

The Evolution of Supervision in the Federal Probation System*

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OVER THE PAST 10 years, the industry of probation has evolved at an unprecedented rate (see the recent report by the National Research Council, 2007). This rapid change is associated with advancements in social science research, pressure from legislators to spend money efficiently and effectively, and the public's expectation regarding the role of supervision to reduce crime. Supervision officers are still required to monitor behavior and report violations to the court, but a renewed focus is on a relatively new and equally important role: reducing future criminal behavior. The evolution continues, but the philosophy is firmly grounded. Probation must succeed with two basic outcomes: public protection and recidivism reduction (for a discussion see NIC, 2005: Taxman, Shepardson, & Byrne, 2004).¹

Probation systems across the world are seeking improved methods to optimize their outcomes. England has conducted a massive system-wide reorganization to support their philosophical shift to outcomes at both levels. Canada continues to invest significant resources into researching their practices and making adjustments based on their results. Although slower than some of their international counterparts, the federal probation system has also made a major philosophical shift. No longer is federal probation simply interested in measuring traditional outputs, but instead it has made a firm commitment to become an outcome-driven agency where resources and energies are focused around achieving targeted goals of protection and recidivism reduction. The following is a brief history of this change, the current action plan, and the future strategy that guides the transformation of the Administrative Office of the U.S. Courts and the federal probation system.

Background

The United States probation system was created in 1925 by federal law. For over 80 years, federal probation was an innovator and leader in the area of supervision techniques, drug testing, and technology. This innovation and industry leadership was the product of 94 probation districts spread across the country. Each of these districts has significant autonomy, reporting directly to the chief judge of the respective geographical district. Collectively, the agency supervises 160,000 probation and 26,000 pretrial releasees in the federal criminal justice system. Use of the federal system in the handling of street and other criminal behavior has escalated

over the past two decades due to changing federal laws and prosecution decisions made by U.S. attorneys. This has resulted in significant growth in the use of federal probation services. The policies and procedures of federal probation affect communities nationwide.

Despite this local autonomy, the system maintains cohesion through the Administrative Office of the United States Courts (AO). The AO provides national policies via written monographs outlining expected activities, and supports the courts in such areas as procurement, personnel, budgeting, and technology. The AO serves as the administrative headquarters in a decentralized system. The administrative headquarters works with individual offices to achieve the goals of protection and recidivism reduction.

Philosophical Shift

In 2002, the Federal Judicial Center, the training arm of the U.S. Courts, held a conference for all federal probation and pretrial services chiefs that resulted in the Charter for Excellence. This charter fueled a momentum behind the notion that federal probation was moving from outputs to outcomes. Among other things, this document states: “We are outcome driven and strive to make our communities safer and to make a positive difference in the lives of those we serve.” This point was further reiterated in the 2004 Strategic Assessment of Federal Probation and Pretrial Services System conducted by a team of consultants. The central recommendation of this assessment was that Federal Probation “become a results-driven organization with a comprehensive outcome measurement system.” (A-4) Despite this momentum, a philosophical shift could not occur without the support of the Criminal Law Committee (CLC). The CLC is a subcommittee of the Judicial Conference, the internal legislative organization of the Judicial Branch. This committee, staffed by a group of federal judges, must approve any new philosophical and policy shift within federal probation. In 2004, the CLC was briefed about this evolution in mission and endorsed federal probation’s desire to become an outcome-based organization.

The movement from outputs to outcomes has forced the system to identify and rely upon a supervision process model. The outcomes model emphasizes that there are clear strategies that should produce outcomes, as will be detailed below.

Early Steps

Soon after the CLC endorsement, the AO reexamined the system’s technology, policy monographs and treatment services contracts to create alignment with the practices that have been shown to improve desired outcomes. This examination led to the creation of an outcome measurement project and a significant revision of the probation supervision monograph (described below), the main tool of the AO to affect practice in each district.

The development of an outcome measurement system became the AO’s first priority. In 2004, the AO convened a group of criminal justice research experts to assist in developing a vision while setting realistic boundaries for the creation of an outcome measurement system. The information gleaned from this panel was brought to the next step in the process, the development of a supervision logic model. This logic model clearly outlined the intermediate and ultimate outcomes to be measured. This logic model tied key offender outcomes with supervision services of control and treatment to produce desired effects.

