ Accountability
- ⦿ Revictimization
- ⦿ Successful completion

*Just be clear with yourselves
about what these words mean.*

ASSIGNMENT:

POST YOUR DEFINITIONS. ON
BREAK, REVIEW AND
CRITIQUE (BY POSTING A
NOTE ON THE FLIPCHART)
ONE ANOTHER'S DEFINITIONS.

Work Product #2

CLEARLY DEFINE YOUR GOALS

WHAT ARE YOUR GOALS?

- ◎ **Goals of supervision?**
- ◎ **Goals of the violations process?**

What outcomes are you striving to achieve?

GOALS

1:15 – 1:45

- ◎ **Brainstorm a list of concepts**
 - Watch and react?
 - Anticipate and prevent?
 - “Trail and nail”?
 - Promote success?
 - Identify and redirect behavior?
 - Identify opportunities to encourage success?
 - Identify and respond to individuals’ whose behavior suggests a danger to the community?

- ◎ **Draft a goal statement for each**

- ◎ **Report out to the group**

WHAT ARE YOUR VALUES?

○ Examples:

- Fairness?
- Proportionality?
- Consistency?
- Transparency?
- Least intrusive intervention?
- Lowest level of intervention necessary?
- Cost effectiveness?
- High impact?
- Others?



***Put this on your
Next
Steps/Action
Plan list.***

Reminder: Some of these have an empirical basis.

Work Product #3

DEFINE THE RANGE OF BEHAVIORS

WHAT ARE THE BEHAVIORS THAT ARE CONSIDERED A VIOLATION?

2:00 – 2:45

○ Examples:

- *Late for a supervision appointment*
- *Failure to comply with curfew*
- *Dirty urine*
- *Etc.*



Feel free to use examples from other jurisdictions

1. Develop a complete list through brainstorming or reference to existing materials.
2. Place these on a continuum from “not so bad” to “really bad.” Use the “all things considered equal” principle in doing so.

WHAT ARE THE PROSOCIAL BEHAVIORS THAT SHOULD BE RECOGNIZED AND AFFIRMED?

2:45 – 3:15

○ Examples:

- *Achieved a goal on the case management plan*
- *30 days clean*
- *Arrived at appointment on time*
- *“Came clean” about something*
- *Demonstrated an act of genuine kindness*
- *Etc.*



Feel free to use examples from other jurisdictions

1. Develop a complete list through brainstorming or reference to existing materials.
2. Place these on a continuum from “glad that happened” to “wow, what an amazing achievement!” Use the “all things considered equal” principle in doing so.

Work Product #4

RESPONSES TO VIOLATIONS AND PROSOCIAL BEHAVIORS

RESPONSES TO THESE BEHAVIORS

3:15 – 4:00

Responses to Violation Behavior:

1. Currently available
2. Potentially available
3. *Arrayed on a continuum (least severe to most severe) [tomorrow]*

4:00 – 4:30

Responses to Prosocial Behavior:

1. Currently available
2. Potentially available
3. *Arrayed on a continuum (least investment to most) [tomorrow]*

CRIMINOGENIC NEEDS

Top Four	Other Four
Antisocial thinking, values	Substance abuse
Antisocial peers	Employment
Antisocial personality (temperament)	Education
Family stressors	Leisure

Brandon Lucas is a nineteen-year old male on probation for felony theft. He moved to Davis six months ago from Napa in order to live with his aunt. He reports his mother was evicted from her residence. Brandon reports difficulties establishing positive relationships since his move to Davis.

Brandon graduated from high school and is unemployed and reports no work history. He is not in a relationship with anyone and reports strained relationships with most of his family.

Brandon used to be a heavy marijuana user but quit a year ago because he was tired of “everyone being on my case.” Brandon does not have any positive goals for the next one to five years and reports he is living day to day just “trying to survive”.

The risk assessment showed him to be medium-high risk to reoffend with criminogenic needs in the areas of antisocial thinking, family conflict, employment, and antisocial personality (impulsivity and anger).

Brandon failed to show up for both of his probation appointments this month, and one out of two last month, and has not made any restitution payments. He indicates that he is tired of being harassed by his probation officer and that everything would be fine if he were just left alone. He said that he forgot about his appointments and is too broke to pay restitution.

