

Risk, Need, and Responsivity Supervision in the Pandemic

Gregory Hronick

U.S. Probation Officer, Eastern District of Missouri

Nicole Vernier-Gelven

Supervisory U.S. Probation Officer, Eastern District of Missouri

Vanessa L. Starr

U.S. Probation Officer, Eastern District of Pennsylvania

THE PANDEMIC HAS impacted the way many U.S. probation offices across the country have traditionally conducted business. This article demonstrates federal probation officers' use of technology, adherence to the risk, need, and responsivity principles, and innovations to get the job done, despite the challenges.

In mid-late March 2020, a majority of offices across the country required officers to work remotely. In most instances, this occurred with little to no advance notice. As a result, supervision officers were tasked with figuring out how to perform their job duties without reporting to the office or conducting field visits. This article will examine data from January 2017 through December 2020 regarding personal contacts, collateral contacts, revocation rates, employment, restitution, and revocations, as well as highlight some adjustments officers made with regard to supervision practices and how they were able to perform their duties.

Interviews with officers from across the country revealed that the most significant changes in supervision operations during the pandemic centered around in-person contacts with the person under supervision, as well as collateral contacts. Many districts discontinued in-person contacts (including home and office contacts) at the outset of the pandemic as shown in Figure 1 (next page). Between January 2017 and February 2020, an average of 21.62 percent of persons under supervision

had in-person office contacts per month. That number of in-person office contacts decreased dramatically to an average of 7 percent per month from March 2020 to December 2020. The same time period also showed the average number of in-home contacts decreasing from approximately 26 percent to 22 percent. In-person community contacts showed marginal decreases from 5 percent to 3 percent and employment contacts decreased from 3 percent to 2 percent. Data from Decision Support Systems (DSS) shows a slight increase in successful in-person community contacts during non-standard hours (from approximately 12.8 percent prior to the pandemic to 13.8 percent during the pandemic). This was reflected in many of the interviews conducted with officers. Officers with rural caseloads indicated the least amount of change in the way they conducted community-based supervision. While most staff began to telework in March 2020, field visits using social distancing protocols remained an option in many places.

Although officers decreased the in-person contacts in homes and offices, they also implemented various virtual platforms to make contact with persons under supervision and/or collateral contacts, including FaceTime, Google Duo, Zoom, Signal app, and WhatsApp, in addition to the traditional use of phone calls, texting, and e-mailing. In order to provide districts with a way to track the use of these new virtual contacts, the Case

Management Systems Office (CMSO) at the Administrative Office of the U.S. Courts (AO) released PACTS version 1.23.8 and iPACTS version 2.9.4 on April 26, 2020, and Decision Support System (DSS) version 5.1.1 on April 28, 2020. The release added a new "Virtual Contact" chronological flag to be used when chronological entry activity involved the use of an application with a mobile or computer communications device that enables people to speak to each other while simultaneously observing each other on a video display.

Figure 2 (next page) reflects the changes in how officers conducted supervision by telephone and on virtual platforms. Data from January 2017 through March 2020 showed that personal contacts with persons under supervision averaged approximately 29.5 percent of all contacts. From March 2020 to December 2020 (a period that included implementation of the virtual flag), that percentage of contacts increased sharply to nearly 50 percent, as officers adapted to socially-distant supervision.

The transition in supervision due to COVID-19 also changed the frequency and manner of our contact with collaterals. As indicated in Figures 3 and 4 (next page), contact with collateral contacts was fairly consistent from January 2017 to March 2020. During that time frame, contacts with collaterals in the home occurred on average approximately 15.5 percent of the time. From March 2020 through December 2020, that

percentage dropped to just 8 percent, reflecting the biggest decrease in contacts in the collateral category. During the same time periods, community contacts with collaterals had a marginal decrease from approximately 4 percent (January 17 to March 20) to 3 percent after March 2020. Contacts with law enforcement remained more or less unchanged despite the pandemic. Not surprisingly, as officers moved into a more socially distant role, contact with treatment providers increased from an average of just over 29.5 percent of the time, to approximately 33 percent. Prior to the COVID-19 pandemic, 23 percent of the time officers made contact with all collaterals by using the telephone. This average increased sharply to 29 percent after March 2020, which would also include any virtual contacts with collaterals. This change was also reflected in the interviews conducted with officers, many of whom indicated that contacts continued but the manner in which they occurred changed.