Monograph 109, published by the AO, provides supervision policy guidance to federal probation officers. This comprehensive document outlines both the philosophical and practical aspects of effective supervision. In 2004, Monograph 109 was modified to support the shift towards outcomes. Supervision outcomes were expanded from the successful completion of supervision to reducing crime beyond the term of supervision. The concept of using academic research to drive supervision decisions and interventions was also introduced in the 2004 revisions. For the first time, Monograph 109 recognized that basing supervision on instinct and legacy techniques may not contribute to reducing recidivism. Instead, the monograph echoed the use of a supervision process that is focused on: 1) use of risk and needs tools to identify offender factors

to affect during the supervision process; 2) the available controls (e.g., drug testing, curfews) and treatment services that should be used to respond to offender needs; 3) use of graduated sanctions and rewards to respond to offender compliance; and 4) a recognition that the supervision process should be guided by procedural justice constructs.

Current Steps

The ultimate vision for the federal probation system is to have an outcome measurement system that allows all levels of the organization (researchers, administrators, and officers) to determine the effectiveness of different supervision responses. It will identify those interventions that have the greatest impact on the desired outcomes for different types of offenders and provide a tool to test new interventions or approaches. The development of a federal management information system is likely to take five years to complete. In addition to the outcome measurement system, the CLC endorsed the immediate implementation of supervision practices that have demonstrated success in reducing recidivism rates. Although these practices were developed and tested on international, state and local offenders, it is believed that many of the tenets translate to federal offenders and thus offer the best chance to reach desired outcomes. Thus, the federal probation system is relying on research conducted at the international, state, and local level to drive outcome-based practices until internal research can be conducted and disseminated.

The AO has based much of this current project on contemporary thinking about the key components of effective supervision that has been articulated in many documents, but most recently in the National Institute of Corrections' *Principles of Effective Intervention* (NIC, 2004; see also Taxman, Shepardson, and Byrne, 2004). The three articles published by NIC present an integrated model of effective correctional intervention that addresses organizational development, collaboration with other agencies, and the use of eight principles emanating from research.

The AO recognized that many of these evidence-based practices (EBP) are fairly new to federal probation, and that the culture of federal probation over the last 20 years has supported more of an enforcement model. The AO took steps to address the culture of supervision and to begin to diffuse information about EBPs throughout the system. The first aim of the AO was to increase knowledge of this model throughout the system, to ensure that each district acquired a basic understanding of evidence-based practices and basic knowledge of research principles, and an overview of the research on various practices currently in use. The AO utilized a two-pronged normative-educational approach to accomplish these goals. First, an internal website was designed that can be accessed by staff throughout the country. This website is intended to introduce evidence-based practice. It includes an overview of the criminogenic needs of offenders, the National Institute of Corrections' *Principles of Effective Intervention*, a review of basic research design and the importance of the quality of research, information from the Washington State Institute of Public Policy's meta-analysis of the effectiveness of various offender programs, and a resource list of links to various evidence-based programs and services. Second, grant-funded districts were offered a two-hour overview presentation of evidence-based practices. This training mirrors the information provided in the website, but provides participants the opportunity to ask questions and engage in a dialogue about evidence-based practice. The training is conducted by staff within the AO working on the internal transformation of the organization.

Running concurrently with the education process, the AO began providing financial and technical assistance to implement evidence-based initiatives. An internal grant program, entitled Research to Results (R2R), was developed as a mechanism to provide this support to pilot districts that were organizationally ready to take the next step in the evolution of probation supervision. Eighteen of 94 districts applied and were funded in FY 2007. The seed money was used to fuel interest in the model and to provide the district with some tools to begin educating their own staff and building skills in key areas. The application process itself was part of an organizational strategy to identify districts wanting to take on the challenge of transforming their supervision practices. The application required districts to provide a comprehensive plan of EBP implementation. The application consisted of four basic tenets: effective risk and needs assessment, cognitive-behavioral interventions, effective communication/motivational

interviewing, and a willingness to examine and test emerging practices. Additionally, for two of the tenets, Motivational Interviewing and Cognitive-Behavioral Interventions, specific implementation plans were developed by internal working teams of the AO to guide districts. These implementation plans focused on ensuring quality training, implementation, and fidelity to the interventions, in order to increase the likelihood that these interventions would operate as intended.

