

June 2020

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# Report to Seattle Municipal Court Probation Services on Strategies for Improving Policies and Practices

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*The Vera Institute of Justice*



## Seattle Municipal Court Response to the Vera Institute of Justice Report June 22, 2020

At Seattle Municipal Court (SMC), we pride ourselves on being an innovative and accessible court that seeks to holistically address the underlying needs that bring people through our doors. We are committed to continuously improving how we work with people across all areas of our court. In 2019, we sought an evaluation of our Probation Services by the Vera Institute of Justice (Vera), aiming to identify ways to most effectively serve our clients and improve our program.

Vera is an independent nonprofit research and policy organization that works to build and improve justice systems that ensure fairness, promote safety, and strengthen communities. In seeking this evaluation, SMC knew we would define areas of our current practices that need to improve. Change is necessary to undo systemic inequity and for Probation Services to serve the people of Seattle most effectively.

Our nation's criminal legal system has a long, painful history of racial injustice, and structural racism is still apparent today in courts across the country, including SMC. Though our court is only one piece of a larger criminal legal system, we are committed to equitably serving the people we work with, eliminating racial disparity in all areas of our work, and engaging with our partners to create change in the system as a whole. This Vera report lays out recommendations to help further evolve our approach to probation and address racial and gender disparities.

SMC has been at the forefront of innovative reform for decades, and Probation Services has been integral in our work. We created one of the nation's first pretrial diversion programs in the early 1990s, opened the nation's first municipal Mental Health Court in 1999, and were among the first to open a Community Court and Veterans Treatment Court in 2005 and 2012 respectively. Our innovations have continued with the creation of our Community Resource Center, a social service hub located on the second floor of the courthouse, and the launch of the Domestic Violence Intervention Project in 2018. Implementing Vera's recommendations for our Probation Services will carry us even further.

Probation is a post-adjudication jail alternative in which counselors are paired with clients to support them as they meet court-ordered obligations, which often include engagement in drug treatment or other therapeutic interventions. Although SMC actively participates in local pretrial diversion efforts, many cases that come to the court are not diversion eligible. Judges rely on probation as a rehabilitative alternative to jail to address high public safety risk offenses, and it is vital that Probation Services be as effective as possible in permanently transitioning clients out of the criminal legal system.

The research that informed Vera's report occurred in 2019, before the COVID-19 pandemic. The spread of the virus has heightened the urgency to reevaluate practices that enmesh people in the criminal legal system. We agree with the report's key recommendations to adopt a "less is more," goal-based supervision approach. By embracing the principles of effective community supervision outlined by Vera, we demonstrate SMC's core values of fairness, integrity, and justice. Recommendations in the report fall under six key principles:

**Principle 1: Probation supervision should be goal-based and focused on people who pose high risk to public safety.**

Probation is most appropriate and effective for people who have committed high public safety risk offenses, such as domestic violence (DV), driving under the influence (DUI), and person-based offenses. These offenses make up the majority of SMC's existing probation caseload. Of the population on active supervision studied by Vera, DUI cases made up the largest portion at 37 percent, DV cases made up 25 percent, 15 percent were offenses against persons—such as assault and harassment—and 5 percent were mental health-related.

For lower-risk cases, increasing sentencing alternatives may help SMC more effectively serve clients. In partnership with the Seattle City Attorney's Office and the King County Department of Public Defense, SMC plans to launch a revamped Community Court later in 2020 that will offer clients with lower-risk offenses the opportunity to address underlying issues that contributed to their court involvement, without a conviction or probation supervision. We will continue and expand our work with a range of local pretrial diversion programs in the years to come, such as the youth diversion program administered by the Seattle City Attorney's Office.

In response to preliminary findings from Vera's report, SMC judges adopted new sentencing guidelines in early 2020, with the goal of reducing judicial referrals for lower-risk people and reserving probation for high-risk cases.

SMC is shifting its case management approach to focus on a clear set of objectives for each client, aimed at addressing the root causes of their criminal behavior. We have seen success with offering rehabilitative treatment through our existing Mental Health Court and Domestic Violence Intervention Project, and we look forward to further applying rehabilitative practices to better support all probation clients. Counselors will submit orders to close cases and end supervision as soon as clients have achieved their obligations, incentivizing success and helping to ensure time spent on probation is as brief as possible.

**Principle 2: Probation conditions and management of those conditions should be responsive to levels of risk, needs, and strengths.**

SMC is researching options for a new post-adjudication assessment tool to identify clients' strengths, needs and risk levels. Any tool used must be regularly validated for use among our probation client population to verify that the tool is accurately identifying clients' needs and not perpetuating racial disparities. This assessment tool will inform probation counselors on the unique strengths and needs of their clients as they develop their individualized case management approaches.

**Principle 3: Probation should be outcomes-based.**

Probation Services' ability to track key performance measures and other data has been severely limited by our antiquated data management systems. SMC is in the midst of a multi-year effort to replace these systems by mid-2022, which will allow us to track performance measures and client outcomes, identify and address disparate outcomes for people of color, and continuously evaluate areas for improvement in our work with clients.

As SMC evolves its community supervision approach, probation counselors will set clear objectives for their meetings with clients and focus interactions on supporting people to achieve their goals. Incentives are an effective case management tool and will be an important part of SMC's strategy to encourage client success.

**Principle 4: Shifting the goals of probation supervision requires significant staff training and mentoring.**

SMC's probation counselors are our program's greatest strength and asset. While Vera's report identifies areas for improvement in department policy, it notes that probation clients interviewed for this study generally had good relationships with their counselors and believed them to be invested in their success. As we develop new policies, our staff's expertise and insight will be key to evolving our approach on the ground. It is vital that we support probation counselors throughout this change process.

**Principle 5: Collaboration and community engagement are necessary for effective system change.**

Breaking down silos and collaborating more closely with local stakeholders will give SMC valuable insight to help us better serve probation clients. We will rely on input from probation counselors, service providers, justice system partners, and community organizations to guide our evolving practices.

We value the strong relationships we have with dozens of local service providers that operate in our Community Resource Center. Engaging with our provider partners and other community organizations will continuously inform our work and ensure that we are equitably serving all communities.

**Principle 6: Probation departments must recognize and minimize disproportionate impact on people of color and women.**

SMC recognizes there are upstream factors that cause disproportionality in who comes to the court, and we are committed to eliminating disparate outcomes for court clients. We are developing new policies, procedures, and staff training with an eye toward reducing racial disproportionality through equitable practices that reduce barriers to success. SMC will continue researching the racial and gender disparities in our probation population to find ways to better serve diverse populations.

We have seen success with our existing specialized domestic violence unit caseload when addressing female clients who are survivors of domestic abuse. We are assessing our ability to implement specialized caseloads for women generally, and how we can better incorporate gender-responsive strategies and trauma-informed care.

### **A Commitment to Continued Evolution**

SMC Probation Services is committed to a 21st century criminal justice approach, not the outdated probationary practices of the past that have contributed to racial disproportionality and inconsistent outcomes. The goals of probation are to improve peoples' lives and protect public safety. The recommendations laid out in this Vera report give us a path to achieve our goals more effectively than ever before. As we evolve the use of probation at SMC, we are eager to engage with our community and ask them to join us on this journey to make SMC Probation Services the best probation program in the country. To stay involved, visit [seattle.gov/courts/probationevolution](https://seattle.gov/courts/probationevolution).

# Introduction

The Seattle Municipal Court Probation Services (Probation Services) asked the Vera Institute of Justice (Vera) to review the department's policies and practices to identify examples of success and areas for improvement. Over the course of the engagement, Vera explored the degree to which Probation Services is in line with best practices in community supervision and positioned to move forward in the broader context of advancing system reform. Vera also examined the impact of the department's policies and practices on racial equity and gender equity, as well as client success and well-being.

This report identifies findings from those activities and makes recommendations based on the department's level of alignment with six key principles for effective community supervision:

- Probation supervision should be goal-based and focused on people who pose a high level of risk to public safety, which is likely to be a small portion of those charged with misdemeanors;
- Probation conditions and management of those conditions should be responsive to levels of risk, needs, and strengths;
- Probation should be outcomes-based;
- The process of shifting the goals of probation supervision requires significant staff training and mentoring;
- Collaboration and community engagement are necessary for effective system change; and
- Probation departments must recognize and minimize disproportionate impact on people of color and women.

As detailed below, the findings of this brief study suggest that, although Probation Services has taken real steps in the direction of becoming an effective, evidence-based misdemeanor probation department, considerable work remains to be done. With calls from community-based organizations to defund Probation Services, the department has moved quickly over the past year to rethink policies and practices that are overly punitive.<sup>1</sup> Vera's quantitative analysis, as well as qualitative data collected from system stakeholders, Probation Services staff, and people under probation supervision, point to two main findings. Although the department's commitment to improving practices is commendable, change has been uneven; further, the speed with which changes have been implemented has not allowed for the broader buy-in or training necessary to achieve a fundamental shift in departmental goals. The department should re-envision itself and its work, with the goal of being more effective in helping people on probation to be successful, which in many cases, may mean intervening less, not more. Because the

time-limited nature of this engagement did not allow for more comprehensive research, this report should be viewed as a starting point and guide for further inquiry.

## Methodology

At the start of this engagement, Vera conducted introductory phone calls with the Probation Services management team, judges, prosecutors, public defenders, and community-based service providers and advocates to understand the local context and gauge interest in and readiness for reform. Additionally, Vera reviewed the department's policy and procedure manual. During a site visit, Vera:

- met with the Probation Services management team as well as individual probation counselors, teams within three probation units (general, domestic violence, and mental health), the City Attorney's Office, and judges;
- observed court processes related to probation; and
- conducted three focus groups with people currently or formerly on probation in Seattle Municipal Court (SMC) to learn about their lived experiences with the department.

To provide opportunity for all Probation Services staff members to share their experiences and opinions regarding current operations and policies within the department, Vera administered an online survey following the site visit. Finally, Vera analyzed administrative data for the more than 9,000 cases that were open at any time during the two-year period from July 2017 through June 2019.

The methodology for Vera's quantitative and qualitative research activities is provided below, including: the descriptive analysis of administrative data obtained from SMC; three focus groups with people actively or formerly on probation; and a voluntary online staff survey e-mailed to all Probation Services staff.

### Administrative Data Analysis

Vera analyzed administrative data related to records of all probation cases open at any time between July 2017 and June 2019. The analyzed data includes: descriptive information related to probation cases and assigned activities; court records associated with each case, including information on charge and disposition; demographics among people on probation; termination reasons for cases that were closed during the study period; and orders to close probation cases.

Vera used recorded probation jurisdiction start and end dates from the Municipal Court’s information system (MCIS) to determine the cohort of 9,270 cases that were open at any time during the study period. Vera supplemented this data with information from Probation Services’ own management system (SeaTrac). It is noteworthy that some of the cases that appeared closed based on the selected dates still had recorded activity during the study period or had an open status label, indicating potential inconsistencies in data entry. Additionally, some data was inconsistent between Vera’s two main data sources (MCIS and SeaTrac). Whenever possible, Vera prioritized dates from the MCIS dataset to determine the cohort, as this was the most trusted data source according to SMC staff. Due to these inconsistencies, numbers reported here may not be exact.

Although Vera is able to provide a summary analysis revealing important patterns in the use of probation, significant data limitations prevent more in-depth analysis. Due to lack of available data, Vera was unable to analyze the following factors:

- Why cases moved from active to inactive status;
- Probation terms as sentenced—only actual length of time served on probation is available, not the length of time originally sentenced;
- Cases that closed early, via either a move to inactive status or a full end to jurisdiction, because of inability to compare time served on probation to sentenced probation terms;
- Recommended and/or granted probation violations and revocations and the reasons for violation and revocation recommendations;
- Ethnicity data, making it impossible to examine the impact of probation on Latinx people; additionally, all race data is reported directly by law enforcement, which likely means race was—in at least some cases—recorded as observed by law enforcement, rather than self-identified;
- Treatment and activity outcomes and timelines for completion; and
- Rates of sentencing to probation versus other dispositional outcomes.

## Focus Groups

During a September 2019 site visit, Vera conducted a total of three focus group sessions with people currently and formerly on probation, with the former comprising the majority of respondents. Each focus group session lasted between 90 and 120 minutes and was held at a community center in Seattle. Discussion topics included interactions with probation counselors, perceived benefits and consequences of being on probation, areas for improvement within Probation Services, and the prospect of defunding probation within SMC.

To recruit focus group respondents, Vera wrote a letter that was subsequently sent via regular mail by SMC staff to people under active SMC probation supervision at the time. The letter explained Vera’s role



and the intent of the research and served as an invitation for recipients to participate in the Vera-led focus group discussions. The letter instructed people to send an e-mail or leave a voicemail for the Vera team, if interested. Upon contacting Vera, potential respondents were asked to complete an initial online questionnaire or, if they did not have access to e-mail and/or the Internet, respond by phone with a Vera team member. After a final screening conducted by phone, qualified respondents were invited to participate and scheduled to one of three focus group sessions. In all, 29 people participated, and each was compensated with a prepaid \$100 Visa gift card at the end of the session. See Table 1.