Although there was a noticeable change in the method of making contacts with persons under supervision and with collateral contacts, interviews from officers across the country revealed little difference in the actual supervision work. For example, officers interviewed reported that contact requirements remained the same (although the contact requirements included a variety of options outside of in-person contact). Additionally, officers stated that interactions remained focused on risk-driven supervision and targeting dynamic risk factors. Officers also reported that they were more sensitive to responsivity factors during the pandemic, which included issues related to transportation, child care, lack of technology or limited ability/understanding to use technology, and mental health. Data from Decision Support Systems (DSS) shows that from October 2017 – February 2020, the average number of days between all contacts was 33.3 days for intense risk, 47.9 days for elevated risk, 75 days for basic risk, and 161.5 for minimum risk. From March 2020–December 2020, the average number of days between contacts was: 37.6 days for intense risk, 57.1 for elevated risk, 88.6 for basic risk, and 129.9 for minimum risk. These numbers, in conjunction with their respective risk levels, indicate that officers continued to adhere to the risk, need, and responsivity principles in contacting higher risk people more frequently than lower risk ones.

At the start of 2020, there were approximately 125,882 people under

FIGURE 1
Personal contacts with persons under federal probation supervision

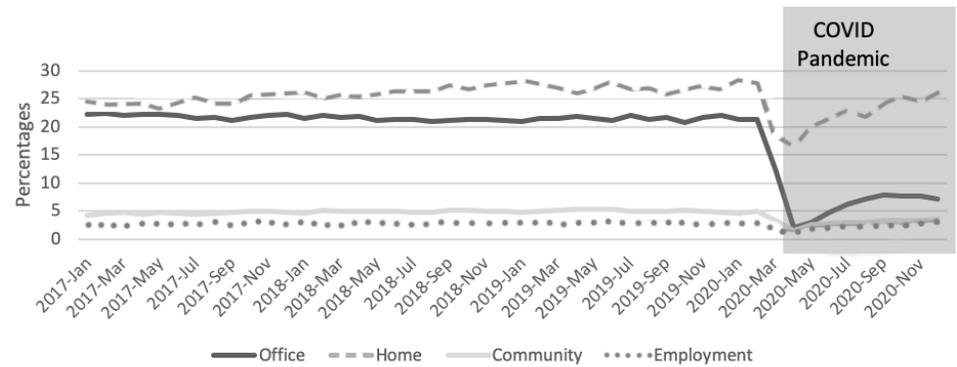


FIGURE 2
Personal contacts using virtual flag with persons under federal probation supervision