The grant process required the completion of an application (see Appendix) that addressed one or more of the following basic EBP tenets:

- ***Risk/Needs Assessment***

The foundation for effective supervision is arming the officer with a sense of an offender's risk to commit future crime and the areas of an offender's life that, with intervention, can decrease this risk. Research clearly demonstrates that using risk to guide decision making improves outcomes (Lowenkamp, Latessa, & Holsinger, 2006; Taxman, 2004, 2006; see also Andrews & Bonta, 1998). For example, recent research on community-based programs indicates that programs targeting high-risk offenders decreased recidivism by 7 percent, while those programs that did not only saw a 1 percent reduction in recidivism (Lowenkamp, Pealer, Smith, and Latessa, 2006). Applicants were asked to include their decision-making process on their choice of instrument, as well as plans to validate the instrument on the federal population.

- ***Cognitive Behavioral Interventions (CBI)***

In addition to risk, effective interventions target criminogenic needs, with the most effective programs being those utilizing cognitive-behavioral techniques. For example, research has shown that programs with a cognitive-behavioral component can reduce recidivism by up to 25 percent, while non-behavioral interventions only reduce recidivism by 4 percent (Dowden and Andrews, 1999). Applicants were asked to include their decision-making process on their choice of program, as well as plans for either contracting for such services or training in-house personnel. The implementation plan encouraged the use of manualized programs and required that fidelity be monitored.

- ***Fidelity to the Risk/Need Tool and CBI***

The quality of implementation was emphasized in this arena, as research has demonstrated that the quality of implementation of programming can have a significant impact on recidivism rates. For instance, Barnoski (2004) studied the implementation of Aggression Replacement Therapy (ART) and found that "competent" ART resulted in recidivism rates of 24 percent, while poor ART resulted in a 6.9 percent increase in recidivism rates.

- ***Effective Communication/Motivational Interviewing***

An important part of the new model of supervision is that it focuses on improving intrinsic motivation via communication skills such as those found in Motivational Interviewing (MI) (NIC, 2004). MI has demonstrated success in helping individuals change problematic behavior across a number of areas, most notably substance abuse (see Rubak, Sandbaeck, Lauritzen, and Christensen's 2005 meta-analytic review). Recently this interviewing style has been translated for criminal justice work (i.e., Taxman, Shepardson, & Byrne, 2004; Walters, Clark, Gingerich, and Meltzer, 2007), with an emphasis on helping officers focus on building intrinsic motivation to decrease criminal behavior. Most notably, recent articles have focused on the need for comprehensive, long-term training in MI, as short-term (i.e., two-day) training has proven ineffective in increasing proficiency in MI (Miller and Mount, 2001). That is, to effectively implement MI, there is a need for more than just a training session to provide the officers with the new skill; there is a need to reinforce the skills in practice through performance measures and other tools (Sachwald, 2004). The model implementation plan for districts desiring to use MI focused on hiring an experienced MI trainer who also understood criminal justice; providing initial two- to three-day training plus monthly coaching/feedback; and mandating

audio/videotaping of interactions. This is the same model that was used in the Maryland Proactive Community Supervision project (see Sachwald & Eley, 2006). Officers are required to continue receiving coaching/feedback until they reach basic proficiency, as measured by the Motivational Interviewing Treatment Integrity (MITI) coding system (Moyers, Martin, Manuel, & Miller, 2007).

- *Examining, Applying and Testing Emerging Practices*

Finally, the AO has encouraged implementation of emerging practices that did not fit into the other categories. The two major areas under this tenet are offender workforce development and drug courts. Offender workforce development is an area where federal probation has been a leader, with districts developing model programs and partnering with the National Institute of Corrections. Although research on the effectiveness of employment programs has been equivocal, recent research suggests that work can significantly impact criminal behavior (i.e., Farley and Hackman, 2006). Similarly, drug courts have shown mixed results, though recent summaries suggest that drug courts can reduce recidivism (NIJ, 2006). Districts wishing to implement these programs have been asked to use guidelines from the National Institute of Corrections and the National Association of Drug Court Professionals regarding effective implementation of these programs.

