

Effective community punishments in the United States: probation

Faye Taxman outlines a radical 'shared decision' model of probation that operates to empower offenders.

For the past three decades, the United States has emphasised punishment policies focusing on incarceration- and enforcement-based probation supervision. Increased use of conditions (i.e. the use of mandated restrictions on liberties or requirements) occurred as a means to hold offenders accountable. The results of this experiment are not impressive, with continuing recidivism rates of nearly 70 per cent (Bureau of Justice Statistics, 2008); probation revocation rates continue with over 50 per cent resulting in new arrests and re-incarceration. The focus on social control has resulted in more offenders being churned through the system and has created an emphasis on monitoring the offenders with a 'zero tolerance' attitude. The widespread use of prisons (over 2.2 million offenders) and skyrocketing rates of offenders returning to the community from years of incarceration (over 700,000 a year) has placed pressure on parole and probation supervision to protect the community. The struggle is how to provide probation and parole services so as to simultaneously protect the community and reduce the odds of recidivism.

In 2000, the Maryland Division of Parole and Probation began a journey to implement Proactive Community Supervision (PCS) to replace enforcement-only oriented supervision. The model was based on concepts of behavioural management that co-mingle theories of procedural justice, social learning and empowerment of the offender. Behavioural management transforms

the supervision staff into facilitators of change. PCS has demonstrated impressive findings during the first wave of implementation. A study (see Sachwald et al., 2006) found that under the PCS model, PCS offenders have more targeted responsibilities to address their criminogenic needs than those without; the mean number of offender responsibilities in PCS ranged from 3.8 (violent offences) to 5.0 (drug offences), while non-PCS cases had an average of 2.0. The process resulted in a higher number of mean contacts than non-PCS (1.7 versus 1.3 contacts per month). Even with more contact and more conditions, the PCS offender did not have an increase in non-compliant behaviour ($p < .05$). A review of the recidivism found that the PCS offenders were 39 per cent less likely to be rearrested than the non-PCS offenders. This article answers the question: how was this done? How did the proactive community supervision model operate and empower offenders?

The core components:

Below are the four core components of the model (see Taxman, 2008 for more details):

Risk and need assessments.

Standardised risk and need tools can be used to determine the level of supervision and controls required to protect the public. Criminogenic needs attend to the drivers of criminal behaviour. 'Need' refers to the dynamic factors that affect criminal behaviour, such as active substance abuse disorders, negative

peer associations, family dysfunction and criminal value systems. The assessment tools are useful in identifying needs that should be addressed during the period of supervision, as well as the degree to which the offender's risk factors should be monitored.

Responsivity and level of supervision.

Responsivity addresses assigning control and services, with decisions being based on the results from the standardised instruments. Higher risk offenders should be more closely supervised, with more attention being paid to the services that might mitigate the criminal behaviour.

Types of interventions and programming for offenders.

In reviews of experimental programmemes, researchers have identified that cognitive behavioural programmemes are most effective in changing the behaviour of offenders (Landenberger and Lipsey, 2005; MacKenzie, 2006). A related factor is the need to use strategies to assist in the development of intrinsic motivation for the offender during the change process.

Offender-agent relationships.

Offenders' attitudes and behavioural outcomes can be influenced by their interactions with supervision officers and treatment providers. Interpersonal communication styles are often dismissed as factors that affect the correctional milieu, yet the importance of having strong working relationships between officers and offenders is often the unstated 'component' of a social learning environment. Researchers recognised that organisational attention must be paid to addressing this milieu in order to facilitate the implementation of the model, and to achieve gains in offender outcomes. These relationships are important in creating an environment where offenders feel they can trust the officers and, to a large extent, in fostering some desire to comply with the conditions of release. The need to turn decades of enforcement-style supervision into a tool to alter offender behaviour cannot be ignored.

Use of conditioned responses to shape offender behaviour.

A series of studies have found that attention to compliance, alongside strategies of swift and certain responses, is important in shaping offender behaviour. A consistent response to an offender's behaviour is important in reinforcing their positive changes.

Working with the offender: the core steps

Step 1: Message to the offender.

The successful empowerment of the offender requires a clear message to the offender regarding personal responsibilities. It is critically important that the offender learns to make decisions about options that are in his/her own interest. The focus should be on a 'shared-decision making' model where the offender and the supervision staff together agree on the steps needed for successful completion of supervision, as well as on the order in which conditions are met.