Table 1. Characteristics of SMC client focus group respondents (N=29)

<b>Respondent Characteristic</b>	<b>Category</b>	<b>Count</b>
<i>Gender</i>	Male	18
	Female	11
<i>Race/Ethnicity</i>	Black	8
	Hispanic/Latinx	4
	Native American/Pacific Islander	3
	White	9
	Multi-racial	5
<i>Age Group</i>	18-24 years	5
	25-34 years	9
	35-44 years	5
	45-54 years	3
	55 years and older	7
<i>SMC Probation Status</i>	Currently	28
	Formerly	1

## Survey of Probation Services Staff

Each Probation Services staff member was e-mailed a unique web link to access the survey, which consisted of 51 questions. The vast majority of questions were closed-ended (that is, multiple choice, Likert scale), but a few questions allowed respondents to provide open-ended answers. The online survey's initial page contained consent language and explained the survey's purpose, how the information would be used, and the respondent's right to participate or not without facing any consequences, including the option to leave any question unanswered. Participants' consent was indicated by completion

(or partial completion) of the survey. Staff were not compensated financially, or in any other way, for completing the online survey. Due to a relatively low response rate (21 of 47 staff members, or 45 percent, filled out the survey), the findings were not generalizable to the entire Probation Services staff, and quantitative findings are not provided here. However, examples of key themes from the survey results can be found throughout the next section.

## Principles and recommendations for effective community supervision

Vera's findings and recommendations for improving the practices and operations of SMC Probation Services, based on research and site visit activities, fall within six key principles for community supervision. Some of the recommendations—particularly those within Principle 1—are beyond Probation Services' control and require action by other system stakeholders, such as judges and prosecutors.

**Principle 1: Probation supervision should be goal-based and focus on people who pose a high risk to public safety, which is likely to be a small portion of those charged with misdemeanors.**

### **Research-based practices**

Too often, probation departments squander valuable and finite resources, including staff time and contracted services, supervising people who pose little risk for future legal system involvement and who may actually be harmed by supervision and programming.<sup>2</sup> According to the risk principle, which is supported by decades of research, the intensity of supervision and treatment should correspond to the person's level of risk.<sup>3</sup>

### **Over-supervising people who pose little risk to public safety increases recidivism.**

Research has shown consistently that over-supervising people deemed to present low risk can increase their likelihood of future system involvement by disrupting positive aspects of their lives, such as education, employment, and family; it also causes them to engage with people who may pose a higher level of risk.<sup>4</sup> Conversely, prioritizing existing resources for people determined to present high risk and those in need of treatment has demonstrated the greatest reductions in recidivism.<sup>5</sup> Avoiding intervention with people who pose lower levels of risk results in fewer clients on the probation caseload; when paired with research-based practices, this allows more targeted provision of services as well as greater opportunity for probation staff to develop trusting, client-focused relationships. Studies have

demonstrated that reducing caseloads by focusing resources on people assessed as high-risk for future involvement with the legal system also can reduce recidivism. Probation staff with smaller workloads were better positioned to identify their clients' needs and more able to direct them to appropriate resources.<sup>6</sup>

**A robust pretrial diversion portfolio helps to avoid more intensive intervention with people who present lower levels of risk.**

Pretrial release and diversion programs can offer pathways away from the criminal legal system at various points in case processing. Given participants' pretrial status and the presumption of their innocence, conditions must impose the most minimal burden possible.<sup>7</sup> Particularly with people who present lower levels of risk, diversion is meant to encourage existing prosocial activities—and introduce new ones, as needed, through voluntary referrals to services—while avoiding intensive intervention.

Jurisdictions across the country are implementing pretrial diversion programs. For example, the Milwaukee County District Attorney's Office offers multiple prosecutorial diversion programs.<sup>8</sup> Although diversion is open to eligible defendants determined to pose low risk, the Deferred Prosecution Agreement (DPA) program serves eligible defendants found to be at medium- to high-risk of reentering the system. A diversion agreement may include making a restitution payment and refraining from committing a crime for the diversion term, which generally lasts six months. Those who meet the conditions of their agreement will not be subject to a criminal charge, whereas those who do not will be prosecuted.

Participants in the Milwaukee DPA program enter a guilty plea and sign an agreement, and the judgment of conviction is deferred. Conditions—which can include cognitive behavioral therapy, substance use or mental health treatment, and restitution payment—must be directly connected to the defendant's needs and case management. Those who are not successful in the program will be sentenced on the charges as pled. When a defendant successfully completes the DPA program, their charges are either dismissed or reduced, depending on the signed agreement, which lasts for at least six months.

Investing in pretrial diversion has the added benefit of reducing probation caseloads. In New York City, an adjournment in contemplation of dismissal (ACD) almost always leads to dismissal within six or 12 months, depending on the charge. In 2018, of the misdemeanor arrests, 30.4 percent resulted in an ACD dismissal, and only 0.3 percent resulted in a probation sentence.<sup>9</sup> Avoiding a criminal conviction altogether is ideal, as there are far-reaching collateral consequences of a conviction, including barriers to housing, employment, education, and government assistance.<sup>10</sup>

**Supervising people for longer than necessary increases their likelihood for revocation.**

After a period of remaining arrest-free, supervision is less likely to decrease crime and needlessly deprives people of their full liberty while draining agency resources.<sup>11</sup> The American Law Institute's Model Penal

Code for Sentencing recommends, “For a misdemeanor conviction, the term shall not exceed one year. Consecutive sentences of probation may not be imposed.”<sup>12</sup>

Long terms on community supervision can expose even people who are compliant to possible revocation. For example, two to five years of any of the following conditions—needing permission to move, travel, or get a driver’s license; refraining from drinking alcohol; or having to report regularly—might lead anyone to violate the rules at some point.<sup>13</sup> Non-compliance with any one condition is theoretically grounds for a violation and could result in revocation, potentially resulting in a loss of all earned credit for the time clients lived in the community without violations.

Supervision terms should end when people complete specific requirements or assigned tasks rather than a set period of months or years.<sup>14</sup> The Harvard Executive Session on Community Corrections specifically recommended that the approach taken by community supervision should shift “from time-based to goal-based.”<sup>15</sup> To this end, policymakers in jurisdictions across the country are adopting reforms, such as shorter probation terms, greater use of reduced or inactive supervision, and earned compliance credits.<sup>16</sup>

Moreover, studies have shown that people discharged early from probation supervision, regardless of risk level, had lower rates of recidivism than their full-term counterparts.<sup>17</sup> From 2007 to 2013, New York City Probation increased early termination by almost six times, and only three percent of people discharged early were reconvicted of a felony within a year of discharge, whereas 4.3 percent of those supervised for the full term were reconvicted.<sup>18</sup> In many jurisdictions, early discharge policies are automatic rather than at probation staff’s discretion to petition for reduced supervision time, which eliminates external pressures that can influence judges, probation departments, and individual officers.<sup>19</sup>

Allowing people under supervision to earn compliance credits, by meeting the goals and conditions of supervision, also incentivizes them to perform well on probation.<sup>20</sup> Evidence shows that incentives more effectively motivate behavior change than punishment or threats of punishment, and early discharge is the ultimate incentive.<sup>21</sup> As an example, in Missouri in 2012, policymakers granted 30 days of credit for every 30 days of compliance while under supervision for certain people on community supervision. As a result, 36,000 people reduced their terms by an average of 14 months, and there was a 20 percent reduction in the total number of people under supervision. Overall, reconviction rates were the same or lower for people who were discharged early.<sup>22</sup>

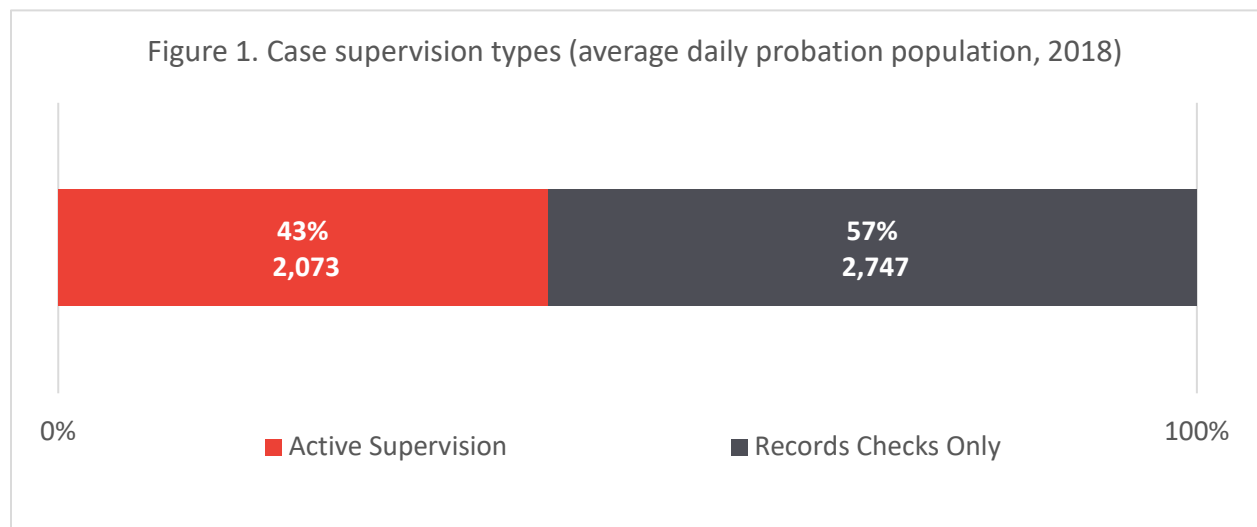
## **SMC Practice**

Too many people are under probation supervision in the municipal court, and for many, the length of time under supervision is counterproductive. This includes long periods of inactive supervision, in which the only requirement is Probation Services administrative staff monitoring records for new law violations.<sup>23</sup>

**Rates of probation supervision in SMC are higher than the national average for misdemeanors.**

SMC probation data confirms a high rate of probation supervision compared to the national rate. In 2018, there were 4,819 people with open probation cases per day, on average—a rate of 647 people on probation per 100,000 Seattle residents. This is significantly higher than the national rate of probation for misdemeanor cases: 382 per 100,000 in 2016, the most recent year for which data is available.<sup>24</sup> Both the local and national rates include people on active and inactive supervision, as well as those on warrant status. A total of 9,270 cases were open at any time during the study period, July 2017 through June 2019.<sup>25</sup> Driving under the influence (DUI) cases made up the largest portion of these cases at 44 percent; domestic violence (DV) made up 18 percent; and other cases made up 38 percent.<sup>26</sup>

Looking at supervision status, on average, 2,073 people (43 percent) were under active supervision on any given day in 2018. Conversely, 2,747 people under probation supervision (57 percent) did not have any active probation conditions (either being subject to only regular records checks or having no activity at all, but with probation jurisdiction remaining open). Figure 1 shows the average daily probation population by supervision type.



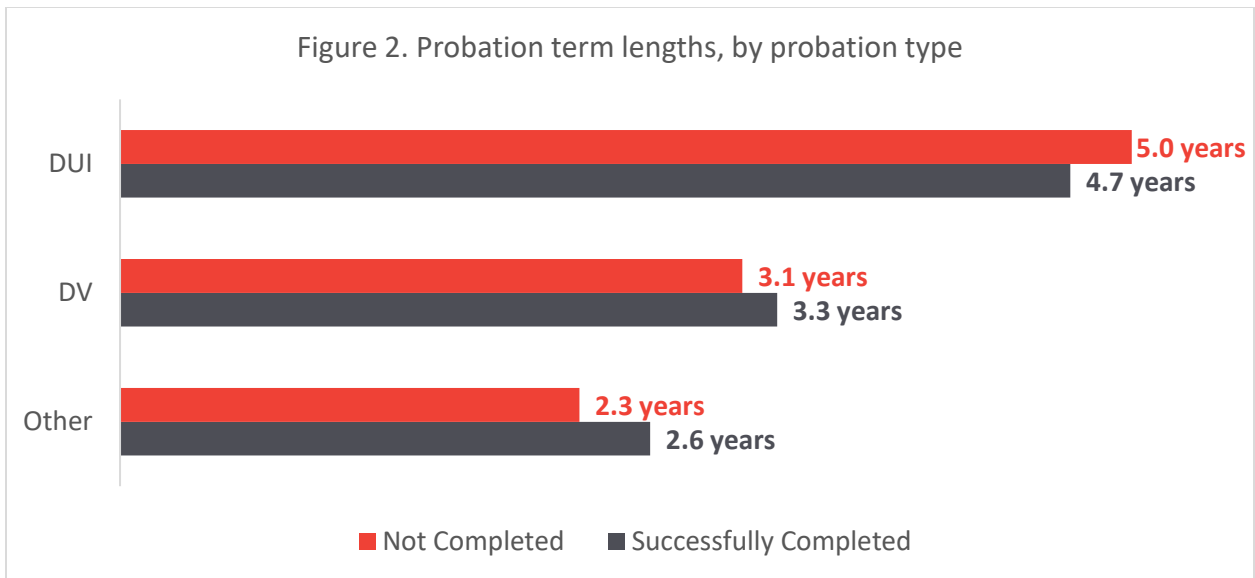
Stakeholders working in the SMC system shared that, due to high caseloads, those in need of deeper support do not receive the necessary level of attention. These stakeholders described a “strong culture” and “ingrained philosophy” of imposing probation and supervision and adding more obligations when clients are struggling to comply rather than questioning why compliance is difficult for any one client, and why the conditions are necessary. They acknowledged a need for supervision in DUI and DV cases, but questioned its efficacy for most other cases.