MAKING THE LINKS

BEHAVIOR

Late for appointment

Act of kindness and selflessness



CRIMINOGENIC NEEDS

Anti-social thinking

Anti-social thinking



RESPONSE

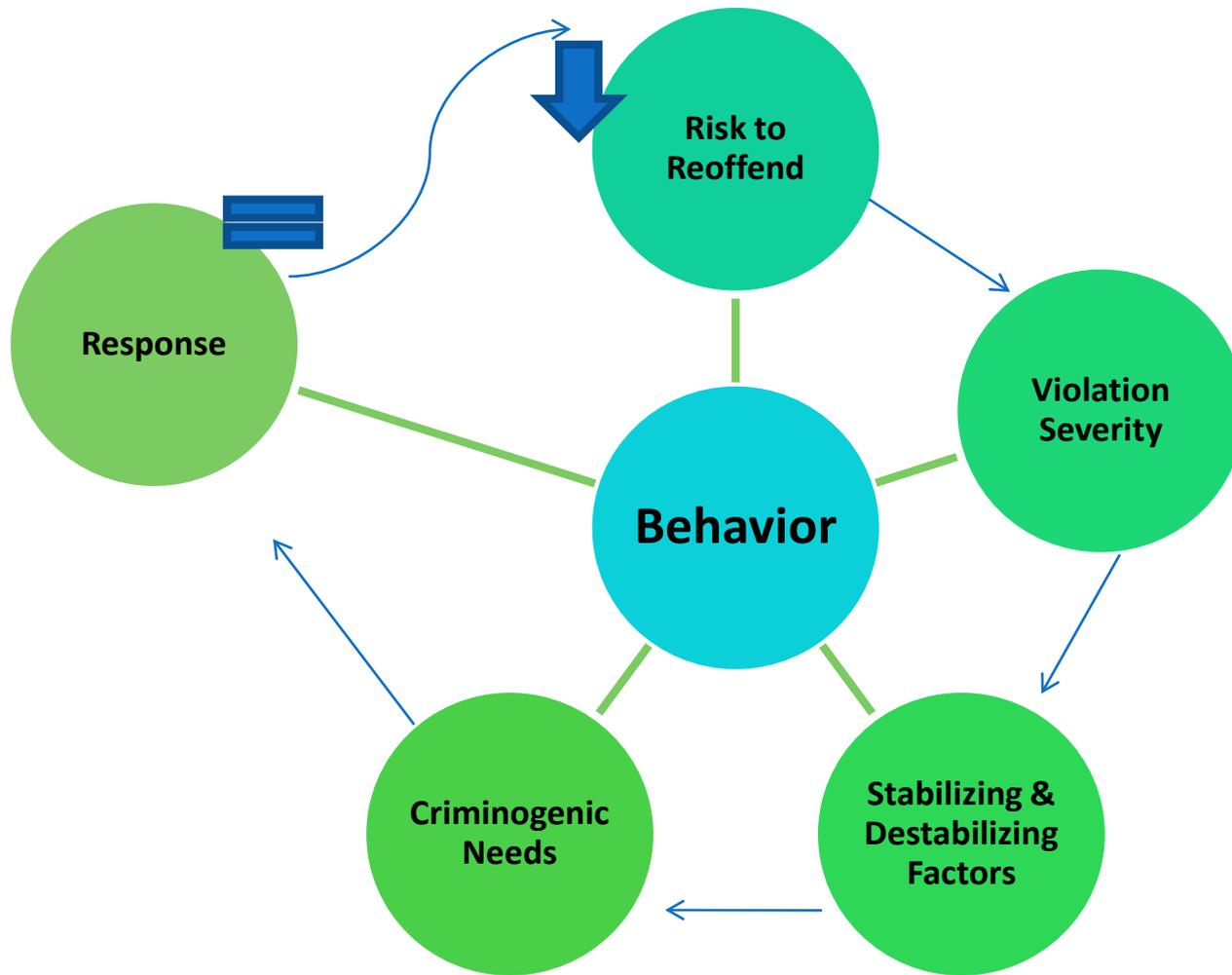
????

????