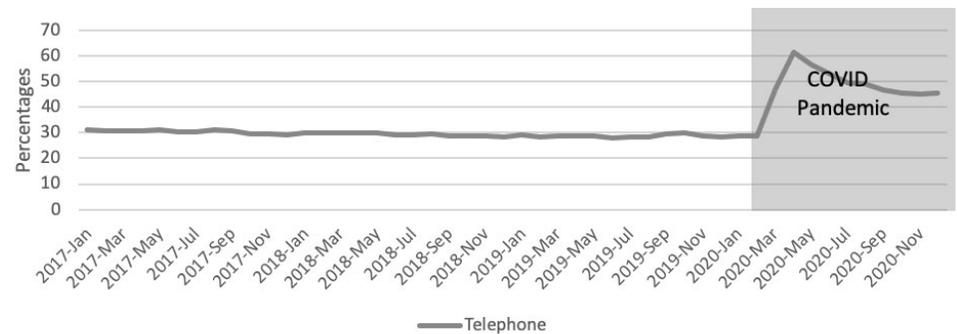


FIGURE 3
Personal contacts with collaterals

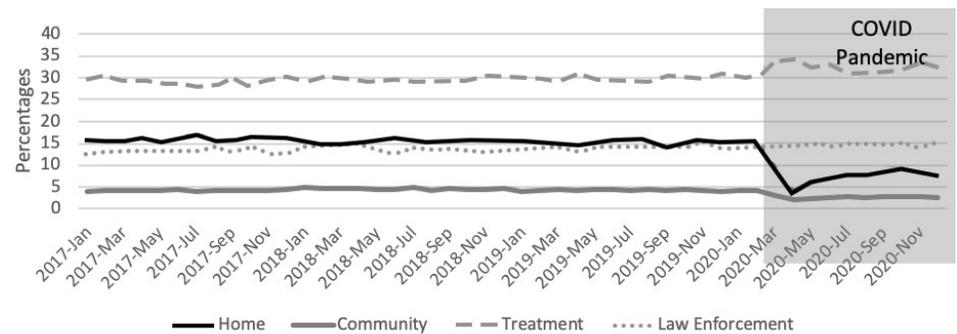
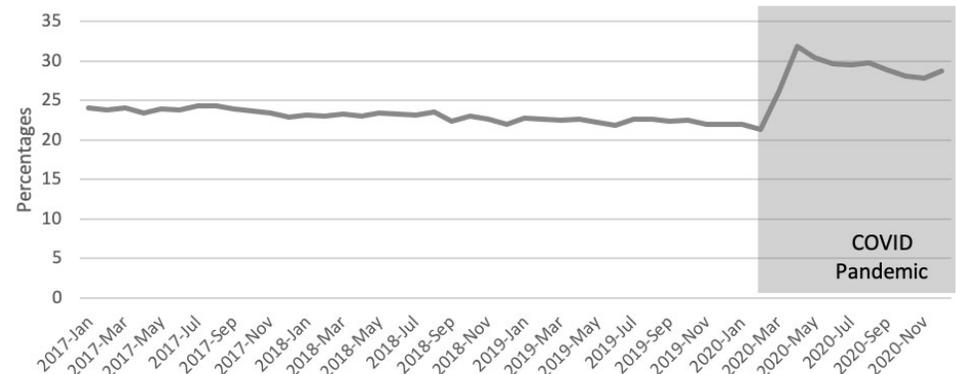


FIGURE 4
Collateral contacts



federal post-conviction supervision. Approximately 11 percent of those under post-conviction supervision are in the high-risk category, approximately 24 percent in the moderate-risk category, approximately 43 percent in the low/moderate-risk category, and approximately 22 percent in the low-risk category. Prior to the pandemic, the average number of monthly contacts was 33,575 on low-risk cases, 57,982 on low/moderate-risk cases, 50,649 on moderate-risk cases, and

21,846 on high-risk cases. During the pandemic, there was an increase in the average number of personal contacts for moderate- and high-risk cases, with the average number of monthly contacts at 33,439 for low-risk cases, 57,363 for low/moderate-risk cases, 54,738 for moderate-risk cases, and 23,978 for high-risk cases. As evidenced in Figure 5, officers have been supervising individuals in accordance with the Risk, Need, and Responsivity principle, with more efforts focused on high- and

moderate-risk cases, and less time on the low-moderate and low-risk cases.

Figure 6 demonstrates how contacts with persons under supervision changed in respective risk categories: Office contacts with high-risk persons under supervision occurred on average approximately 21 percent of the time prior to March 2020. That percentage of office contacts decreased to an average of 6 percent of the time after March 2020, as many offices were closed to the public. Figure 6 also illustrates a marginal change in contacts with high-risk persons under supervision at their homes, moving from an average of approximately 23.5 percent before the pandemic to 22 percent of the time after March 2020. The most notable change involved contact via telephone, which reflects an increase of nearly 18 percent from approximately 30 percent before March 2020 to 48 percent of the time after that. This number reflects the changes in how officers adapted to socially distant supervision while still addressing criminogenic needs and working to manage risk. Overall, these numbers reflect statements from officers that were interviewed regarding the types of contacts that were occurring during the pandemic, compared to regular supervision practices during pre-COVID supervision. The data indicate the large shift in supervision practices in response to changes in policy, procedure, and COVID-19 related protocols.

Figure 7 reflects a breakdown in the percentage of contacts in the office, home, and via telephone for moderate-risk cases. From January 2017 to February 2020, out of all contacts for persons under supervision in the moderate category, approximately 22 percent were in person in the office. After COVID-19 protocols were put in place, that percentage of contacts reduced to an average of approximately 7 percent through the end of 2020. There was a slight decrease in contacts at the residence, from an average of 25 percent pre-pandemic to 22 percent after the beginning of March 2020. Finally, telephone contacts increased approximately 21 percent, from 30 percent to nearly 51 percent. As indicated above, the location of contacts with persons under supervision was very similar to that of those in the high-risk category based on changes made due to COVID-19 related protocols.