A persistent theme among SMC system stakeholders was that probation is effective for those who are “highly functioning,” but there is a “mismatch” between a portion of the population on probation and the conditions of supervision due to their homelessness, trauma, and behavioral health struggles. This population cannot adhere to the current structure of “office-based” probation and needs a more flexible approach in order to be successful. For example, a line prosecutor suggested that perhaps more of this population would benefit from services without having to engage with the court or probation. A public defender pointed out that many people are involved with the system in the first place due to their inability to follow rules. A service provider said that true accountability comes from access to resources and trust, which fear of punishment can undermine. Larger caseloads, in turn, make it more difficult for probation counselors to take the time to build that trust relationship with clients.

### **Probation terms are too lengthy.**

In addition to a high rate of probation supervision, probation cases have lengthy terms. On average, probation terms for cases that were closed during the study period were nearly four years (3.8 years). Cases that were completed successfully were about the same length: 3.7 years, on average. People who did not complete probation successfully spent an average of 2.9 years on probation before revocation or a new charge. One-fourth (1,688) of the 6,726 cases that were closed during the study period were missing case termination data, meaning Vera was not able to determine if the cases were completed successfully or ended in a revocation. The available data likely still reflects overall trends, and one can be reasonably sure the results presented in this report accurately reflect the total population of probation cases. All further data on case termination represents only the subset of cases with information available.

Probation case lengths varied by probation type with DUI cases having the longest lengths, on average (see Figure 2).



Many cases, 40 percent of the total cases in the cohort Vera examined, had an open warrant for some period of time during the duration of the case. Researchers were unable to determine what, if any, level of supervision people received while they had open warrants. Removing time spent on warrant status from the total length of the probation term, however, allows the exclusion of time during which people may not have been under probation supervision during the course of their cases. When Vera removed time spent on warrant status, probation terms for cases closed during the study period lasted an average of 3.2 years. Because probation cases remain open and people may have had active records checks or other probation activity during the time periods when they had open warrants, time spent on warrant status is not excluded from subsequent analyses in this report.

Three-fourths of all probation terms include some amount of time spent on inactive probation, meaning there are no active conditions of supervision, but regular records checks are still being performed. Even so, people on probation are spending a long time being actively supervised, before moving to inactive supervision. Of the 6,726 cases that were closed during the study period, 5,590 (83 percent) had at least some time spent on active supervision. These cases were under active supervision for an average of 2.4 years and 57 percent of their total probation length. Cases that were completed successfully spent an average of 2.3 years on active probation, compared to 1.8 years of active probation for cases that were not completed successfully.

The City Attorney’s Office expressed a belief that, in many cases, six months would be a sufficient probation term, and time beyond that is burdensome. Several stakeholders discussed the disruption caused by “continued entanglement” with the court and associated challenges, such as taking time off work and finding childcare and transportation.

Many of the focus group respondents believe that probation sentences are unreasonably long, given the nature of their cases. For example, the near universal two-year active probation term among the respondents was met with frustration and confusion as to its rehabilitative benefit. To be sure, nearly all participants understood the theoretical need for some form of accountability, but they did not agree with the perceived “cookie-cutter,” inflexible policies and conditions of their probation terms. Many felt the length of probation terms actually serves as a threat to compliance, given the frequency with which they have to report to their probation counselor, attend mandated classes and treatment, and submit to urinalysis (UA). One woman in her 50s suggested, “It seems like it’s always two years, two years, two years. . . for whatever your crime is. [M]aybe just doing it like one year and then gradually, you know, like build it up or you put more [time] in there.”

Many respondents said they did not have any violations or major problems complying with their probation conditions and were frustrated that compliance is not met with a willingness to restructure or reconsider the conditions of their probation terms. One man wondered what another year of probation would accomplish after a full year of total compliance with his conditions:

*I’m a year into my program, my two-year probation. I’m a year into it. So, I asked my probation officer, I met her last week, and I says, “Okay, so after the one-year point, do we go to phone calls?” . . . She said, “You’ve been in compliance, and you’ve done everything I’ve asked of you.” She said, “We’ll see about that.” I said, “You know . . . it’d help. Give me a little . . . carrot, celery or something. Give me a little incentive. . . I’ve never failed a UA. . . I’m 100% [in] compliance.”*

Data tracking all orders to close (OTCs) submitted by probation counselors shows that, among the cases open at any time from July 2017 through June 2019, only 18 percent had an OTC filed at any point during the case.<sup>27</sup> According to Probation Services, most OTCs granted by the court result in the case moving from active to inactive supervision (which consists solely of records checks, managed by administrative staff and not by probation counselors) rather than complete discharge from probation supervision. This is reflected in data on the length of time spent under probation supervision. People whose cases did have an OTC filed still spent an average of 4.6 years under some form of supervision before their cases were closed, compared to 3.6 years for those with no OTC filed. This indicates that submission of an OTC does not affect the total length of time spent under any form of supervision.<sup>28</sup> Among the 5,590 cases that had any amount of time on active supervision, 27 percent had an OTC filed. These cases spent an average of 1.7 years under active supervision, compared with 2.6 years for cases without OTCs filed. Thus, consistent with Probation Services’ description, OTCs appear to expedite moving cases from active to inactive supervision, but do not reduce the overall length of time spent under probation supervision.



It is important to note that SMC did not start considering OTCs for non-DV cases until 2016 and until 2019 for DV cases, meaning that more future cases could be closed early. Unless these cases close completely, however, average overall lengths of time under supervision may not be affected.

## Aligning with Best Practices

**Recommendation 1: SMC should prioritize probation resources for people who pose higher levels of risk to the community, thus significantly reducing the department’s overall caseload and avoiding increased system involvement among people who present less risk.**

To prevent people deemed to pose low risk from entering the probation caseload in the first place, the court could expand pretrial diversion, as it is moving toward a more individualized and evidence-based approach to pretrial release and pretrial supervision. The City Attorney’s Office has expressed interest in expanding the pre-file diversion program to people older than 24 years of age and should consider diversion at additional post-file decision points as well.<sup>29</sup> In designing diversionary strategies, it is imperative to distinguish between pretrial programs and probation, as the two differ fundamentally in their intended outcomes.<sup>30</sup>

**Recommendation 2: SMC probation supervision should shift from “time-based” to “goal-based.”** To the greatest extent possible, judges must move away from the default of sentencing people to the maximum term of probation jurisdiction—especially when people do not have lengthy histories with the legal system—and make greater use of early case closure. Probation counselors should file orders to close, and judges should grant them, whenever an eligible person has completed their conditions. Upon completion of conditions, cases should close entirely, not merely move to inactive status, unless there is a justifiable, individualized reason for continued monitoring for new criminal law violations. Inactive supervision exposes people to the punitive aspects of probation supervision without giving them access to the beneficial aspects of community supervision, such as connection to resources and case management.<sup>31</sup> These punitive aspects include: constant threat of revocation and loss of credit for time spent in compliance with conditions; more severe punishment due simply to being under probation supervision; and collateral consequences, such as barriers to employment or housing due to the status of being on probation. The court could consider a policy of automatic discharge upon completion of conditions and an earned compliance credit policy under which a certain period of successful compliance results in shortening the term by a corresponding number of days.

The Mental Health Court has recently adopted a revised sentencing grid that now starts at six months, a move away from two years as the default, unless a person has an extensive history with the system. The policy also provides for early case closure (although, one stakeholder mentioned 100 percent compliance as a prerequisite, which may not be realistic for many). This process of updating the Mental Health Court’s policy could be instructive for the other courts.

## Principle 2: Probation conditions and management of those conditions should be responsive to levels of risk, needs, and strengths.

### **Research-based practices**

A majority of probation departments use assessment tools to determine the level at which to supervise individual clients.<sup>32</sup> Such tools should assist departments in preserving their resources for clients who are most in need. The assessment can provide the basis for an individualized, targeted case management plan that prioritizes the person's needs and identifies the most effective ways to address them, as well as how best to respond to violations.<sup>33</sup> When using these assessment tools, jurisdictions must validate them using data from their own local populations to ensure their accuracy.<sup>34</sup>

### **Assessing needs and strengths in addition to risk prevents disruption of positive factors in people's lives.**

Many instruments used by departments today measure a person's risk factors, needs, and protective factors or strengths. Incorporating both strengths and needs into the case management plan prevents supervising officers from ordering interventions that interfere with protective factors, while also guiding them in recognizing and reinforcing positive behavior during the supervision term.<sup>35</sup> Because these instruments evaluate dynamic—or changeable—risk factors and needs, they should be re-administered periodically to determine whether current plans are still appropriate.

### **Targeted interventions should account for criminogenic needs.**

Although probation clients may have many needs, not all of them impact the likelihood of future system involvement. Research shows that, when criminogenic needs are effectively targeted with clients assessed as posing moderate and high risk, recidivism is reduced.<sup>36</sup> Some examples of criminogenic needs are education, employment, substance use, and social supports.<sup>37</sup> Conversely, when probation officers target non-criminogenic needs and spend more time monitoring conditions of supervision during their contacts with clients, they cause more harm than good.<sup>38</sup>

Generally, the greater the number of criminogenic needs addressed, the greater the results. For example, addressing six needs results in as much as a 50 percent reduction in recidivism, as opposed to only targeting one need, which has minimal impact.<sup>39</sup> These results remain the same whether the agent of change is a program, service, or intervention by a probation officer. Voluntary referrals to community-based services can be a productive way to address criminogenic needs without mandating programs as a condition of probation and therefore subjecting people to risk of violation. Offering referrals rather than mandating services is particularly important when people are charged with low-level offenses, as in the pretrial context.

### **People respond better to cognitive behavioral interventions than to other kinds of programming.**

Cognitive behavioral interventions assist people with changing harmful thinking patterns and attitudes, as well as developing prosocial skills.<sup>40</sup> Studies show that well-implemented cognitive behavioral interventions can reduce recidivism by as much as 30 percent on average, particularly with clients who pose moderate to high risk.<sup>41</sup> Other strategies designed primarily around imposing, monitoring, and enforcing conditions of supervision and sanctioning noncompliance are not as effective.<sup>42</sup> Multiple meta-analyses show that such strategies fail to reduce recidivism and, in some instances, are associated with increases in recidivism.<sup>43</sup> For example, in one systematic review, intensive supervision, electronic monitoring, and day reporting were found to be significantly less effective in reducing recidivism than cognitive behavioral strategies.<sup>44</sup>

### **Implementing evidence-based practices has been shown to reduce recidivism.**

Research shows evidence-based elements referred to as “core correctional practices” reduce recidivism.<sup>45</sup> For example, these risk-reducing strategies include: developing a strong professional alliance with clients; modeling and reinforcing prosocial attitudes and behaviors; creating opportunities to teach concrete skills, such as problem solving and impulse control; allowing for practice and rehearsal of newly learned skills; using reinforcers and responses to noncompliant behavior effectively; and providing advocacy and brokerage to support people’s participation in needed programs and services.

### **Responses to violations should be proportional.**

As with conditions of supervision, responses to violations should account for risk and needs and not be applied uniformly. When responses are consistent and proportional, they are more effective in reinforcing desired behavior and discouraging negative behavior. Because violations may result from a lack of clarity around conditions of supervision, a person’s inability to comply (for various reasons), or the mandating of so many conditions that compliance is unrealistic, probation staff should seek to take a more effective response, as opposed to a more severe one, to ongoing noncompliance.<sup>46</sup>

Studies have shown that community-based responses to violations are just as effective in preventing future noncompliance than carceral sanctions.<sup>47</sup> Furthermore, incarcerating people for technical violations is costly, both in money and time: supervising officers have to spend time writing reports and attending hearings, and the court must make time in crowded dockets. It also has a human cost—even short periods of incarceration can be extremely disruptive to housing, employment, and family ties. Incarceration is an outsized response to behavior that is not criminal.<sup>48</sup>

## SMC Practice

Probation Services is using a risk assessment instrument that has not been validated with the current population of people on probation in SMC and was adopted from a tool with serious deficiencies. Practices around conditions and violations are not responsive to clients' needs, and thus, the rate of revocation due to technical violations is high.

### **The risk assessment tool currently in use in SMC is likely over-classifying people on probation and failing to identify needs accurately.**

SMC Probation Services uses the Washington Misdemeanor Corrections Assessment—which was adopted in 2006 from the Wisconsin Department of Corrections' risk assessment instrument for all felony and “assaultive misdemeanor” cases admitted to field supervision—to assign clients to one of four levels of supervision.<sup>49</sup> A 2009 validation study found significant deficiencies with the Wisconsin tool. Namely, the tool failed to differentiate between risk levels, classifying 93 percent of people under supervision as posing high risk.<sup>50</sup>

Anecdotally, probation counselors at SMC shared that most Probation Services clients start on probation at level one—the highest level of supervision—which involves at least monthly in-person check-ins. Counselors can under- or override the assessment with supervisor approval, but this is rare because they generally trust the tool.

Some counselors said they identify clients' needs through their own informal assessment during client contacts. Others said the risk tool does alert the counselor to factors such as family support and “antisocial thinking,” but it is “up to the individual probation counselor how to respond.” One counselor spoke of using the tool primarily to gauge how truthful clients are.