Organizational Development

For most of the districts, implementation of evidence-based practices means radical change in the way they handle offenders—from enforcement to behavioral management. Recognizing the difficulty associated with change, the AO has emphasized a transformational model of organizational development. There is an abundance of information on managing change within an organization; one model is that of the RAND Corporation, a nonprofit organization known for its research of organizations. As noted in his book *The Four Pillars of High Performance*, Paul Light studied RAND extensively and gives what he terms the “RAND model for managing change” (Light, 2005). The key principles in this model include:

1. Create a sense of urgency
2. Remove barriers to success
3. Recruit the champions to lead the change process
4. Build internal momentum
5. Prove change works
6. Keep experimenting

The model of change that the AO has implemented addresses many of these points as a tool to reinforce the benefits of change. The AO office dedicated staff to the EBP effort, and utilizes workgroups comprised of AO staff and district representatives to continue developing EBP initiatives. The AO has identified the resources, developed principles and tenets that help guide the districts, and provided a forum for discussing the transformation process. This is an important component since it creates a model for organizational learning, and it provides a forum to discuss new ideas and concepts in a manner that reduces the risks that any chief and/or district must take on individually. Champions have thus been created throughout the organization—in the AO in the Federal Judicial Center, at district offices, and within key stakeholder groups.

The AO has attempted to remove any barriers to this initiative by providing the districts with both financial resources and technical assistance. In addition to funding for the specific project they wished to implement, each R2R district has also been offered funding to hire an organizational development (OD) coach who specializes in both OD and EBP. These coaches assist district probation offices in assessing the status of their organization and developing a strategic plan to increase the likelihood of successful EBP implementation.

The organizational learning has been fostered through recognition that the transformation process is incremental, and requires the ability to shift based on socio-political environments at

each district. In some cases, the use of an organizational coach led to the districts drastically rethinking their projects. For instance, with the encouragement of an organizational coach, one district opted to scale back their project from three initiatives to one, while another decided to completely rework how they distributed cases to officers. In terms of other technical assistance, in addition to the continuously updated website and training noted above, the AO has provided districts with two AO employees who are available to each district to assist with planning and problem solving. The AO has also hosted several meetings of the district partners, along with academic researchers, to continue the dialogue of how evidence-based practices can best be implemented within the federal system. Other salient steps have been taken including:

1. The AO has worked to recruit champions by encouraging districts embracing EBP to share their experience with other districts; many of the original 18 grant-funded districts have offered technical assistance to their counterparts, thereby infusing other districts with knowledge and further championing EBP.
2. The AO continues to provide internal momentum by reorganizing and increasing staff to provide dedicated resources to the project.
3. The AO has also continued funding into FY08, encouraging districts not only to continue their original implementation, but also to add other aspects of EBP.
4. There is increased emphasis on the development of outcome measurements to measure the impact of districts' efforts. Each district is asked to identify outcomes that can prove the changes are effective in helping the federal system reach its goals.
5. Experimentation is encouraged and supported by the AO. Each district can experiment with their projects and implementation. The AO has partnered with these districts to improve the processes started in FY 07. For instance, the implementation plans for FY 08 have been modified to address concerns districts had and correct unintended consequences of different aspects of the plans.

As with all behavior change, resistance remains part of the equation. The AO is not in the position to dictate probation supervision changes to any district. Given that each district is unique geographically and culturally, the model expects that each district will evolve in different ways and in different processes. The AO is learning about these models of change. The R2R project is voluntary, and not all districts are ready and willing to participate. No district is forced to join the process, but the AO tried to position itself to support change for those that are interested, motivated, and willing. The AO has focused on providing their limited resources to those districts that wanted to implement evidence-based practices, in the hope that these districts and the success they have will encourage other districts to take on similar initiatives.