Figure 8 (next page) reflects contacts for persons under supervision in the low/moderate-risk category. The percentages of these contacts are very similar to those reflected in the high- and moderate-risk categories. From January 2017 to February 2020: Persons

FIGURE 5
Number of personal contacts by PCRA risk level

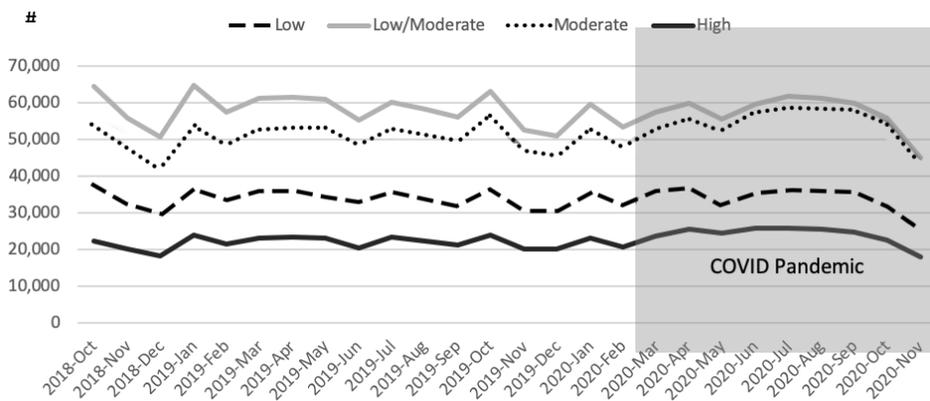


FIGURE 6
Personal contacts for persons under supervision in the high-risk category

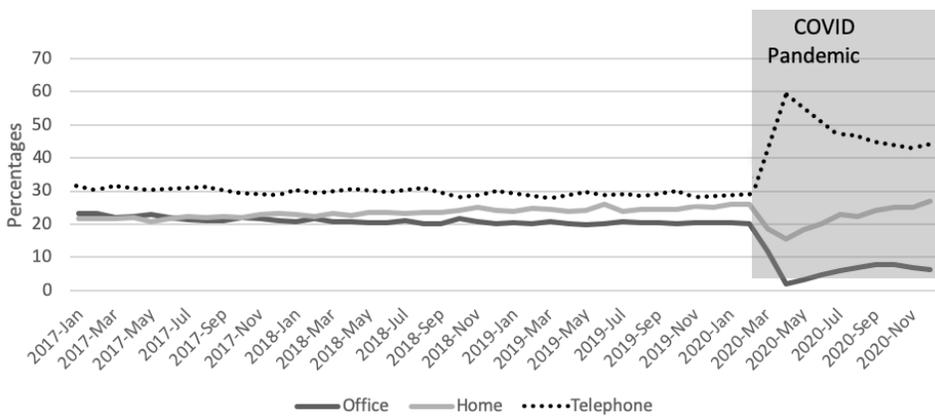
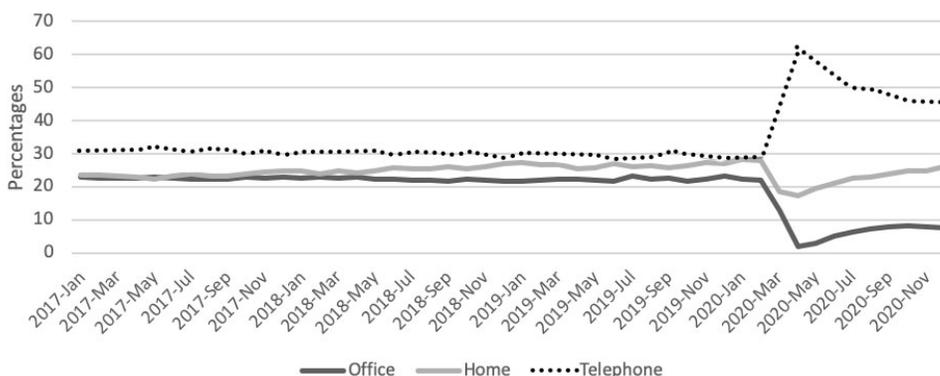


FIGURE 7
Personal contacts for persons under supervision in the moderate-risk category



under supervision in this risk category were contacted in person at the office on average 22 percent of the time, with that percentage reducing to approximately 7 percent from March 2020 through the end of the year. Contacts with persons under supervision at the home decreased from 26 percent to an average of 22 percent. Telephone contact during these respective time frames increased from 29.5 percent to almost 51 percent. In an effort to acknowledge the challenges presented by the pandemic and to help districts alleviate some workload, in March 2020, the Probation and Pretrial Services Office, with endorsement of the Criminal Law Committee, provided districts with guidance to temporarily move persons under supervision on low-moderate/category 1 caseload to low-risk supervision (administrative caseload).

The final category related to person under supervision risk level is in the low-risk category. Percentages in the low-risk category moved in a direction not unlike the other three categories. As reflected in Figure 9, in-office contacts went from 19.5 percent from January 2017 to February 2020, to an average of 6 percent from March 2020 through the end of the year. Contacts with persons under supervision at home saw a decrease from 28 percent to an average of 22 percent. Last, telephone contacts went from an average of 28 percent to 48 percent, with an overall increase of 20 percent. These results also very closely mirror the data from the other three risk categories.