A prominent theme in the focus groups was probation conditions not being appropriate, relevant to the type of conviction, or responsive to the person's needs. A man in his 20s explained:

*They need to be better on the screenings. . . I shouldn't [have] had to go to four classes for falling asleep drunk in my car, in a parking lot. . . [My probation officer] was like, “I want you to do four classes, two AA meetings, and all this other classes.” I think they should . . . somehow communicate back to the judge, and the judge should [be] like, “Okay, well, I don't think he needs four classes. I don't think he needs all of this.”*

He added:

*I don't have no alcohol problem . . . they should have put me like in a . . . one-week class [on] how drunk driving is not a good idea. Instead, they want me to go to drug classes. People are in*

*here talking about all types of drugs and stuff, and I ain't never heard [of], not one word about alcohol. I'm like, "Why am I here?"*

A man in his 50s spoke about a probation counselor ordering him to attend support groups that he denies he needed, based on his evaluation:

*So, after I got a mental evaluation, they didn't suggest any further action be taken. I took the substance abuse [evaluation]; they suggested a program. For the most part, it's a year, six months. You . . . do random UAs, weekly classes, one on ones every month with your [substance use] counselor. I did that like clockwork. [A] few months into my program, my probation officer, who's pretty reasonable and [a] decent person, says, "[Client], you're not in compliance . . . You haven't been to your sober support meetings." I said, "That wasn't part of the program prescribed by my counselor." And she said, "Well, that's odd, because usually you have to go to sober support meetings." . . . [S]o my probation officer imposed her will on my counselor saying everybody's got to go to sober . . . meetings, weekly AA meetings, and she says, everybody does that, and that wasn't part of my program, and . . . my counselor added . . . substance abuse [meetings]. She says, "We didn't prescribe that, because we don't feel he needs it."*

### **Probation supervision is overly onerous.**

Some stakeholders within the SMC system compared the level of supervision intensity in Probation Services to the level at which felony cases are supervised. On average, SMC probation cases were assigned five activities per case. Activities are conditions and tasks mandated as terms of probation supervision as they appear in Probation Services' case management system. A wide range of activities were assigned, including reporting requirements in 83 percent of cases and drug testing requirements in 28 percent of cases. Table 2 shows the most common activities assigned to cases open at any time during the study period. Many of these activities are focused on compliance rather than on addressing criminogenic needs.

Table 2. Most frequently assigned probation activities<sup>51</sup>

<b>Activity</b>	<b>Number of Cases</b>	<b>Percent of Total Cases</b>
Record check	8,574	92%
All reporting requirements (in-person, mail, phone-in, etc.)	7,703	83%
Chemical dependency evaluations and treatment	5,570	60%
Victims panel	3,413	37%
Interlock device	2,663	29%
Community service (including intake)	2,568	28%
Drug testing requirements	2,440	26%
Day reporting requirements	2,403	26%
Mental health evaluations and treatment	1,713	18%
Work crew (including intake)	1,171	13%

A woman in her 40s said the conditions of probation were so burdensome that, if not for other personal obligations, she would have elected to spend time in jail instead:

*I would've did the month in jail if it wasn't for the two kids at home. . . It wasn't really an option. So, instead . . . I'm working full-time, taking care of two kids, and dealing with mental health, which is required by court, and the constant UAs and the constant probation. It's just too much.*

Excessive conditions expose clients to constant risk of violation, revocation, and ongoing system-involvement. They also interrupt prosocial activities such as work, education, and time with family.

Another concern was excessive financial obligations—primarily, having to pay out of pocket for certain mandated classes or treatment programs. Although SMC often waives court-related fees, some programs have mandatory fees that are not covered by insurance, such as anger management and DUI victims' panels. According to policy, and in compliance with RCW 10.01.180(3)(a), however, the court does not sanction technical violations for failure to participate in this type of programming due to a client's inability to pay, which is not willful. On top of program fees, people may also incur other expenses, such as transportation and childcare, in attending mandated programs. Even focus group participants who were more financially secure expressed awareness of the disparate impact that the system has on people with lesser financial means. A man in his 30s said:

*Even for me, I was able to, you know, afford a lawyer, but I'd never been in the system before. It was completely new to me . . . it's just really expensive and it's almost prohibitive if you don't have money. . . At the end of the day, if you don't have money it can be really, really difficult.*

As one Probation Services staff member noted in the survey, “There are many barriers that exist for SMC Probation clients, and we as a court should always assess how we can better serve our clients by meeting them where they're at circumstantially.”

### **Responses to violations are not systematic or informed by an existing framework.**

Regarding violations, the Probation Services policy and procedure manual includes an “Administrative Sanction Grid.” The manual instructs probation counselors to use the grid after determining that a violation has occurred, unless it is a new law violation, treatment termination, or failure to appear for intake. Counselors described this grid, which does not account for the level of risk the client presents, as having limited utility. Some reference the grid along with other factors, such as the client's record in considering sanctions, and others do not use it at all, instead deferring to their “gut feeling” or automatically setting a hearing.

Although focus group participants spoke about struggling with onerous probation conditions, they generally conceded that their probation counselors—and even other actors within SMC—are likely to give them chances to get back on track if they falter due to substance use. One man in his 20s said:

*I was smoking marijuana heavily and it would be in my system even when I was going to be in probation. And one of the fears that I had was that for my first UA, I was going to go directly to jail. But I was just clear and concise with that with my probation officer, with the court, with the judges, and they . . . worked with me in a way to see that if it was decreasing then they could show that I'm trying to reach sobriety. And I thought that was really helpful. It kind of relieved a lot of the stress of it.*

A man in his 60s also noted having been given another chance by his probation counselor, due to being honest and straightforward:

*I have a pretty good relationship with my counselor. I've been one of the fortunate ones. I've got a really nice judge, I got a really nice PO and even the DA for the city is on my side for it because . . . for some reason, I seem to be doing OK. I mean on the outside everything looks right, even though on the inside things are turning, but I have a good relationship with this guy and I actually told him one time, I said, “You know, this UA is gonna come out dirty because I drank*

*earlier this week.” . . . He said, “I’m glad, I’m glad that you brought that up and felt that you can share that with me.”*

Although an approach that allows for relapse is supported by science and research, focus group participants did not mention the same leniency with other types of technical violations, suggesting a lack of consistency and calling into question why other violations are not afforded the same flexibility.

**Seventeen percent of closed cases were revoked due to technical violations alone.** According to case termination data, 26 percent of all cases closed during the study period, July 2017 through June 2019, were revoked or were not completed successfully because of a new charge (termination reasons that are categorized as “not completed successfully” are in bold in the table below).<sup>52</sup> The majority of cases that were not completed successfully were revoked for a technical violation only (see Table 3 for a breakdown of case termination reasons).

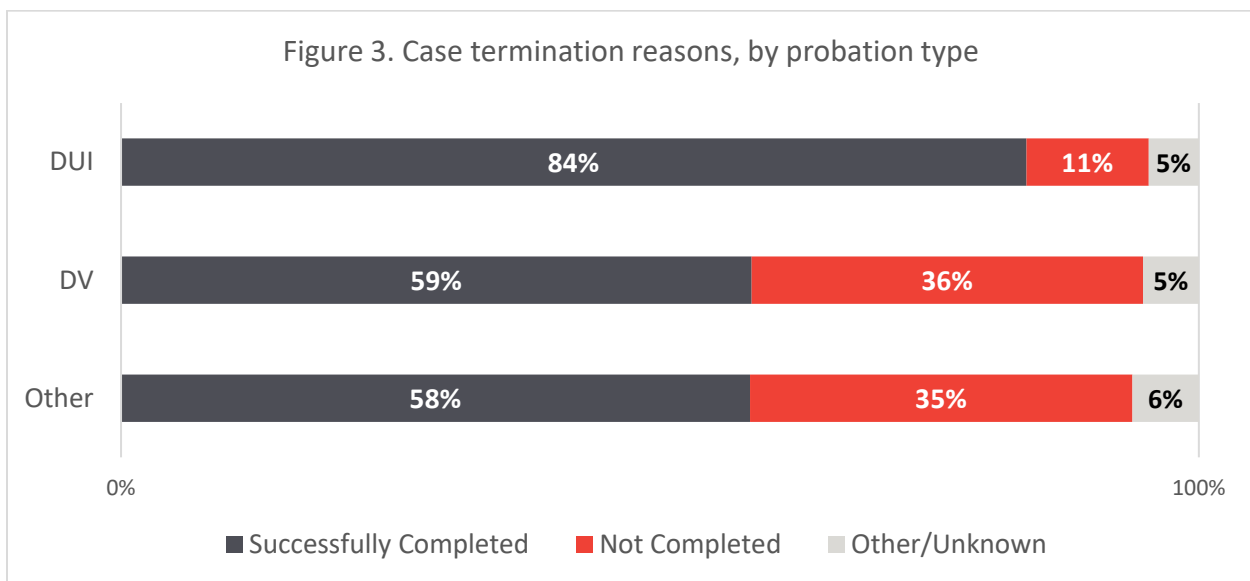
Table 3. Reasons for case termination

<b>Case Termination Reason</b>	<b>Number of Cases</b>	<b>Percent of All Cases with Termination Data</b>
Closed – end of court jurisdiction	1,518	30%
Completed all conditions and obligations	1,458	29%
<b>Revoked – technical</b>	<b>858</b>	<b>17%</b>
Stricken – no revocation or consequence	412	8%
<b>Revoked – technical and new offense(s)</b>	<b>336</b>	<b>7%</b>
<b>Revoked – new offense(s)</b>	<b>124</b>	<b>2%</b>
Probation tolled – competency issues	102	2%
Client died	85	2%
Defendant assigned to probation in error	66	1%
Substantially completed without new offense	44	1%



<b>Substantially completed with new offense(s)</b>	15	0%
Appealed	4	0%
Unknown	16	0%

Completion rates varied by case type, with DUI cases having significantly higher successful completion rates than other case types (see Figure 3).



### Aligning with best practices

**Recommendation 3: A risk assessment instrument should be validated for use with the current population of people on probation.** Washington State court rules require misdemeanor probation departments to use a “standardized [risk] classification system,” with a minimum of monthly face-to-face interviews for clients classified at the highest level.<sup>53</sup> Given findings about over-classification by the tool currently in use, the department should consider alternative methods to inform individual case management plans, preferably those that account for risk, needs, and strengths. In the meantime, the department can start recalibrating levels of supervision intensity by reserving resources for those most in need—remembering that intervention with people identified as posing low risk for reentering the system is counterproductive. This should be an individualized assessment that accounts for seriousness of charges, history with the system, level of need, and prosocial strengths.

**Recommendation 4: Probation conditions and responses to violations should be focused on responding to risk and encouraging prosocial activities—rather than enforcing compliance—and should not be applied uniformly.** At the same time, to promote greater consistency, the department should consider developing a decision-making framework that provides guidance on effective responses to noncompliance, as well as rewards for compliance and positive behavior. Such frameworks encourage common understanding about behaviors, available responses, and factors that should be weighed in consideration of the appropriate response.<sup>54</sup> This should contribute to reducing the number of revocations for technical violations.

### Principle 3: Probation should be outcomes-based.

#### Research-based practices

Relying on outputs, such as the number of contacts officers have with their clients, distracts from the outcomes that matter most, such as client success. Furthermore, increasing the number of contacts has not been shown to produce better outcomes.<sup>55</sup> This is perhaps not surprising given that most supervision consists of interviews conducted by officers from their desks.<sup>56</sup> To encourage success, departments should offer positive reinforcement and incentives, including ending the supervision term early.

#### Counselors can play a pivotal role in client success.

Each client contact should have a clear purpose in changing behavior.<sup>57</sup> By reframing routine interactions between probation staff and the people they supervise as an intervention, clients become active participants in developing their supervision and treatment plan and in setting goals. Officers and clients should collaborate to develop case management plans, and interventions should be designed to address clients' most influential criminogenic needs, with dosage targets—the amount and type of intervention necessary to maximize behavior change.<sup>58</sup>

Probation departments must provide officers with the skills, tools, and resources necessary to reduce risk of recidivism among the people they supervise.<sup>59</sup> Research highlights the pivotal role probation officers can play in steering people away from system involvement when taking a balanced approach.<sup>60</sup> Clients who perceive system professionals as having a balanced orientation (trusting, caring, fair, and authoritative) have been found to recidivate at lower rates.<sup>61</sup>

#### Using positive reinforcement and incentives encourages clients to achieve prosocial goals.

An expanding body of research has shown that using positive reinforcement along with negative reinforcement is more effective in changing behavior than punishment alone, especially in the form of technical violations.<sup>62</sup> Research indicates that a ratio of at least four positive responses to each negative

response (4:1) is most effective for reinforcing behavior change.<sup>63</sup> In addition to verbal praise, positive responses can include achievement certificates or letters of commendation from the supervising officer or office director, transportation allowances, small gift cards, or other similar inexpensive items.<sup>64</sup>

### **SMC practice**

Currently, Probation Services does not track outcomes that are key to ensuring the department is working effectively with clients. Though focus group participants were generally positive about their interactions with the department, they identified several areas where counselors and the department could be more helpful to them in successfully completing their probation term.

### **The department is not tracking key performance measures.**

Management at Probation Services shared that the department is not as much about outcomes as it is about “compassion” and clients’ “readiness to change,” which is admirable. However, not tracking outcomes can inhibit a department’s success and that of its clients. This approach may be contributing to a perception among system partners that Probation Services is numbers-driven, but not necessarily results-driven.