Work Product #5

ADDITIONAL DECISION MAKING CONSIDERATIONS

KEY CONSIDERATIONS IN FORMULATING RESPONSES



KEY CONSIDERATIONS IN FORMULATING RESPONSES

8:45 – 9:45

- ⦿ Level of risk
 - General risk assessment tools
 - Specialized risk assessment tools

- ⦿ Stabilizing (or “mitigating”) factors

- ⦿ Destabilizing (or “aggravating”) factors

KEY CONSIDERATIONS IN FORMULATING RESPONSES

8:45 – 9:45

Answer the following questions:

1. How will you determine level of risk?
 - a) General risk assessment tools
 - b) Specialized risk assessment tools

2. Will you include stabilizing and destabilizing factors in your decision making process?

3. If #2 is “yes,” develop a list of the criteria you think should be considered. Keep a few considerations in mind....

Stabilizing factors:

- Presence of positive family, peer or other social support in the community;
- Job stability;
- Enrollment and participation in an established education and/or treatment program;
- Stable and appropriate residence;
- Positive performance history on supervision;
- Lack of appropriate program in recommended response level with appropriate program available at lower response level;
- Proposition 36; and
- Other.

Destabilizing factors:

- Violation is directly related to either the commitment offense or a pattern of previous criminal behavior;
- Acutely unstable home situation;
- Demonstrated inability of the offender to support self;
- Evidence of escalating drug or alcohol addiction;
- Chronic pattern of violations while under supervision;
- Lack of any appropriate program in recommended response level;
- Criminal charges pending and maximum controlling discharge date within 60 days; and
- Other.

CAUTIONS ABOUT THE FACTORS

- ⦿ If you value consistency, there should be some standard ways to measure the factor.
- ⦿ Risk tools will already account for some considerations (e.g., seriousness of criminal history). The value of including additional factors is the additional factor, rather than the duplication of factors already being considered.
- ⦿ If the goal is risk reduction, should the additional factors be empirically based (i.e., housing stability, level of motivation, others)?

CAL-RAPP PROJECT WORKSHOP

MARCH 20-21, 2011

SAN FRANCISCO

WELCOME TO DAY TWO!