Overall, despite the challenges presented through the pandemic, the evidence shows that officers continued to supervise individuals in accordance with the risk, need, and responsibility principles, with more efforts focused on high- and moderate-risk cases, and less time on the low-moderate and low-risk cases.

Amid the pandemic, many districts experienced changes in operations regarding closure of courthouses, virtual court hearings, decrease in local arrests/new law violations, etc. The officers interviewed noted that they needed to get more creative with alternative sanctions due to requests from the court to decrease the number of Petitions for Warrant submitted to the court. As indicated in Figure 10, from January 2017 through February 2020, the national monthly average number of persons under federal supervision revoked was 2,030. During the pandemic, the number of persons under federal supervision revoked monthly was significantly decreased to 1,430.

Another change noted during the pandemic concerned employment. Figure 11 (next page)

depicts the national monthly unemployment rate, which went from approximately 3.5 percent to 14.7 percent when the pandemic started.

For those persons under federal supervision, Figures 12 and 13 (next page) depict the time frame of January 2017 through February 2020, showing pre-pandemic that there was an average national employment rate of 71.5 percent, with a national unemployment rate of 28.4

percent. However, during the pandemic, the average national employment rate for persons under supervision decreased to 67.7 percent, with their national unemployment rate averaging 33.4 percent.

In line with this decrease in employment during the pandemic, the PCRA risk assessment reflected an increase in average scores for the dynamic risk factor of employment.

FIGURE 8
Personal contacts for persons under supervision in the low/moderate-risk category

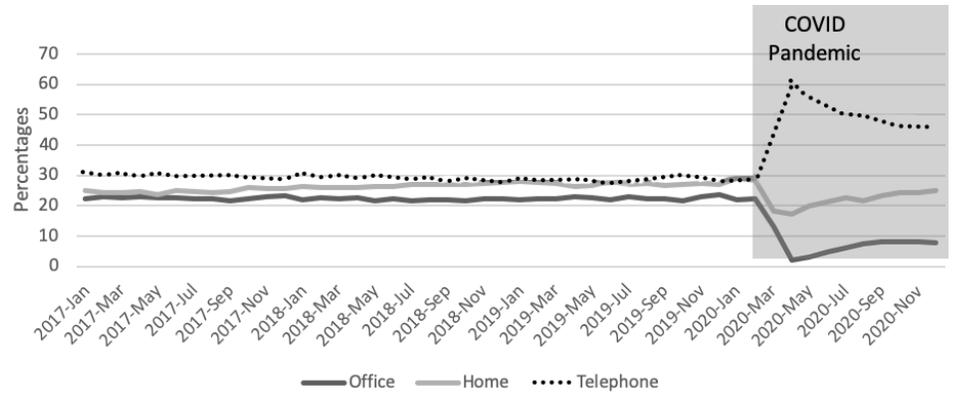


FIGURE 9
Personal contacts for persons under supervision in the low-risk category

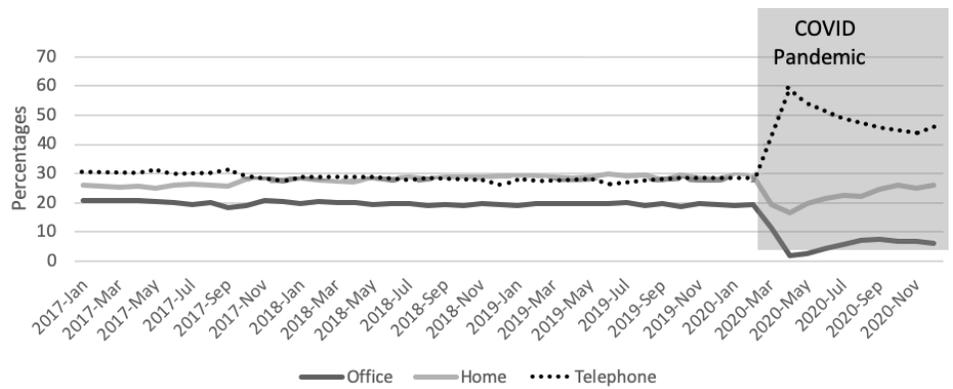
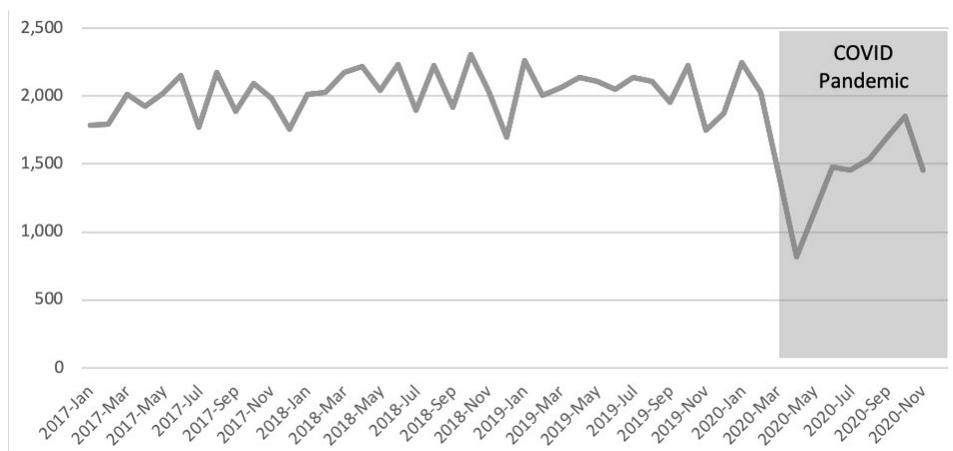