Data made available to Vera suggests severe limitations in SMC’s ability to track probation performance measures reliably, including even a basic understanding of the overall use of probation. Data from Probation Services’ management tool is inconsistent and lacks key information, including the date of probation completion for many cases, making it difficult to reliably discern the number of people on probation at any given time. Data from Probation Services (SeaTrac) does not match data from the court’s own management system (MCIS), and the two data sources are not easily integrated. Creating the dataset analyzed in this report required collection of data from a number of different sources and by-hand examination of individual case data to fill in gaps, which was cumbersome. As detailed below, the regular, rigorous tracking and analysis of key performance measures, as well as providing publicly transparent data, are integral to the department’s success. None of that is feasible given the data collection processes currently in place.

### **Heavy workloads limit counselors’ ability to encourage and motivate clients.**

Counselors described having multiple, competing tasks, including escorting people from jail; collecting urine samples for UA; performing intakes and arranging/attending client meetings; communicating with treatment providers; dealing with paperwork; and doing monthly case-file audits. Some counselors spoke about not being able to “hand hold” with clients due to large caseloads—sometimes reaching nearly 100 clients for those in the general unit—and said a typical client meeting lasts between 15 and 20 minutes.

**Clients report, however, that their experiences with their probation counselors are largely positive.**

Each focus group participant shared their individual experiences with Probation Services, and the consensus was that their interactions with the department have been positive. Namely, they cited having probation counselors who, by and large, are trying to work with them to complete their probation terms successfully—versus taking a punitive approach. As shared by a man in his 30s who was experiencing probation for the first time:

*My interactions with the probation officers have been positive. I believe . . . the beginning of any relationship . . . can be tense. There is a lack of trust. You gotta build the trust in the relationship. And, I definitely was under the impression [that] they are out to get me or . . . making my life harder. These are thoughts that I had. Well, they were making my life harder. But over time, when you get to know the counselors and see them regularly, they are normal people just like we are. They are nice. And, if you are doing what's right and trying to do better, they will treat you with respect and dignity. That's what I've experienced.*

Respondents who had been on probation with Probation Services more than once generally felt that staff are taking a more service-oriented approach than they did in the past. Some also suggested counselors who are newer to Probation Services take a less punitive approach to working with clients than more veteran probation counselors. A woman in her 50s discussed her experience with newer probation counselors:

*[T]hey're taking the time to listen and say, "OK, you really want help, but maybe you just need that extra help. . . You got a job, but yet you don't have nowhere to sleep and then you're going into a shelter. You gotta be at this shelter at a certain time and you gotta get out of this." . . . [T]hey're looking at the whole picture instead of just looking at your record.*

Most respondents did not view probation counselors, as a whole, as out to “get them” or put them in jail. One man in his 30s even credited a probation counselor with positive change in his life:

*My probation officer on day reporting was instrumental in the change that happened in my life . . . and he's a real good probation officer. I actually wish he could be mine . . . he cared about my life . . . he spoke to me, and he would give me some wisdom when I came in. He inspired me to want to change. . . He was kind of like a mediator. He wanted to impact my life. So, he . . . spoke up, and kind of tried to . . . help me, and I listened to him because he saw potential in my life.*

Several respondents recognized that, generally, Probation Services staff—and SMC overall—are becoming better informed in their response to substance use and other public-health related charges. As one man in his 30s said, “Mental health and addiction and those things, like, people have more knowledge of them whereas in the past people have been like, why don’t you just stop or you’re going to jail. People understand it’s not as easy as that.” A common refrain was that probation, despite its restrictions and rules, can provide structure to some people’s lives, particularly for those struggling with substance use and sobriety.

**Focus group participants struggled with the frequency and superficial nature of check-ins and lack of communication from counselors between check-ins.**

Focus group respondents questioned why they are required to check in with their probation counselor at the SMC building, only for this interaction to last a few minutes. One woman in her 20s saw this as an inefficient method of communication: “Just having to waste my time to go down there for three minutes . . . Have to send me all the way the hell down there to meet for three minutes.” A man in his 50s also shared his experience:

*She meets me in the lobby of . . . probation, eighth floor, and she says, “[Client], how you doing?” “Fine.” “Have you had any contact with the police?” “No.” “Are [you] in compliance with . . . all the terms of your probation and . . . your substance abuse?” “Yes.” “OK. I’ll see you next month.” OK, so I just budgeted three hours of my time, paid for parking, and . . . my time is valuable like most people, but for her to ask me three questions, when she could do that on the phone.*

Respondents also frequently mentioned ongoing difficulty with contacting their probation counselor—typically by phone or e-mail—to get critical information about their cases or have questions answered. Many respondents described instances of leaving several voicemails or sending multiple texts, but not receiving a prompt response. Not only did this result in them not receiving what, to them, was critical information, but also led to feelings of disrespect or being deemed unworthy of dignity or common courtesy. As one man in his 50s noted:

*I met my PO, and we discussed how we’re gonna go about doing it, but I think he had mentioned that it’s the probation officer’s job to enforce . . . the court’s rulings, and . . . I agree to an extent, but it’s also . . . an inherent, implied responsibility of your probation officer to set you up for success, and too often, that’s not the case. They don’t . . . set up the pathway . . . for success, and*

*. . . if I'm not responsive to my PO's phone calls each time, I'll catch hell about it, but she has never returned my phone calls.*

Another man, in his 30s, had a similar experience with lack of communication:

*No, I've gone like eight months without even speaking to them. . . I got a whole paper trail. I call them, I got everything tracked on a log. I haven't heard from them. . . And then it'll be like the day before court, the court date's coming up and I'll hear from them and I've contacted them like 30 times before that.*

### **Incentives are rarely used to encourage and motivate client success.**

Outside of Mental Health Court and Veterans Treatment Court, judges and probation counselors said they lack options to incentivize success on probation, and that general probation caseloads are too heavy—and there is no funding. Some mentioned being able to close cases early, but suggested that such a practice is rare. Judges differed in their responses as to when cases are or should be eligible for closing early, but consensus among system partners is that the “default” is to set active probation supervision for two years with a period up to three years of inactive monitoring, and the expectation is to “use” the full period of jurisdiction. Probation managers expressed that counselors are “apt” to keep people under supervision perhaps longer than is necessary, but that supervisors encourage counselors to focus resources on clients with higher needs. Some counselors said they encourage clients to comply with probation conditions through the court’s ability to strike—or cancel—hearings when clients are in compliance.

This practice of extended time under probation supervision—both active and inactive—even after all conditions have been met, and the client is in full compliance over some time does not offer the needed incentive to comply. As mentioned earlier, extended active supervision also leaves the client exposed to being revoked for technical violations of conditions that have likely become only harder to abide by over many months and years. At the same time, inactive supervision exposes people to the punitive aspects of supervision without access to the benefits.

It was apparent from the focus group conversations that people on probation have a desire to comply with their conditions and to exit the system. They suggested, however, that Probation Services could increase their clients’ success by offering incentives, providing encouragement, and acknowledging progress. One woman in her 50s said, “If you completed your probation, I think they should give you a reward. . . . If you completed your probation, you know, they should at least acknowledge you with something.” A man in his 30s suggested:

*I used to be in this clean UA program. If you give a clean UA, you get a free prize, and if you get a clean UA for so long, you can get a big prize, and it was simple stuff, but . . . I used to start*

*looking forward to them little prizes . . . there could be all kinds of positive incentives . . . that's the good part about that. It could be more than just like gift cards, or . . . monetary stuff. It could be like say you do good, and you participate, and you have clean UAs, and you pass this, you'll be able to participate in this program that we have, that we created for people to help them get jobs and have mentorship, and then when you're done with it, you could be part of it to help the next young man coming through the system. Give people an opportunity.*

## **Aligning with best practices**

**Recommendation 5: Probation Services should track and regularly analyze key performance measures.** As the department transitions to a new data management system, there is opportunity to rethink how the department uses data to inform its work with clients, and how its data system links to the court's data system. Measures that should be readily available, but currently are not, include: overall numbers of people on probation and their level of supervision; completion of programming and other measures of client success, such as employment; changes in supervision level; case termination; early case termination; violations; and revocations. All measures should be tracked by race and ethnicity, as well as by gender. Probation counselors should receive in-depth and ongoing training on how to use the data management system thoroughly and consistently and understand that the department's success hinges on their doing so.

**Recommendation 6: SMC should make client interactions more meaningful.** Focus group participants expressed that they did not benefit from frequent but brief interactions with their probation counselors. With reduced caseloads, client meetings could be less compliance-oriented and more focused on achieving clients' goals as identified in their case management plans, and probation counselors would have more time to respond to communications from clients between meetings. Many SMC clients would benefit from not having to do in-person check-ins at all, and phone or other technology would suffice, if necessary.

**Recommendation 7: SMC should make greater use of incentives to encourage clients' success.** Such incentives can be as simple as words of encouragement, bus passes, or a certificate. As stated above, fully ending probation supervision early is the most powerful motivator.

**Principle 4: The process of shifting the goals of probation supervision requires significant staff training and mentoring.**

## **Research-based practices**

The goal of probation should be to help people repair the harm they have caused and prevent future harm. That requires more than just enforcing conditions set by the court, policing violations, and imposing penalties.<sup>65</sup> Striking the correct balance between accountability for violations and incentives for progress

improves outcomes, but requires change in culture and mission and an overall shrinking of the system.<sup>66</sup> Implementing research-based practices requires adopting new programs and techniques, as well as restructuring supervision and the role of supervising officers.<sup>67</sup> Stakeholders must be presented with information to understand how previous approaches were harmful and ineffective. Change takes time, persistence, and patience. Research indicates that the amount of time dedicated to a change process will determine the results of the process.<sup>68</sup>

### **Investing in extensive training is critical to support culture change.**

For decades, probation departments focused their supervision on enforcement and surveillance, which makes shifting the focus to client success a lengthy and in-depth process. To achieve this shift, departments must adapt in every area: job descriptions, training, and promotion processes.<sup>69</sup> Staff will need the skills required to accurately assess the people they supervise, interact effectively with them, motivate them, build trust, and understand which interventions will support the desired change.<sup>70</sup> Probation staff need support, mentoring, and ongoing training as the process of adopting evidence-based practices takes hold. As change begins, the department must provide all system stakeholders with information on the new approach and the reasons for its adoption, as well as the promise of transparency about the outcomes of the change. Without these elements, other investments—such as tools or services—will fail to reach their potential.<sup>71</sup>

### **SMC practice**

Probation Services is in a period of transition, and staff do not feel adequately prepared. They report that the training they receive is inadequate for the challenges of their jobs. New practices are implemented without notice or official policies being in place. Some staff are struggling with the changing role of a probation counselor. Probation management stated clearly that not everyone in the department shares the same goals, and that counselors who have a law enforcement stance or are unable to be creative with clients tend not to be successful.

### **Staff report that they lack the necessary opportunities for training, continuing education, and professional development.**

Probation staff consistently expressed a desire for more training, and some managers confirmed this as an area for improvement. In the staff survey, one respondent wrote, “Offer trainings to all staff instead of selecting the same staff members who attend trainings. Stop mandating the same trainings.”

According to state law, new probation counselors must attend the 80-hour Misdemeanant Probation Counselor Academy course offered by the Washington State Criminal Justice Training Commission, unless they have already attended the same training for other employment, most commonly with the Department of Corrections (DOC). This training does not have a focus on research-based practices. The



only other training that Probation Services has mandated is a one-day training on motivational interviewing. Although motivational interviewing is a critical skill for counselors to achieve a client-success approach to supervision, it requires more than a single day of training. The training should be followed by continued observation and mentoring by supervisors with more extensive training.

Otherwise, training is largely on-the-job, such as observing court proceedings and having all reports reviewed by a supervisor during the first three to six months of employment. Counselors spoke about wanting to refresh and improve their skills in court appearances, case management, and report writing. Some mentioned that more frequent meetings of the entire staff would also be beneficial. They would like these meetings to be more “intentional”—that is, more about data, results, and achieving a shared vision—and less about updates.

### **Probation counselors expressed a desire for more transparency from management and for everyone to “get on the same page.”**

Counselors described members of the management team working for several months on revising policies or developing a new policy or project and then implementing it without advance notice to staff. This can cause confusion and disconnect between staff members and with judges and, ultimately, can impact clients who are looking for straightforward guidance. In fact, focus group participants described a dynamic of the “right hand doesn’t know what the left hand is doing” between the different floors on which Probation Services operates, and being shuffled between the two. In the staff survey, one person reported that there are “too many secrets. People always whispering. If you aren’t one of the ‘chosen ones’ you have no idea what is really going on.” There is a perception among some stakeholders, both internal and external to SMC, that at times, new policies are meant to justify the department’s budget.

### **Staff are frustrated by a lack of official, written policies.**

Staff mentioned receiving new policies verbally or via e-mails, which automatically delete after 90 days, and the absence of a central repository for current, up-to-date policies and forms. One survey respondent said that “policies and procedures are antiquated and were written when the department took on a traditional community supervision model. We sell to anyone interested that we are client based, however, our current policies and procedures do not reflect that.” In particular, staff who previously worked at DOC shared that they are accustomed to referring to official policy when in doubt.