**CHECK-IN:
QUESTIONS, ISSUES,
CONCERNS, THOUGHTS
BEFORE WE GET
STARTED?**

SUMMARY

BUILDING A POLICY

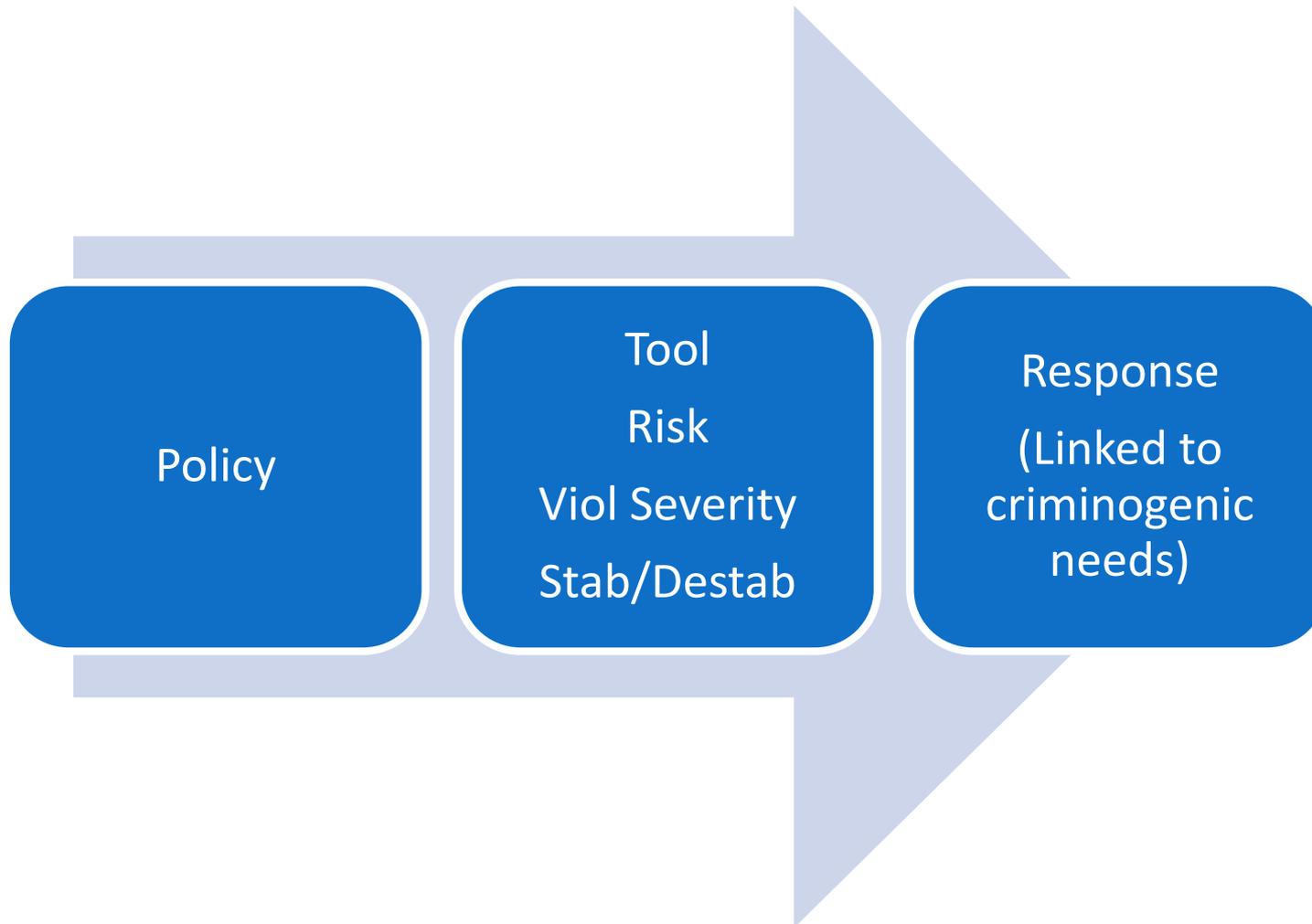
Goals and Values



Key Policy Decisions

- Consider level of risk
- Consider severity of the violation
 - Scaling
- Consider stabilizing/destabilizing factors
- Determine level of discretion/authority/oversight
- Over-rides/under-rides
- All instances of behavior or some
 - Violation
 - Prosocial
- Accumulated violations vs. clean slate
- Multiple violations (one incident, multiple incidents)

BUILDING A PROCESS



EXTERNAL STAKEHOLDERS

- ⦿ Which cases are referred to the court?
- ⦿ What information is provided?

SETTING THE STAGE FOR SUCCESS

Data collection and evaluation

Quality assurance

Planning a pilot

Getting stakeholder input and feedback

BEHAVIORS AND RESPONSES

Violation Behavior:

- 1. Arrayed on a continuum
(least severe to most severe)**

Prosocial Behavior:

- 1. Arrayed on a continuum
(least investment to *most*)**

Work Product #7

KEY POLICY ISSUES

STABILIZING/ DESTABILIZING FACTORS

- ⦿ Will you use them?
- ⦿ Return to your work from yesterday and continue to refine.
- ⦿ When will they be considered?
 - Before presumptive response is determined
 - After presumptive response is determined
- ⦿ How will they be considered?
 - Weighted vs. something less structured?

ADDITIONAL VIOLATION CONSIDERATIONS

- ⦿ Policy Question: Parameters
 - Violations and responses: all vs. some?
 - Prosocial behaviors: which ones/how many/how often?
- ⦿ Policy Question: Efficiency
 - Will you create some new response options (e.g., internal administrative hearing)?
- ⦿ Policy Question: Documentation
 - Violations and responses: all vs. some?
 - Prosocial behaviors: document vs. not; some vs. all?
- ⦿ Policy Question: Roles and Oversight
 - PO
 - Supervisor
 - Deputies/Chief

MORE POLICY QUESTIONS

- ◉ Policy Question: Accumulated violations vs. clean slate
- ◉ Policy Question: Multiple violations (one incident, multiple incidents)
- ◉ Policy Question: Limit number of responses (don't over-respond through multiple responses)
- ◉ Policy Question: Establish an acceptable over-ride/under-ride usage rate

ARREST FOR NEW CRIME WHILE ON SUPERVISION

- ⦿ Always referred to the court?
- ⦿ Before conviction, or after?