FIGURE 10
Number of persons under supervision revoked



According to Figure 14 (next page), from January 2017 through February 2020, the average score on the PCRA risk assessment for education/employment was 1.37, increasing to an average of 1.53 from March 2020 through November 2020. Slight changes were also noted in social networks (an average of 1.18 from January 2017 through February 2020 to 1.16 from March 2020 through November 2020); substance abuse (an average of .61 from January 2017 through February 2020 to .64 from March 2020 through November 2020); and cognitions (an average of .23 from

January 2017 through February 2020 to .25 from March 2020 through November 2020). The officers interviewed were asked if they addressed dynamic risk factors any differently during the pandemic. Their responses reflect that they were still addressing dynamic risk factors during every interaction with the person under supervision. However, some officers noted at the outset of the pandemic that persons under supervision had more responsivity issues. In addition, both persons under supervision and officers experienced greater stress due to the unknown health risks

associated with COVID-19, the additional challenges of working from home, childcare, limited use of technology, basic needs, educational barriers, lack of transportation, etc. Many officers noted an increase in mental health issues, with conversations focusing on coping and stabilizing. Some officers noted being more compassionate or lenient due to this commonality of challenges and the understanding that everyone across the country was experiencing change and people have different coping mechanisms. In many instances, officers noted the quality of the conversations with the person under supervision had improved with the shift to telephone or virtual contacts due to both parties being in a safe, secure, and comfortable environment.

From the officers interviewed, the most common evidence-based practice used during the pandemic was Staff Training Aimed at Reducing Rearrest (STARR). STARR, in an effort to develop more effective relationships, provides officers with several techniques that can develop more effective relationships with persons under supervision, including relationship skills (e.g. active listening); role clarification; effective use of reinforcement; effective use of authority, disapproval, and punishment; teaching, applying, and reviewing the cognitive model; thinking reports; and problem solving. Some officers reported finding it more difficult to use the interventions in a virtual environment because of the worksheets involved and the lack of in-person interaction when teaching, applying, and reviewing the skills. On the other hand, some officers found a work-around in the virtual environment by sending the worksheets/homework to the person under supervision via text or e-mail so they could work on the skills remotely. One officer explained that their district implemented a plan to use bridging skills and interventions with all high, moderate, and violent risk cases. Decision Support System (DSS) data¹ for the ten-month period prior to the pandemic showed that STARR skills were used in 7.3 percent of contacts, whereas for the first ten months of the pandemic, STARR skills were used 6.6 percent of the time. Some officers also reported use of journals and Moral Reconciliation Therapy during the pandemic. Most officers interviewed stated that STARR boosters continued during the pandemic, but the format was moved to a virtual environment (generally Microsoft Teams).