### **Probation counselors are struggling with their changing role.**

Increased scrutiny on the department has resulted in low morale for many probation counselors. They feel they are “under a magnifying glass” and are hurt by external stakeholders asserting that their work is not valuable. Perhaps in response to the scrutiny, management has worked over the past year to begin shifting the role of probation counselors and office culture. This includes a requirement that probation counselors

attend court hearings regarding their clients. When clients are doing well, the counselor's role is to "be a champion" for the client and celebrate successes on the record. When clients are not doing well, the counselor's goal may be to advocate for sanctions or revocation. Additionally, counselors are now expected to escort their clients to the Community Resource Center (CRC) after intake, to spend a set amount of time in the CRC periodically, and to serve as "officer of the day" to provide office coverage when others are in court. These expectations are on top of already heavy workloads.

Counselors described the additional requirements as coming "out of nowhere" and "distract[ing] from your actual job." In particular, some said duties related to the CRC are "a waste of time" because volunteers staff it, and the department could create a full-time position there. Other counselors added that clients in general probation do not need the CRC. A service provider noted that not all counselors do a "warm hand-off" of clients to the CRC, as well as a lack of consistency in "intent and effort" regarding the CRC.

Another new practice adopted in mid-2019 requires that supervisors review all requests for revocations and jail time. Management reports that, as a result, these requests have decreased significantly because most counselors are on board with the practice. They also said they "call people in" when they see them being rigid. However, counselors shared that they view this approval process as "a lack of confidence in staff's decision making" or a limit on discretion, and that most counselors now avoid revocation/jail recommendations because they do not want to be "belittled" by management. It also makes them uncomfortable to sign off on reports they do not support. Some counselors questioned whether it's necessary to both write a report and appear in court.

Though it is laudable—and grounded in research—that the department is making efforts to become more focused on client success and well-being, including moving away from recommending jail time as a sanction toward making services available through the CRC, staff were not sufficiently prepared or trained for these changes. They were not part of the change process or discussion about revising policies, so they perceive the changes as happening *to* them.

In particular, counselors who came from DOC are struggling with the culture shift and what they perceive to be a lack of accountability from clients. They do not understand why clients are given "chance upon chance" to return to compliance. Moreover, they now have a sense that they are not among management's "favorites," which causes them to be overlooked in promotion processes. One staff survey respondent said:

*I would like to see the hiring and promotional processes reviewed and restructured. The current makeup of our managers does not reflect the makeup of our department. The common thread at the time of hiring and/or promotion is that decisions have been made and the processes are a mere formality.*

Another respondent said, “Team building could be beneficial. Also, management is growing more disconnected from line staff.” Most counselors said they are feeling the pressure of the increased workload, and several spoke about staff generally burning out and feeling overwhelmed. A survey respondent stated:

*I believe, as an organization, we have a responsibility to inform our staff that this is who we are as an organization; that we are committed to following best practices; and that the expectation is that all staff [will] do their job consistent with best practices even if he/she might not necessarily agree with it. I believe our organization should develop a mission statement that clearly establishes who we are and what we are about.*

### **Lack of training and updated policies leads to inconsistency in approaches.**

Despite focus group participants’ common belief that probation counselors are more helpful than not, an equally shared sentiment was that there is a wide divergence of approaches across individual counselors within Probation Services. Although people who had been on SMC probation more than once said the department has improved interactions with clients compared to prior times, they also cited a need for greater consistency among staff (primarily probation counselors) with regard to treatment of clients, including level of concern for clients’ well-being, amount of respect shown to clients, a stance of counselor versus officer, and clarity and reliability in relaying important information. This was an area about which respondents were particularly passionate, as they said it can be very frustrating to be treated positively by one probation counselor and then treated negatively by another. A woman in her 50s said:

*And so, if we’re going to be rehabilitated, then have people in there that want to rehabilitate and then you know if we’re gonna [mess] up, we’re gonna [mess] up, but give us a chance. A real chance not just a “Hey, this . . . is what we’re doing, rehabilitation.” Yeah, it doesn’t mean nothing if not’s really happening.*

A staff survey respondent also described variance among counselors:

*A good counselor/officer can effectively balance the needs of the defendant with community safety, implement effective alternative sanctions to gain compliance, build a rapport with defendants, develop third party supports and engage defendants to help them make necessary changes in their lives that will maximize their chances of future success. A counselor who does none of these things and only works on monitoring compliance/non-compliance with conditions*

*will have little, if any, impact on a defendant and probably make things worse rather than better.*

## **Aligning with best practices**

**Recommendation 8: All new staff should receive in-depth training—beyond what is received while on the job—on SMC and Probation Services policies, regardless of prior work history (e.g., coming from DOC).** There should be continuous mentoring and opportunities for training in core correctional practices available to everyone. To achieve the shift to fully research-based practices, the department should consider engaging in systemwide training on those practices and the principles behind them. Technical assistance from outside experts can be helpful in identifying and managing the multi-faceted aspects of the change process, which include coaching leaders, helping frame messages to staff, creating new hiring and promotion criteria, and developing policies and tools that reflect new goals.<sup>72</sup> Assistance is available from the National Institute of Corrections, as well as private organizations, to acquire such outside technical expertise and coaching.<sup>73</sup>

**Recommendation 9: New policies should be memorialized officially, easily accessible to all SMC staff in a centralized location, and continually referenced.** Management should engage staff in the policy development process and keep them informed about policy changes to increase buy-in; in other words, staff should be able to articulate why a particular policy change occurred. New policies must be designed to achieve a specific research-supported purpose, and the department should focus on shrinking its caseload and prioritizing staff time and other resources for clients who are most in need of support.

**Principle 5: Collaboration and community engagement are necessary for effective system change.**

## **Research-based practices**

True collaboration is essential to achieving system change, and collaboration is successful when all those involved share the same goals. In the case of a probation department, stakeholders—whether judges, prosecutors, defense attorneys, department staff and managers, court administrators, or external stakeholders—must agree on their goals for probation. Changing what has “always been” is not easy, but without agreement on the fundamental point of what probation should achieve for clients, for the community, and for the court, change will not succeed.

### **All stakeholders must have a shared understanding of research principles.**

Once the goals have been agreed on, the task becomes clear: identifying the best way to achieve them. The use of evidence-based practices, well-documented in decades of research and practice, can then become the starting point for implementation.

Successful change implementation, therefore, must rely on the careful translation of research and how it pertains to the goals being sought, with the stakeholders who govern policy and practice.<sup>74</sup> Building a research-informed system requires two elements: stakeholders must develop a shared understanding of key research principles; and all who influence or are influenced by the policies should be engaged in the process, including judges, prosecutors, defenders, probation management and staff, and others, such as victim advocates.<sup>75</sup>

As shared understanding is reached, stakeholders should assess whether current policies and practices align with their agreed-upon goals and achieve the outcomes they desire. If not, they can look to research for the practices that hold promise of delivering agreed-upon outcomes. With decisions firmly rooted in what is most likely to deliver successful outcomes, it is possible for stakeholders to articulate their goals in writing and determine how to proceed with key policy issues.<sup>76</sup> Development of practice guides and tools for probation staff is often key in translating policies into daily practices.<sup>77</sup>

### **Community engagement provides support to people on probation to prevent recidivism.**

Probation departments are often centralized and, therefore, less familiar with services available in a particular neighborhood, but officers are still expected to make referrals. With little client contact outside of the office, it is challenging for officers to have perspective on the circumstances of clients' lives.<sup>78</sup> The emerging consensus in the criminal justice field supports a shift toward a probation model that is integrated, recognizes how neighborhood and social factors might affect behavior, and engages community members rather than relying solely on pressure from the legal system for behavior change.<sup>79</sup>

Research also suggests that providing people who were formerly system-involved with opportunities to help others can lessen the risk of future interactions with the system.<sup>80</sup> Thus, mentorship opportunities can be an important complement to traditional supervision programming.<sup>81</sup> Many programs meant to lessen the risk of system involvement fail to focus on social capital (the value in and between social networks), but cultivation of social networks can provide access to stabilizing factors such as employment and housing.<sup>82</sup>

As an example of an integrated model, the New York City Department of Probation launched an initiative called the Neighborhood Opportunity Network (NeON): “a decentralized, community-based probation approach” tailored to the distinct needs of neighborhoods with a high concentration of people on probation.<sup>83</sup> This approach—which in New York is intended for clients assessed as posing moderate to

high risk—is grounded in community justice, which immerses probation staff in the neighborhoods where their clients live. This allows them to partner directly with communities to develop formal and informal mechanisms to prevent recidivism, such as a formal peer-mentoring program and engagement with clients' families for support.<sup>84</sup>

A central component of this approach is community engagement, which might include meetings with community leaders, faith-based organizations, residents, local businesses, and academic institutions. Seeking the input of community advocates, former or current probation clients, and their family members can reveal both the strengths of a given community and the realities of people living there.<sup>85</sup>

### **SMC practice**

Stakeholders who work within the municipal court—judges, prosecutors, defenders, and probation staff—are working in silos. Their relationships, which are largely adversarial both in and out of the courtroom, lack a shared vision for probation. The current model of SMC probation relies on a centralized operation, with a single location downtown. This presents obstacles to clients, who often have many other obligations (children, work, or school), and does not allow the department to engage the community in a meaningful way.

### **System stakeholders are not engaging in cross-agency collaboration.**

Across stakeholder groups, the stated goal of probation is to give people the tools they need to avoid future contact with the system. The term “harm reduction” came up frequently during Vera’s research activities. Judges, in particular, said they do not expect perfection, but do expect progress—defined as people on probation making efforts and being honest about their struggles. Stakeholders consistently pointed to “accountability,” “oversight,” and “structure” as benefits of probation. Judges also mentioned their ability to compel compliance and to put “everything on the record.” Despite some common themes, however, most stakeholders stated that the municipal court system lacks a cohesive vision or philosophy for what a probation term should achieve.

Probation counselors frequently described their experience with defenders as adversarial, which is reinforced by counselors sitting with the City Attorney’s Office in the courtroom rather than being located in a more neutral position. Probation staff do feel that judges are open to their recommendations and typically follow them. On the other hand, defenders often feel as though they are not listened to in court and have little ability to make an impact for their clients regarding probation. In their view, judges almost entirely defer to probation counselors and presume the truth of allegations. Some public defenders perceive that Probation Services is not interested in establishing a relationship with them and expressed a desire for the department to reach out to all parties involved with a common goal of rehabilitation. Attorneys who practice in the Mental Health Court, however, spoke of their experience in that court as

collaborative and a team-based approach. They suggested that stakeholders who work in general probation should look to the therapeutic courts as a model for collaboration.

Without ongoing collaboration and communication, consistency in practice suffers as stakeholders are either unaware of probation-related policies or develop their own interpretations. As an example, “needs-based sentencing” is a source of confusion across stakeholder groups. Some attorneys—and even judges—seem not to know what it is. Those who do are not applying it consistently, which can result in disparate treatment of clients. Several stakeholders also mentioned that judges and attorneys are not updated frequently enough about resources and classes currently available through Probation Services. In an effort to remedy this, the court is working to create “menus” that list the options for judges, prosecutors, and defense attorneys when someone is under pretrial or post-adjudication supervision. Once these menus are operational, they should be updated frequently.

Focus group respondents noted areas for improvement in how Probation Services works with others across SMC. As one man in his 60s commented, “I think there should be a little bit of consistency throughout the system. . . Everybody should be treated with dignity and respect, and nobody should be singled out.” Another man in his 30s offered:

*Somebody who has comprehensive understanding of not only the system, but has a heart to help the people who are coming into it and has a[n] understanding of all the different dynamics of it . . . if you just got one guy over here who works in the resource center, one guy over here who’s a lawyer, one guy who’s the Judge, but they’re not . . . communicating about how we’re gonna pass the ball through everybody. Now, that’s why you got a problem, because there’s not one guy in the middle that says, ‘I understand all these gears are working, and our goal is to help the people to stop going to jail.’*

Similarly, in response to the staff survey, one participant wanted “proper training of other and all court staff to be on one page when it comes to new court rules. Everyone should perform the job the same way.” Another noted:

*The movement of the organization towards best practices over the last few years has resulted in some resistance from both counselors within the organization and outside parties (judges, attorneys, etc.) who are more comfortable with ‘traditional probation’ which focused more on compliance/non-compliance with conditions of sentence, then imposing sanctions for non-compliance. The positive is that our culture is currently changing for the better, but there are still pockets of resistance to the implementation of best practices.*

**Stakeholders lack clarity about the role of CRC, which impacts clients' experiences.**

Probation staff spoke of the department as undergoing a period of “rebranding,” with the CRC at the heart of programming. Yet, many staff members expressed that the CRC is under-resourced, including insufficient budget and staffing, and that expectations about roles within the CRC are unclear. Staff also spoke about difficulties sustaining service providers at the CRC due to limited use of their programs—with an average of three to five clients visiting the CRC per day—and suggestions that those programs should be mandated as sanctions to increase their use.