The Future

The future of federal probation is full of promise. The R2R process is designed to have a significant impact on federal probation outcomes through a concerted effort of improving operations at the district level, using evidence-based practices, and working towards collaboration with their communities to achieve the best possible safety outcomes. The largest and most complicated project will produce measurement of intermediate and ultimate outcomes. The AO's outcome measurement system will allow districts to compare their own performance from year to year and help them understand how their district is impacting the system outcomes. The outcome measurement system will combined advanced technical capabilities with sound research methodology. This will allow the federal system to draw causal relationships in order to improve supervision practices.

In addition to outcomes, the AO has recently embarked on a multi-year project to develop and implement a national risk/needs tool. This tool is envisioned to provide the functionality of an off-the-shelf product with the added bonus of being sensitive to offender behavior change and being built and validated on a federal population.

Finally, the goal of becoming an outcome-based organization cannot be achieved without measurement and transparency. This means that federal probation and pretrial services must be willing to conduct internal research and, where ethical and practical, allow outside researchers to

examine both successes and struggles. This openness will encourage organizational growth and should chart a process for the federal system to once again play a large leadership role in improving public safety and reducing recidivism in the U.S.

Conclusion

Our development of evidence-based practice in the federal system uses Roger's model of diffusion of innovation in a complex environment. This model recognizes that organizational change is difficult, maybe even more difficult than individual change (like that which is being asked of offenders under supervision). Rogers notes that success is best achieved by five features: 1) a relative advantage over current practice, 2) compatibility with the existing missions and goals, 3) addressing the complexity of the change through small incremental steps, 4) trial ability of each step with openness to chart mid-course corrections to respond to the environment, and 5) observable results. All of these are part of the model that the AO is using to make advancements in the process of change. The federal system is moving slowly, yet methodically, toward the goal of becoming an outcome-based organization. Implementation is challenging, but changing philosophy, building internal infrastructure, and applying research to supervision provides a logical roadmap for federal probation. Time will tell where this road ultimately leads.

Appendix: Probation and Pretrial Services Request for Applications for Funding

The Office of Probation and Pretrial Services has secured R2R funding for FY08 and is now accepting applications from the 18 original R2R grantees to fund the further implementation of services in four broad areas. For those districts that are looking to expand their R2R activities beyond their 07 scope, please see the Model Implementation Plans on the Research to Results website for guidance on how practices should be implemented.

1) Risk/Needs Assessment and Case Planning (See the September 2006 issue of Federal Probation for a comprehensive discussion of risk assessment.)

- a. Implementation of instruments that address both static and dynamic factors.
- b. Implementation of comprehensive case management that better integrates risk and need assessment information with case planning and daily supervision activities.

2) Motivational Interviewing (MI)

- a. Training of officers in the use of motivational interviewing to increase offender compliance with treatment and supervision outcomes.
- b. If MI is to be used to increase treatment effectiveness, the application should include information regarding how treatment providers will be included in the project.
- c. Applications will be expected to follow the AO's Model Implementation Plan.

For more information on motivational interviewing, see www.motivationalinterviewing.org

3) Manualized Cognitive Behavioral Therapy

- a. Implementation of a research-based manualized cognitive

behavioral program with a specific criminal justice component. Examples include Moral Reconciliation Therapy (MRT), Thinking for Change, Choices Changes and Challenges.

b. Weight will be given to applications that provide a comprehensive risk/needs identification process for the placement of defendants/offenders in the proposed program.

c. Application must address who is performing these services (officer or vendor) and why.

d. For examples of cognitive-behavioral programs, see http://usteam02.uscmail.dcn/QuickPlace/research_to_results/Main.nsf/h_Library/2B3F2538A6F0DAC3852571F7006461A9/?OpenDocument

e. Applications will be expected to follow the AO's Model Implementation Plan.

4) Other Offender Intervention

a. Implementation of a research-based program in your district. This is a general category for programs that have been shown to reduce recidivism.

b. Offender intervention programs may be considered as long as the application includes a discussion of theory and/or research that supports the project.

c. If your proposed program targets skill development, you must address how that skill development is related to addressing criminogenic needs.

All applications should address the following areas:

1. *Rationale* – brief explanation of the reason your district wants to implement the project, including the local need you will be addressing. Include a brief summary of any relevant research that supports your project, and how your project will build upon and advance knowledge regarding effective probation practices. Also note your long-term plans for implementing the various evidence-based practices.