FIGURE 11
Monthly unemployment rate in the United States

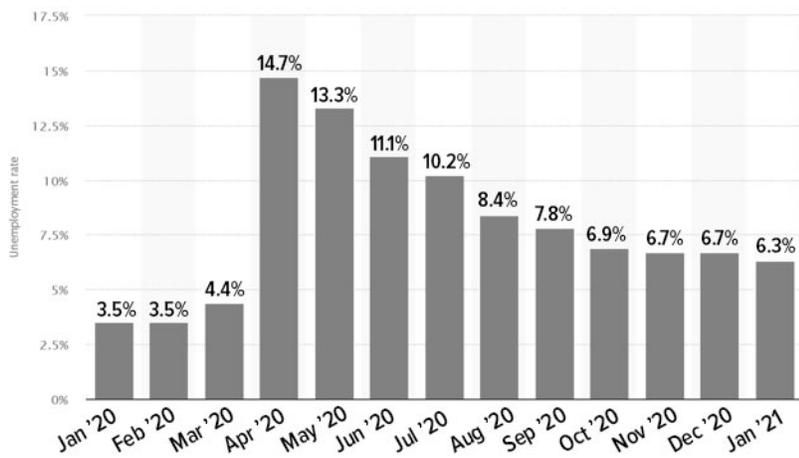


FIGURE 12
Employment percentages of post-conviction persons under supervision

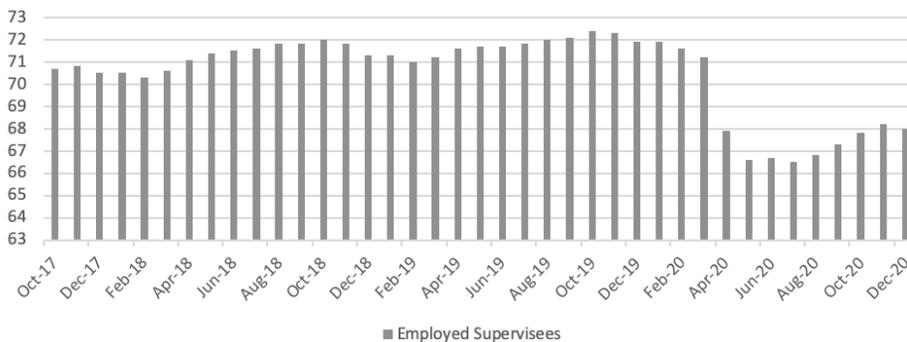
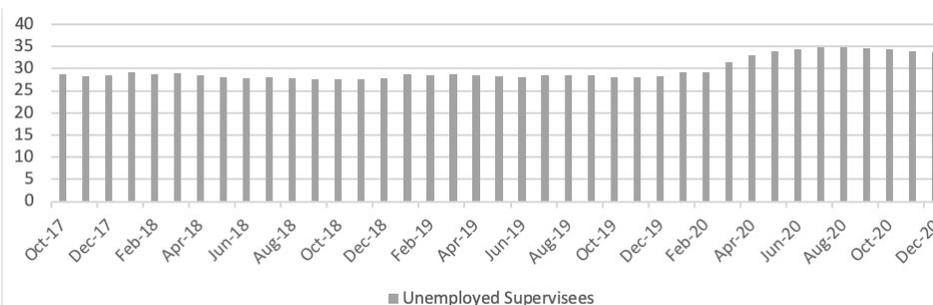


FIGURE 13
Unemployed percentages of post-conviction persons under supervision



¹ DSS report 1280 STARR Skills Usage Report (Post Conviction) – National * District Metrics.

Another area where officers got creative during the pandemic was in administering the Psychological Inventory of Criminal Thinking Styles (PICTS), which is the self-assessment portion of the Post Conviction Risk Assessment for the person under supervision. Many of the officers were used to administering the PICTS with the person under supervision during either office or home contacts; in some cases they would mail the PICTS. With the closure of offices throughout the country and significant decreases in field contacts, officers were no longer able to administer the PICTS in person or have office accessibility to mail copies of the PICTS. Officers reported e-mailing or texting the PICTS to the person under supervision; the person under supervision would then complete the PICTS and either e-mail it to the officer or in some instances take photos of each completed page and text it to the officer. Many officers reported now reading through each question of the PICTS to the person under supervision by telephone or through a virtual platform. Data from Decision Support Systems (DSS) showed the Post- Conviction Risk Assessment was timely completed 84.3 percent² of the time for the one year preceding the pandemic. During the pandemic, from March 2020 through December 2020, DSS data shows the Post-Conviction Risk Assessment was timely completed 86.8 percent of the time. Although the officers reported that the pandemic created challenges to their typical methods of conducting business operations, they felt they adapted through the changes and were able to complete the necessary work.

Figure 15 reflects the collection percentages of special assessment fees, fines, and restitution. There was no discernable difference noted regarding restitution percentages collected over the past three years. However, there was a marked decrease in the percentage of fines collected, with the decline starting approximately July 2019 with the lowest percentage indicated around July 2020. The percentage of fines collected decreased from an average of 90.5 percent prior to the pandemic (October 2017 to December 2019) to just 65.5 percent after COVID-19 (April 2020 to December 2020), in a very noticeable 25 percent drop in collection rates. Special assessment collection did decrease a few percentage points prior to the pandemic; however, special assessment collection has

increased since October 2020.