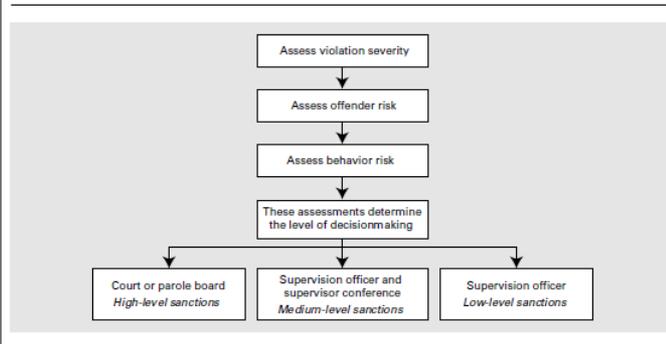
Work Product #6

THE DECISION MAKING INSTRUMENT

SAMPLE TOOLS

EXHIBIT 10-1.

Violation Response: Sample Decision Tree



Decision Tree,
Unnamed Jurisdiction

EXHIBIT 6-3.

Decisionmaking Matrix
(New Haven, Connecticut)

Offender Risk			Violation Severity			
High risk	Medium risk	Low risk	High-severity violations	Less severe violations		
B felony Sexual assault Sex-related offense Assault 1, 2 Arson, risk of injury Firearms, burglary 1, 2 Sale/possession with intent to distribute narcotics	C & D felony Score of 22-26 (misdemeanor only) Harassment	Misdemeanor and score of 27 or higher All motor vehicles B & C misdemeanor (except harassment)	Noncompliance with residential placement Failure to comply with evaluation or treatment for mental health and sex offender cases Deliberate pattern of noncompliance Absconder after 60 days Multiple electronic monitoring curfew violations Driving while intoxicated cases: Driving without a license Offender's behavior directly threatens an identifiable victim(s)	All other types of violations		
Current or recent assaultive or violent behavior						
Score of 21 or less						
Violation Response Guidelines			VOP Responses			
Risk	Severity	Response	Guidelines	High range	Medium range	Low range
High	High	High	A high-range response is generally appropriate. A medium- or low-range response requires staffing.*	Warrant Summons to appear	Residential treatment (outpatient to inpatient)	Homefield visits Increase contact
Medium	High or Low	Medium	A medium-range response is most appropriate. A high-range response requires staffing.	Residential (alternative to incarceration center, halfway house, or treatment)	Nonresidential	Counseling Reprimand
Low	Low or Medium	Low	A low- or medium-range response is generally appropriate. A high-range response requires staffing.	Day incarceration center Electronic monitoring (house arrest or curfew)	Curfew Urinalysis	
Low	Low	Low	A low-range response is generally appropriate. High-range and residential treatment responses require staffing.	Intensive supervision Alternative to incarceration center Extension of probation Court reprimand		

* Staffing is a case conference between the probation officer and a designated staffing officer.

Matrix,
New Haven, Connecticut

SAMPLE TOOLS

EXHIBIT 6-6. Violation Response Matrix (Pima County, Arizona)

Is Offender Risk High or Low?	Is Severity of Violation High or Low?	Is Current Situation Risk High or Low?	Response Level?
<p>High if:</p> <ul style="list-style-type: none"> Original Intensive Probation Supervision matrix score is 8 or more. The probationer is a sex offender. The probationer is an acknowledged member of a street gang. The probationer has more than two DUIs within the last 5 years. The original offense involved a predatory, assaultive crime against a person. 	<ul style="list-style-type: none"> Use the Violation Severity Table to determine severity. If the violation is not included in the table, case is staffed with the unit supervisor to determine level. If no violations have been documented during the preceding 6 months or more, the current violation should be considered a "first" violation for the purpose of determining severity. 	<p>If two or more of the following factors exist, the risk is high:</p> <ul style="list-style-type: none"> Use of drugs or alcohol and/or failure to complete treatment. Current or recent pattern of avoiding officer contact. Emotional instability/distress—probationer or family—including domestic violence. Current or recent unacceptable pattern of employment, residence, or associations. <p>Do other situational factors exist which could suggest an increased risk to reoffend? If yes, these should be documented and the situation considered high risk.</p>	<p>H = high M = moderate L = low</p>