2. *Judicial Support* – brief description of your plans to inform judges in your district and how you plan to gain their support.

3. *Major Objectives* – specific, measurable outcomes for your project. Example outcomes include re-arrest/re-conviction data, probation violations/revocations, and changes in offender characteristics (risk score, criminal thinking, employment status, etc.).

4. *Implementation Plan* – specific time line for implementation (funding must be spent in FY 2008). If your project includes the implementation of a new service/intervention, specific information about the service (e.g., if it is a cognitive-behavioral program, the specific program and why you chose it over others), training of staff to provide the service and/or process for identifying appropriate service providers, and process for identifying offenders in need of the service. For those applications that are for Motivational Interviewing or Manualized Cognitive-Behavioral Therapy, you must abide by the AO's Model Implementation Plans.

5. *Potential Impact* – specific information regarding number of offenders to be served, how the project will positively impact your district, and potential impact on other districts and/or the system overall.

6. *Evaluation* – specific information regarding how you will evaluate the effectiveness of the project. Include any plans to hire consultants/researchers to assist with developing and implementing an evaluation of the project.

In addition to the above, your project description should include specific information regarding how you will ensure the project is being implemented as intended – i.e., fidelity to the project and quality control measures. The following issues should be addressed:

1) Risk Assessment

- i. Decision-making process for selection of instrument.
- ii. Plan for validating instrument on your district's population.
- iii. Process for training of officers; if only select officers will be trained, process for selecting officers.
- iv. Process for ensuring proficiency in interviewing and scoring of instrument, including tests of initial and ongoing inter-rater reliability.
- v. Plan for linking risk assessment to case planning, including specific identification of risk/need factors and how supervision will address each factor.
- vi. Process for ensuring that officers are held accountable for using risk assessment information in supervision practices, including use of treatment resources, contact with offender, etc.
- vii. For a sample of ways to connect risk assessment and supervision planning, see Tools of the Trade at:
<http://www.nicic.org/Library/020095>

2) Motivational Interviewing

- i. Plans for selection of appropriate MI trainer (someone proficient in MI who has experience in providing training to probation and pretrial services offices).
- ii. Plan for training officers; if only select officers will be trained, process for selecting officers.
- iii. Specific training schedule (preferably intensive 1-3 day training followed by long-term coaching/feedback).
- iv. Acknowledgement that you will abide by the AO's Model Implementation Plan.

3) Manualized Cognitive Behavioral Therapy

- i. Decision-making process for selection of manualized CBT program.
- ii. Description of who will provide intervention:
 1. If outside provider, how the provider will be

selected;

2. If officers, process for selecting officers.

iii. Plan for training providers/officers in the use of the intervention, including selection of appropriate trainers.

iv. Specific training schedule.

v. Specific plan for observation of provider/officer to ensure adherence to the intervention.

vi. Acknowledgement that you will abide by the AO's Model Implementation Plan.

4) Offender interventions

i. Decision-making process for selection of intervention.

ii. Description of the research supporting your chosen intervention.

iii. Description of who will provide intervention:

1. If outside provider, how the provider will be selected;

2. If officers, process for selecting officers.

iv. Plan for training providers/officers in the use of the intervention, including selection of appropriate trainers.

v. Specific training schedule.

vi. Specific plan for observation of provider/officer to ensure adherence to the intervention.

Most agencies have recognized that organizational support is critical to the successful implementation of new processes. Therefore, please also include information regarding how your district will support the implementation. Areas to address may include:

1. Process for informing staff and obtaining buy-in from officers, front-line supervisors, and upper management.

2. Process for gathering data on the implementation process – what is working and what is not.

3. Plans to address potential barriers, including staff resistance.

4. Potential changes to workload, performance measurement of staff, use of contract resources, etc. that will support implementation of the project.

5. Plans for institutionalizing the project, particularly plans for how the project will continue once grant funding is exhausted.

The AO encourages applicants to form collaborative relationships with others who have

implemented evidence-based practices in community corrections, including other districts, state agencies, universities, and private consultants/researchers.

At the completion of this project all award recipients must complete a report that is suitable for publication in *Federal Probation*. This report must include the rationale for their program, a program description, implementation struggles and successes, and statistical outcomes.

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