In summary, we learned the most significant change in supervision operations centered around the decreased in-person contacts. Districts quickly adapted at the outset of the pandemic through the use of technology, including telephonic and virtual platforms, to conduct business and maintain contacts with persons under supervision and collaterals. During these interactions with persons under supervision, officers were able to incorporate evidence-based practices, including use of STARR bridging skills and interventions. Officers considered a variety of sanctions and alternatives to addressing noncompliance, as well as evaluating cases that could move to an administrative caseload. Despite the pandemic and the many challenges presented, officers demonstrated their capability to adapt and perform their job duties. In accordance with risk, need, and responsivity principles, officers remained focused on risk-driven supervision, targeted dynamic risk factors, and were sensitive to increased responsivity issues.

Going forward, districts are now better prepared for situations in which they may need to implement Continuity of Operations Plans with all staff working remotely. Additionally, the pandemic has highlighted the ability of staff to get the job done via working flexible schedules, including non-traditional hours and adjusted/split work-days, which districts may want to consider allowing into the future. Districts now have valuable information about office space needs, which may help reduce their GSA footprint. Further, districts can incorporate the importance of technology within their budget projections, necessary training, addition of new staff, etc. Some districts may continue using virtual platforms as part of their standard supervision operations, as well as incorporating some of the innovative options for sanctions and addressing noncompliance. One thing is certain: throughout the pandemic, districts have demonstrated perseverance, innovation, and flexibility, which help set a strong foundation for identifying best practices.

FIGURE 14
Dynamic risk factors from the PCRA risk assessment

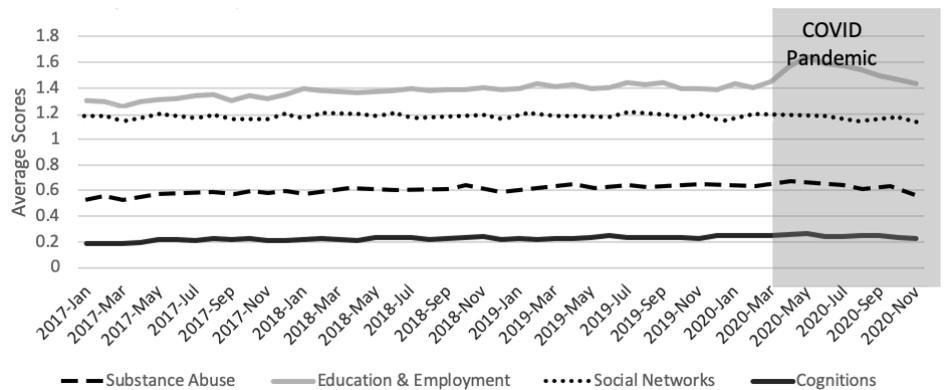
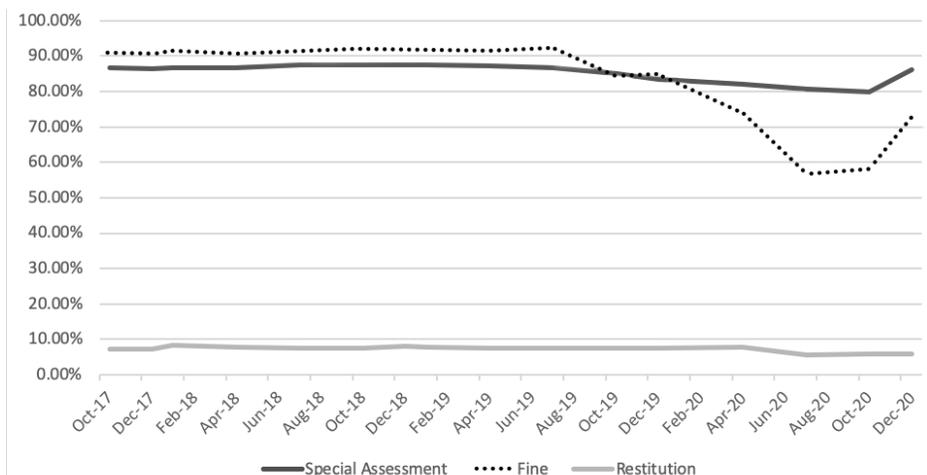


FIGURE 15
Collection percentages of special assessments, fines, and restitution



² DSS report 1305 PCRA Timeliness for Time Period – National & District.