

Expedite Resolutions and Improve Outcomes

ESSENTIAL ELEMENT 1: Community Supervision and Violations

POLICY

Community supervision must include effectively assessing persons under supervision for criminogenic risk and need and individual strengths; employ smart tailored supervision strategies; use incentives and graduated sanctions to respond promptly to behaviors; and ensure training and accountability of community supervision providers in using evidence-based practices which reduce recidivism.

EVIDENCE-BASED PRACTICES

Courts should facilitate and engage colleagues from other parts of the criminal justice system, including social service providers. By engaging and educating system partners and community-based providers, courts and specifically community supervision providers can build a broad support that provides the critical foundation for improving outcomes for individuals on probation or parole.

Community supervision providers should help lead the effort along with judges to educate justice partners and social service providers as to the challenges faced by probationers with behavioral health challenges, as well as to collaborate to identify the resources and capacities relative to supervision and support for these individuals in need.

Judges should play a critical part in supporting the efforts of probation to provide tailored and graduated sanctions as well as incentives and responses to violations.

Community supervision providers should employ screening and assessment tools to determine how to respond to probation violations. Responses to non-criminal noncompliance or technical violations of probation are most effectively met by adjustments to the type and intensity of therapeutic or treatment options. Probation should work with treatment providers to ensure that therapeutic adjustments are made by the treatment provider as needed and where appropriate.

Community supervision begins from the start of supervision with a structured assessment followed by case planning that is built around supporting and reinforcing positive behaviors and using effective responses to noncompliance grounded in an established therapeutic alliance. The supervision plan should be informed by the person being supervised. Motivational interviewing should be used as well as other cognitive behavioral techniques that build self-awareness, understanding, and self-regulation.

In determining a response to a violation, an assessment of criminogenic risk, needs, and strengths should be considered, and smart, tailored supervision strategies should be employed toward the end of breaking the cycle of violating or reoffending that results in incarceration.

Community supervision providers must be able to teach and practice skills that reduce risks around negative behaviors.

Recognizing and rewarding positive behavior are important pieces of effective case management.

Providing timely incentives and rewards to acknowledge pro-social behavior when it occurs is an effective way to help achieve positive behavior changes. Examples are verbal praise, certificates of achievement, and credits toward early termination of supervision. If negative behavior is indicated, sanctions should be timely, certain, proportionate, and responsive in a helpful way to stop the violating behavior.

Community supervision providers and community-based treatment and service providers should use consistent and complementary sanctions, incentives, and supervision strategies and techniques.

A supervision plan should be individualized and based upon a thorough classification process and an established decision-making matrix to ensure consistency across race, ethnicity, and gender groups.

Violation responses should be responsive to the individual's behavior and should consider the individual's risk level. Failure to match sanctions to risk levels can have unexpected results; in particular, targeting low-risk offenders with intensive supervision can actually increase their likelihood of recidivating.

When probation violations are filed with the court, the probation report must be scheduled on a docket and resolved in a timely manner. This is particularly important if the individual with behavioral health needs is held in custody pending the court date.

Specialized supervision caseloads should be established for those with behavioral health needs to focus on coordination and information sharing to ensure accountability and non-duplication of services or requirements.

GETTING STARTED

Probation and parole departments must begin the process of culture change by acknowledging that the current system does not work for individuals with behavioral health needs. Supervision should be evidenced-based as indicated by assessments based upon evidence-based principles. A clear, defined incentive and graduated sanction system should be implemented and broad education as to the needs of those with behavioral health needs must be implemented. A system should also be in place for accelerated hearings where a violation is alleged by a supervisee who has a serious mental illness.

NEXT GENERATION

Innovation, Technology, New Practice

Attention should be placed on the efficacy of virtual supervision and virtual telehealth sessions for those individuals with behavioral health needs. While the convenience is helpful and possibly reduces anxiety of the individual, concerns about procedural fairness, the ability to provide a voice, the feeling of respect, and the ability to be heard may be lost.

Institutionalization, Sustainability, Funding

Probation is on the frontline in terms of supervision. Data is important to ensure that court systems can effectively advocate for resources for this new and more empathetic approach to supervision for those individuals who find themselves intersecting with the criminal justice system.

RESOURCES

[Evidence-Based Strategies for Working with Offenders](#) (Center for Court Innovation)

[Policy Reforms Can Strengthen Community Supervision](#) (PEW)

[Does the Risk of Recidivism for Supervised Offenders Improve Over Time? Examining Changes in The Dynamic Risk Characteristics for Offenders under Federal Supervision](#) (U.S. Courts)

[A Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism](#) (Council of State Governments Justice Center - CSG Justice Center)

[50-State Data on Public Safety](#) (CSG Justice Center)

Learn more about risk, need, and responsibility:

[The Most Carefully Studied, Yet Least Understood, Terms in the Criminal Justice Lexicon: Risk, Need, and Responsibility](#) (Policy Research Associates)

[Implementing Specialized Caseloads to Reduce Recidivism for People with Co-Occurring Disorders](#) (CSG Justice Center)

[Community Supervision](#) (Public Safety Risk Assessment Clearinghouse)

[Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes](#) (Urban Institute)

[The Effects of Serious Mental Illness on Offender Reentry](#) (Federal Probation Journal)

[Remote Best Practices for Community Supervision](#) (Reconnect)

[Emerging Best Practices in Law Enforcement Deflection and Community Supervision Programs](#) (NADCP Journal for Advancing Justice)

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