Most focus group participants had heard of the CRC, but a markedly smaller subset had actually sought out or received resources there. The majority of those who had visited the CRC viewed it as among the best services that SMC provides to clients. A man in his 20s was particularly satisfied with the resources provided by the CRC:

*Yeah, they helped replace my ID. They gave me a backpack. They've given me toiletries. You can get lunch there. It's open to like everybody. Like you could go in and ask for lunch every day. They give you a backpack once a month. For people that have problems, like I was on the streets for the first couple months of my probation. I was getting socks there and some clothes every once in a while. . . . And they are actually the best resource center that I've ever had access to.*

Other participants thought the CRC did not offer useful support and information. As one man in his 50s explained:

*I mean, they're like, “There's this, there's that, go check out this, go check out that.” And I have, and it's like I fell through the cracks. People don't get back to me. There's, “Oh, we got all this money and . . . can subsidize that low-income . . . housing for you.” Man, I've been writing all these down and then all of a sudden, they disappear. They don't call back. So, that's my experience with that, so-called programs.*

Several participants shared stories of poor treatment by CRC staff. A woman in her 50s noted:

*They finally got it to where they have people down there that know what they're doing, because for a second, I was really mad. I went down there one day, and I actually talked to the supervisor . . . because I went down there, this gal, she was sitting there, and she was eating. She didn't want [to] stop eating, OK, to come over and help the people at the front desk. So, you're getting out of jail. You're on your way to maybe work release or something. So, this is the only stop before you get there. You're not going to be able to stop at a store or anything like that. So, if they say this is what's available for you, OK, and then you go down there and not only are*



*people treating you . . . like they don't [care], but then you find out there's nothing there like they said that was there. That can be real heartbreaking.*

Another woman, in her 20s, shared her experience with CRC staff:

*My probation [counselor] told me to go down to the resource center, and I went down there, and I said, "I can't afford to pay for the expensive classes." And, they printed off like the same list of even more expensive classes. It was like \$500 for assessment, and I'm like, "I just said I can't afford the class, and you're gonna print off the whole stuff that they just gave me with the expensive stuff."*

Probation staff acknowledged that locating the CRC inside of the court is not ideal, but pointed out that housing the CRC within the court does not preclude locating other resource centers elsewhere in the community. Other stakeholders expressed that housing the CRC in the court requires people to go through metal detectors to access services; in their opinion, this is not trauma-informed and fails to reach the most impacted communities. They also noted that the court is open only during business hours, but people need services beyond those hours.

As one staff survey respondent stated, Probation Services generally "need[s] later hours and weekends. Need to be able to meet clients in community at resource centers or treatment facilities instead of them missing work and commuting three plus hours from locations." Day reporting, in particular, is seen as creating disruption in people's lives rather than being helpful due to the time and schedule-juggling that it often requires.

According to a focus group participant in his 20s:

*They should have an office for day reporting that's open until late, have somebody just stay until late or something, switch off or some different shifts, because not everybody can make it on day reporting . . . on their time . . . it's not like you guys open up at 5:00 in the morning, before everybody starts work. You guys open up at 9:00 when everybody's supposed to be at work and stuff, and you guys close at 5:00 when people get off. . . . If they want us to do something, they should . . . be able to work with us, our schedules.*

Another man in his 20s said:

*I work every day. They wanted me to do day reporting, but their office is open from 9:00 to 5:00 on day reporting. . . I was missing some of them days. I was missing all of them. I go back to court on . . . why I can't make it. It's . . . either you want me to lose my job and come in and*

*report to you guys, or I can keep myself financially stable. . . . And, scheduling, they. . . don't try to work with you.*

When asked about ways to improve the experience of probation and promote greater success, participants recommended that Probation Services be more flexible in its operations by: extending business hours to accommodate people who work traditional hours; ensuring that access to counselors and services be in locations other than the municipal court building downtown; and eliminating overly restrictive reporting requirements.

### **The current centralized model of probation does not work for many clients.**

As stated above, a theme throughout stakeholder discussions was the current model of office-based probation not being well-suited to people who are homeless and/or struggling with addiction and/or mental health challenges. They also commented on the need to bring services to those clients rather than focusing on bringing them to court. As well, some stakeholders suggested that service providers may be hesitant to engage in a compliance-based model.

Community members can provide valuable expertise in a system-change process. A community-based service provider suggested that the court should “engage impacted communities to come up with solutions.” One staff member emphasized,

*Having input from those outside of the court is great for addressing potential blind spots that may be present in our operations. I'm thankful for the opportunity to serve alongside so many at Seattle Municipal Court, and my personal desire is for us to continue evolving as the community we're serving is also evolving.*

The Vital program is a “familiar faces” initiative that provides comprehensive community-based services to adults who are cycling through jail incarceration and experiencing behavioral health challenges and possibly homelessness. This program can also provide valuable insight and “lessons learned” to Probation Services. Partners working within that program can share ideas and experiences about how to reach a population that “cannot be served by the system in place”—and for which the threat of jail is not an effective motivator—with creative problem-solving and setting reasonable goals and expectations.

### **Most stakeholders do not support Probation Services being defunded, but instead support it evolving.**

Most stakeholders did not believe that Probation Services should be defunded. Many questioned what the accountability mechanism would be without a probation department and suggested that the result would be increased rates of jail incarceration.

The majority of focus group participants were not aware of the current debate about the future of Probation Services, but when considering the conceptual question, few respondents agreed with full defunding—based on what information they had. Although none of the respondents favored being on probation, many struggled to envision how enforcement of misdemeanors would occur if probation no longer existed. Several participants thought it would likely result in the court’s increased use of jail. As one man in his 60s posited, “I think it’s going to cause jail overcrowding because a lot more people get a lot more time, and they’re not going to let people out on probation. Sit in jail, you’re done.” Similarly, a man in his 30s said:

*It’s just gonna be like, what’s the other option? Jail. We have nowhere . . . we had probation before. The judge is gonna be like, “Well, we don’t have probation now, and I don’t want to let [you] out because there’s no way you’ll get day reporting or home monitoring. Sorry, you should have talked to the people that cut probation. Keep [him] in here for a year.”*

It is critical to remember, however, that accountability does not equate with punishment or following rules laid down by the system; rather, it is achieved when harm is repaired.<sup>86</sup>

### **Aligning with best practices**

**Recommendation 10: SMC should remove barriers to collaborative approaches among its stakeholders.** Undertaking a thorough and deliberate change process that includes agreement on the goals of probation, training of all system stakeholders on research-based practices, and collaborative development of official policies would present the municipal court with an opportunity to break down the silos in which various stakeholder groups are working. The process will require compromise, patience, and diplomacy; if implemented with fidelity, it will ultimately benefit the entire system, as well as the people it is intended to serve.

**Recommendation 11: SMC should consider changes to CRC staffing and logistics to enable more client-focused service.** The CRC needs a full-time staff position rather than coverage only by volunteers and sometimes probation counselors. This will improve the CRC’s professionalism by having a trained, permanent staff member who will be better informed about services and policies, leading to less confusion and frustration for counselors, clients, and other SMC staff. Probation Services should consider ways to make the CRC more accessible, such as an alternate entrance that does not require going through a courthouse metal detector, moving the CRC to a community-based location, or opening satellite locations in neighborhoods where people on probation live. Having locations outside of the courthouse will also allow for co-locating probation counselors in the communities where their clients live.

**Recommendation 12: SMC should engage community organizations and clients in identifying areas for improvement, which will offer insight that system stakeholders do not have.** A key takeaway from this report should be the need to understand and work more effectively around clients' life circumstances to maximize their success. This can include extending hours into the morning, evening, and/or weekends, as well as making counselors and services available outside of the downtown courthouse location. Probation Services already hosts a quarterly event at community centers around the city, where participants can learn about resources and quash open warrants. The department can build on this model to create mutually beneficial relationships with community members.

**Principle 6: Probation departments must recognize and minimize disproportionate impact on people of color and women.**

### **Research-based practices**

Despite the fact that, nationally, more people are on probation than on parole and in prison or jail combined, there are few studies examining racial and ethnic disparities at this point of the criminal legal process.<sup>87</sup> Generally, little research is available on system-involved women, let alone women on probation, and what does exist is often dated.<sup>88</sup> This results in a dearth of examples of successful efforts to reduce gender and racial and ethnic disparities among people on probation. Yet, accounting for these disparities is essential to working toward a more effective and just system.

### **Racial and ethnic disparities among people on probation are pervasive.**

On a national scale, Black people, specifically Black men, are disproportionately represented among people on probation.<sup>89</sup> Revocation rates also reveal disparities in the impact and use of probation across races. A nationwide study found Black people on probation were often revoked at higher rates than their white counterparts.<sup>90</sup> National findings make the case for increased attention and focus directed at drivers of inequity within probation practices; probation officer discretion, judicial discretion, and probation conditions are key contributing factors to analyze.<sup>91</sup>

### **Probation departments often fail to account for women's unique circumstances.**

Nationally, most women under correctional control—73 percent—are on probation.<sup>92</sup> Yet, supervision conditions, including treatment and programming, are often designed for men or fail to address women's specific risk factors or needs.<sup>93</sup> Compliance with probation conditions can prove especially difficult for women who are parents or primary caregivers.<sup>94</sup> When they are required to report to activities or meetings, many are forced to pay for childcare—adding an additional barrier to their success.<sup>95</sup> The combination of required meetings, childcare, and other treatment appointments can become a dangerous balancing act for women on probation, ultimately making a case for gender-specific probation practices.<sup>96</sup>

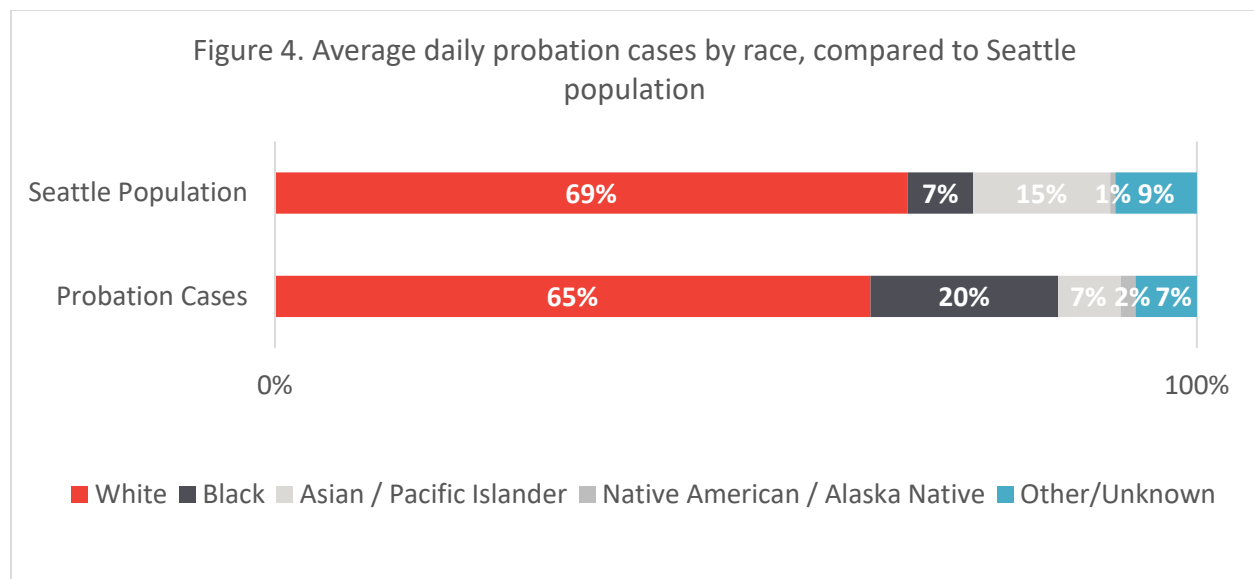
Jurisdictions exploring ways to make probation more effective have identified the need to provide women with more targeted comprehensive services that address the complex and intersecting disadvantages women experience due to poverty, trauma, mental health problems, substance use, and unhealthy relationships.<sup>97</sup> For example, the probation department in Connecticut created a specialized unit for women, using a team approach that includes service providers, family and other community supports, and the woman herself to identify her needs and strengths, establish goals, and broker necessary community-based services. To participate, women must be at least 18 years old and score as medium- to high-risk of reentering the system.<sup>98</sup>

### SMC practice

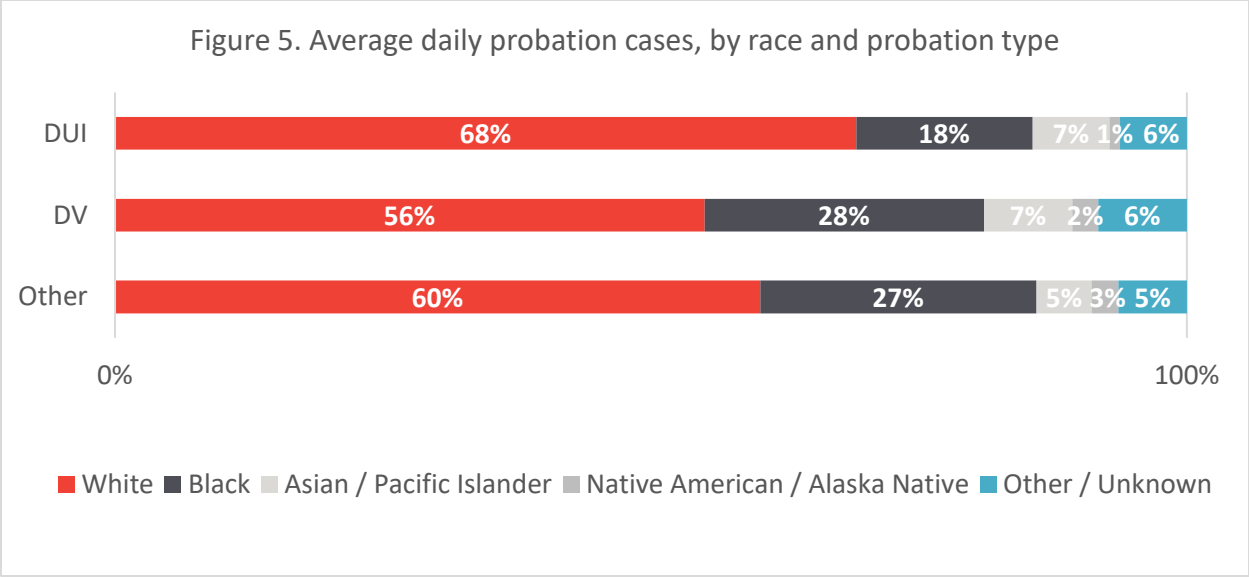
There are racial disparities and gender disparities among the population on SMC probation.