Y (Y = yes, N = no)

```

graph TD
    Y1[Y] --> Y1Y[Y]
    Y1 --> Y1N[N]
    Y1Y --> Y1YY[Y]
    Y1Y --> Y1YN[N]
    Y1N --> Y1NY[N]
    Y1N --> Y1NN[N]
    Y1YY --> H[H]
    Y1YN --> ML[M/L]
    Y1NY --> M[M]
    Y1NN --> ML[M/L]
    Y1NY --> L[L]
    Y1NN --> L[L]
                    
```

Code	Condition	Code	Code	Code
1	Condition 1	1	1	1
2	Failure to report upon release	2	2	2
3	Travel violations	3	3	3
4	Condition 2	4	4	4
5	Change of residence without permission	5	5	5
6	Abandoning ID/Passport from photo	6	6	6
7	Condition 3	7	7	7
8	A. Failure to appear as instructed	8	8	8
9	B. Failure to notify agent of some of summary	9	9	9
10	C. Failure to notify agent of arrest all 72 hrs	10	10	10
11	D. Failure to notify agent of change in status	11	11	11
12	Condition 4	12	12	12
13	Pending Criminal Charges (D/CV) not returned	13	13	13
14	Removes from all prior violation list	14	14	14
15	Condition 5	15	15	15
16	A. Possess crime weapons	16	16	16
17	B. Possession of crime weapon	17	17	17
18	C. Possession of firearm	18	18	18
19	C. Assaultive behavior	19	19	19
20	Condition 6	20	20	20
21	Failure to pay court ordered fines, restitution	21	21	21
22	Condition 7	22	22	22
23	Failure to participate in community service	23	23	23
24	Failure to pay traffic/court fees	24	24	24
25	Failure to pay insurance fees	25	25	25
26	Failure to support dependents	26	26	26
27	Violation of court-ordered cell phones, etc.	27	27	27
28	Failure to take medications as prescribed	28	28	28
29	Failure to maintain employment	29	29	29
30	Failure to participate in character treatment	30	30	30
31	Violating curfew	31	31	31
32	Violating electronic monitoring	32	32	32
33	Failure to provide urine	33	33	33
34	Failure to complete treatment	34	34	34
35	Associating with crime victims	35	35	35
36	Failure to abide by Board imposed Special Conditions	36	36	36
37	Removal from Treatment/COI Failure	37	37	37
38	Pending criminal charges (D/CV) is	38	38	38
39	Positive urine alcohol	39	39	39

Code	Code	Code	Code
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
15	15	15	15
16	16	16	16
17	17	17	17
18	18	18	18
19	19	19	19
20	20	20	20
21	21	21	21
22	22	22	22
23	23	23	23
24	24	24	24
25	25	25	25
26	26	26	26
27	27	27	27
28	28	28	28
29	29	29	29
30	30	30	30
31	31	31	31
32	32	32	32
33	33	33	33
34	34	34	34
35	35	35	35
36	36	36	36
37	37	37	37
38	38	38	38
39	39	39	39

Code	Code	Code	Code
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
15	15	15	15
16	16	16	16
17	17	17	17
18	18	18	18
19	19	19	19
20	20	20	20
21	21	21	21
22	22	22	22
23	23	23	23
24	24	24	24
25	25	25	25
26	26	26	26
27	27	27	27
28	28	28	28
29	29	29	29
30	30	30	30
31	31	31	31
32	32	32	32
33	33	33	33
34	34	34	34
35	35	35	35
36	36	36	36
37	37	37	37
38	38	38	38
39	39	39	39

Code	Code	Code	Code
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
15	15	15	15
16	16	16	16
17	17	17	17
18	18	18	18
19	19	19	19
20	20	20	20
21	21	21	21
22	22	22	22
23	23	23	23
24	24	24	24
25	25	25	25
26	26	26	26
27	27	27	27
28	28	28	28
29	29	29	29
30	30	30	30
31	31	31	31
32	32	32	32
33	33	33	33
34	34	34	34
35	35	35	35
36	36	36	36
37	37	37	37
38	38	38	38
39	39	39	39