Step 2: Share the risk-need instruments with the offender.

The use of standardised risk and need tools is well recognised in the correctional arena as a means of obtaining objective information to guide programme placement. Objective information refers to using structured instruments to obtain information from the offender on their history, personal habits and lifestyle. The information can be used to guide programme placements based on the progress of the offender. Part of the process of assessment should include sharing information from the assessment with the offender. This is critical to the offender becoming more aware of his/her own behaviour and in then beginning a dialogue to consider action that may address these criminogenic features. Too often correctional and/or treatment staff conduct the assessment and then never review the results with the offender. (And, as noted by many, the correctional and/or treatment staff often fail to use the assessment to drive programme decisions.) In this model, the goal is to have the offender involved in

reviewing 'objective' information about his/her behaviour and the factors contributing to this behaviour, and then to use this information to develop an action plan.

Step 3: Shared decision making includes a supervision plan agreed to by the offender.

The message to the offender needs to underscore that the plan is actually the offender's plan. The traditional state-centred approach of developing a plan without the offender, and the offender then being expected to abide by this plan, has not been successful in many arenas (e.g. treatment, probation, parole, etc.). Instead, the focus of the plan should be that it has distinct, time delimited goals where the offender is sequencing steps towards reintegration into the community. The plan should identify some of the deficits, such as employment-based skills and treatment interventions, in order to address an array of social needs (e.g. substance abuse, employment, mental health, etc.). Further ties to the community, especially some of the offender's social network of non-criminal peers and a support network, will serve to integrate the offender into the community. Two rules of thumb are: 1) the offender should define the issues that are most important to him/her; and 2) the plan should never have more than three components (Taxman et al., 2004).

Step 4: Provide clear communication about offender responsibility and expectations.

The emphasis of the case plan should be on expectations; what does the offender need to do and in what time

frame? Offender accountability is key, but it can only be accomplished when the offender understands the rules and expectations; the offender needs to be part of the process of establishing these accountability standards. A behavioural contract is an excellent tool.

Step 5: Monitor progress in a timely fashion.

A case plan is only as good as the feedback given to the offender. The goal should be to have the offender self-monitor progress as well as report progress to the supervision staff. This should not be done in an authoritarian manner, but with a focus on recognising the small steps that advance progress. Monitoring requires the supervision staff to be non-judgemental. Setting

a limited number of expectations at a time facilitates the work with the offender by having the offender and officer develop a trusting relationship. Small relapses or slips should be used as an opportunity to revisit the risk and need assessment tools and refine the case plan. (Note: the only exception is an arrest or clear

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violation that puts the community and/or the offender in a risky situation).

Lessons learned

Re-engineering probation to enable face-to-face contacts to become 'interventions' (albeit brief ones) requires the commitment of the organisation; reinforcing interaction with the offender is the glue to successful outcomes. Simply putting in place the systems, such as risk and need assessment tools, case plans and feedback mechanisms, will not achieve positive results. The interaction needs to be supportive

and empathetic; confrontation, authoritarianism and accusations do not serve to engage the offender in the process of change. While some may discount the issue of 'style' as being important, the PCS model is based upon an organisational climate that values shared decision making whereby the probation officer and offender work together to make decisions that mitigate risk factors and attend to criminogenic needs. These decisions range from service and controls; priority assigned to different efforts; sanctions and rewards for certain behaviour and revised controls/services.

A key to achieving this type of change is that the organisation needs to endorse three main concepts: 1) offenders are people in need; 2) staff need leadership, skills and attention in order to achieve; and 3) the organisation needs to be responsive to internal needs, as well as to external agencies. PCS invigorated the organisation through structured staff development processes that resulted in staff learning new skills, practicing these skills and being

assisted to achieve competency in them. From the offender's perspective, the ability to prioritise the order in which conditions are achieved, and then to identify rewards and sanctions, can be empowering. Staff must learn to share the decisions with offenders as long as the overall goals are achieved.

Leadership at all levels of the organisation is important. Part of the strategy involves invigorating the middle managers to be accountable and to make decisions; a more decentralised decision making process encourages front line managers to be managers. Ensuring that the middle managers are part of the process, and have the skills to assist staff, strengthens the organisational structure. The result is that the probation/parole officer becomes interested in the offender's changes, rather than merely processing the offender. ■

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