Code	Code	Code	Code
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
15	15	15	15
16	16	16	16
17	17	17	17
18	18	18	18
19	19	19	19
20	20	20	20
21	21	21	21
22	22	22	22
23	23	23	23
24	24	24	24
25	25	25	25
26	26	26	26
27	27	27	27
28	28	28	28
29	29	29	29
30	30	30	30
31	31	31	31
32	32	32	32
33	33	33	33
34	34	34	34
35	35	35	35
36	36	36	36
37	37	37	37
38	38	38	38
39	39	39	39

Code	Code	Code	Code
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
15	15	15	15
16	16	16	16
17	17	17	17
18	18	18	18
19	19	19	19
20	20	20	20
21	21	21	21
22	22	22	22
23	23	23	23
24	24	24	24
25	25	25	25
26	26	26	26
27	27	27	27
28	28	28	28
29	29	29	29
30	30	30	30
31	31	31	31
32	32	32	32
33	33	33	33
34	34	34	34
35	35	35	35
36	36	36	36
37	37	37	37
38	38	38	38
39	39	39	39

Code	Code	Code	Code
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
15	15	15	15
16	16	16	16
17	17	17	17
18	18	18	18
19	19	19	19
20	20	20	20
21	21	21	21
22	22	22	22
23	23	23	23
24	24	24	24
25	25	25	25
26	26	26	26
27	27	27	27
28	28	28	28
29	29	29	29
30	30	30	30
31	31	31	31
32	32	32	32
33	33	33	33
34	34	34	34
35	35	35	35
36	36	36	36
37	37	37	37
38	38	38	38
39	39	39	39

Code	Code	Code	Code
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6

Presumptive Response Level Based Upon Risk & Violation Severity Level

Example: An offender who commits a violation that has a Severity Rating of 3 (Most Serious), whose risk level is low (Risk Level 1), would have a presumptive response category of Moderately Intensive.

Severity of Violation	Risk Level	Response Category
1	1	Least Intensive
2	1	Least Intensive
1	2	Least Intensive
3	1	<i>Moderately Intensive</i>
2	2	Moderately Intensive
1	3	Moderately Intensive
3	2	Most Intensive A
2	3	Most Intensive A
3	3	Most Intensive A or Most Intensive B

MATRIX

Risk Level & Violation Severity	Low Risk	Moderate Risk	High Risk
Low Severity	Low Response		
Moderate Severity		Moderate Response	
High Severity			High Response

BEGIN TO DISCUSS
THE DESIGN OF YOUR TOOL

Strategizing:

DATA COLLECTION AND EVALUATION

EXERCISE

- ⦿ It is one year from now.
 - ⦿ You have developed the perfect structured decision making process.
 - ⦿ Staff like it. Judges like it. Defense and prosecution like it.
 - ⦿ The Board of Supervisors have asked you to come and present to them on this successful project they keep hearing about. An “insider” tells you they are prepared to reward your good work with some additional funding, if you can demonstrate that this project is truly successful.
1. Make a chart that looks like the following page.
 2. List 10 findings you would like to be able to report in your briefing.
 3. For each finding, rate from 1 to 5 how prepared you are to provide this data today (1=not at all).
 4. Have a preliminary conversation about what you need to do to be positioned to provide this kind of information in the future.

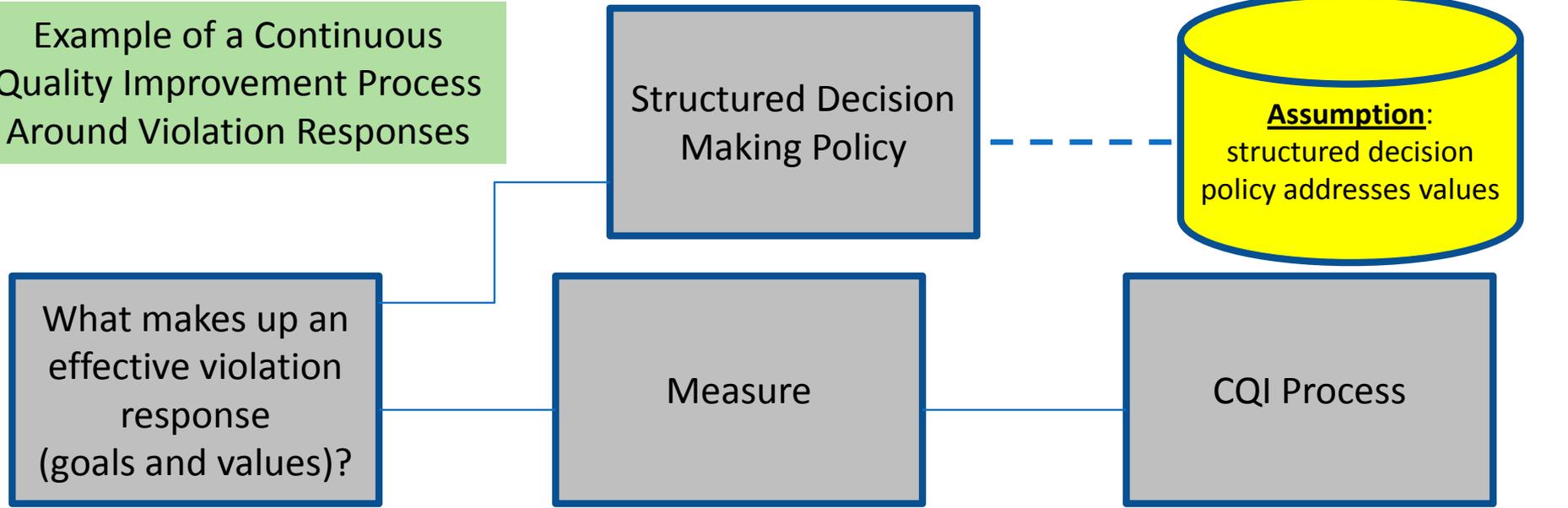
SAMPLE EXERCISE CHART

10 Findings for the Board of Supervisors	Rating
1. Revocations have dropped by 40% since this time last year.	5 (very capable)
2. Absconding rates have dropped by 60% since this time last year.	1 (not at all able)
3. New crimes committed by probationers have held steady [decreased by 10%] [because we are managing cases more effectively and responding to criminogenic needs].	4
4. Our new process and awesome data system allowed us to identify that we had a large number of offenders who had a violation pattern of missing tx appointments. We instituted this new program (reminder phone calls) and since then, attendance has increased by 40% (to 90% attendance rate).	1
5.	
6.	
7.	
8.	
9.	

Strategizing:

QUALITY ASSURANCE

Example of a Continuous Quality Improvement Process Around Violation Responses



- Consistency
- Certainty
- Tied to VOP goal
- Efficiency
- Proportionate
- Address the cause (criminogenic need)

- 75% of responses follow structured decision making guidelines
- 85% of behaviors are responded to within 7 days
- 100% of high risk and high severity violations will be handled through the court
- 100% of low risk and low severity violations will be handled informally by PO
- 80% of responses directly address the criminogenic need associated with violation behavior

- Inter rater reliability (use instrument as intended)
- Case audit (tied to VOP goal and criminogenic need)
- Data collection
- Direct observation?

Strategizing:

EXTERNAL STAKEHOLDER
INPUT

CREATE YOUR ACTION PLAN

Strategizing:

PLAN A PILOT

THINGS TO CONSIDER WHEN PLANNING A PILOT

1. Which staff will be involved?
2. Which cases will be involved?
3. What training is needed before the pilot begins?
4. How will you provide oversight and problem solving support?
5. What data will be collected; who will be responsible for monitoring it; how will you equip yourselves to do mid-course corrections?
6. Once the pilot is completed, how will you get feedback from all end-users?
7. Who will be responsible for making modifications as a result of the pilot experience?
8. What will your full-scale implementation plan be?

NEXT STEPS

1. Create a draft document that will ultimately become your policy framework for violations
 - a) Would it be helpful to have a checklist of the items that it should contain?
2. Create a draft document that will ultimately become your policy framework for rewards/incentives.
 - a) Would it be helpful to have a checklist of the items that it should contain?
3. Create an action plan for:
 - a) Your CQI plan
 - b) Your evaluation plan
 - c) Briefing internal staff
 - d) Piloting these frameworks
 - e) Engaging stakeholders in this discussion/securing their buy-in.
4. What, if any, TA would be helpful?
5. Would it be helpful to do a webinar to share each other's products/discuss sticky issues?