#### Black people are overrepresented in the probation population.

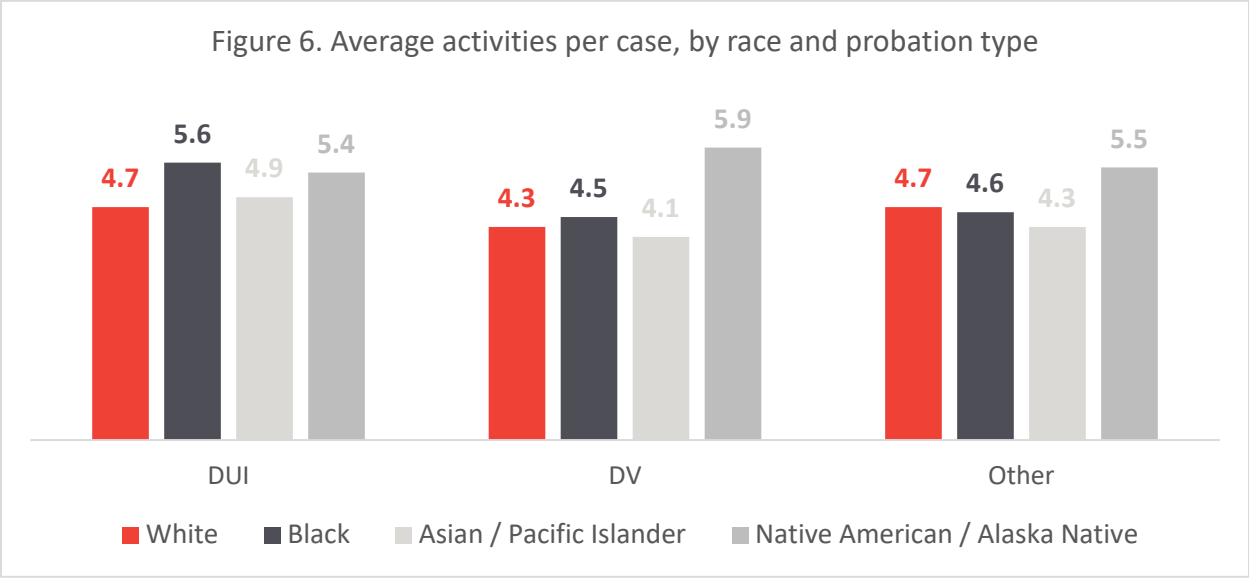
In SMC, on any given day, Black people make up 20 percent of all open probation cases, whereas Black people make up only seven percent of the overall Seattle population.<sup>99</sup> See Figure 4.



Though there are differences in probation case types across race—white people account for 68 percent of open DUI cases, 56 percent of DV cases, and 60 percent of all other cases—racial disparities persist across all case types. See Figure 5.



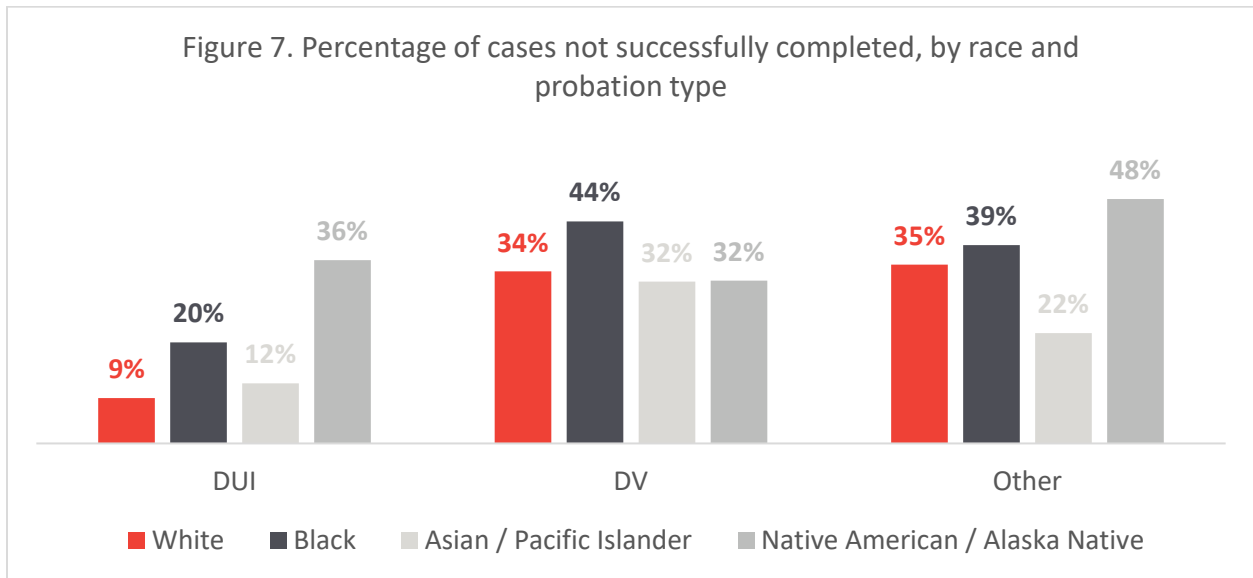
In addition to disproportionate rates of probation, the intensity of probation supervision differs by race. Across case types, Black and Native American people are generally assigned more activities per probation case, on average, than white people (see Figure 6).



**Black and Native American people on probation have higher rates of revocation and lower rates of early case closure.**

Although revocation rates differ across probation case types, racial disparities hold across each probation case type (see Figure 7). Finally, cases are least likely to be closed early for Black and Native American

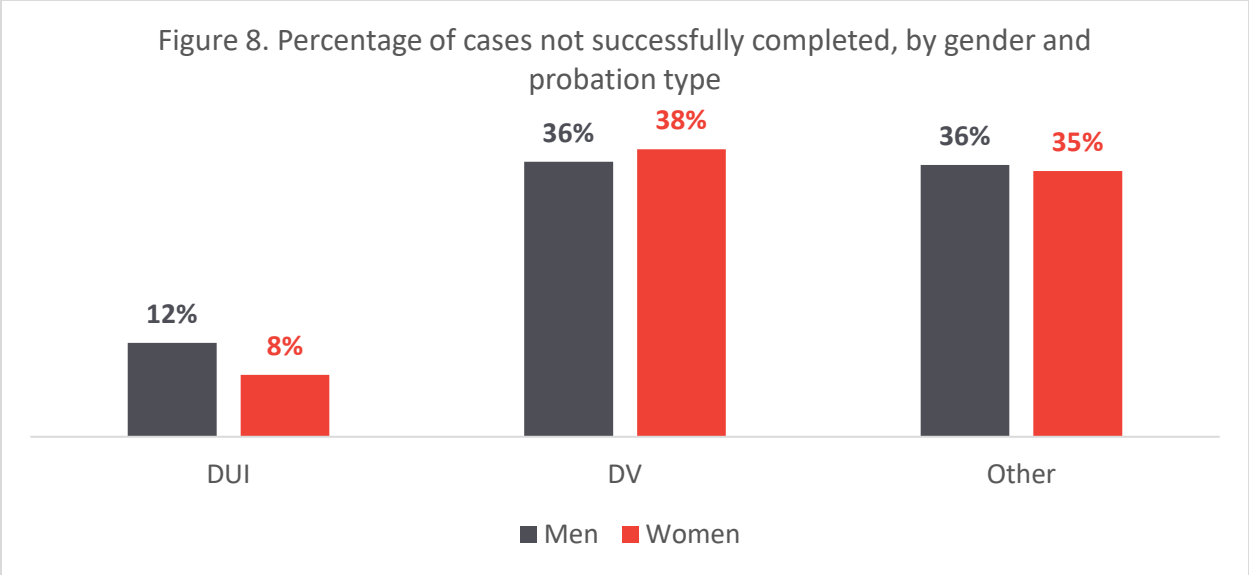
people. Among all cases open during the study period, orders to close were filed in 14 percent of cases for Black people and only eight percent of cases for Native American people, compared to 19 percent of cases for white people.



**Women spend longer on probation, on average.**

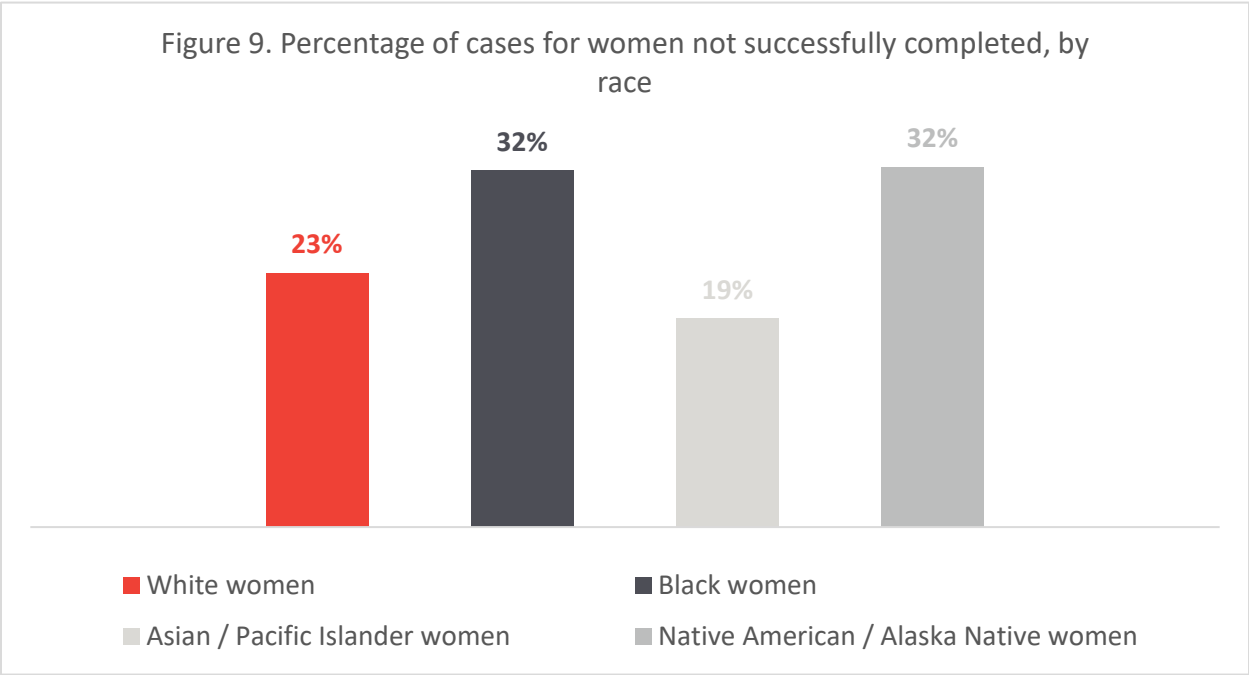
On any given day in SMC, women accounted for 23 percent of open probation cases. DUIs made up 48 percent of all cases for women, compared to a total of 44 percent of all probation cases. DV cases made up a relatively smaller percentage of women’s cases (only 15 percent) than the overall rate of DV probation cases (18 percent). Probation terms for women lasted longer, on average, than for men. For cases that were completed successfully, women spent an average of 3.9 years on probation, compared to 3.6 years for men.

Overall, women completed probation successfully at a slightly higher rate than men (71 percent compared to 67 percent); however, looking at revocation rates by case type reveals other differences across gender. Although men and women have similar revocation rates for DV and other cases, women have lower revocation rates than men in DUI cases (see Figure 8).



**Black and Native American women experience revocation at disproportionate rates.**

Looking at revocation rates by race reveals large racial disparities for women on probation. Black and Native American women have the highest rates of revocation, nearly 10 percent higher than the rate of revocation for white women (see Figure 9).





A woman in her 20s who participated in a focus group explained the difficulties of balancing probation activities and raising children:

*I have a one-year-old and a four-year-old, and I don't have no babysitter. Even if I get a babysitter, you know, it's expensive. . . . I tried, but it's hard for me to get the kids and, you know. Yeah, the stroller and the hills. Parking is expensive too.*

### Aligning with best practices

**Recommendation 13: To collect data accurately, SMC should allow clients to self-identify and include ethnicity.** Currently, no data are available for Latinx people on probation.

**Recommendation 14: SMC should conduct a deeper analysis to understand why racial disparities and gender disparities exist, including comparisons of conditions imposed, types of violations, and reasons for revocation across race, ethnicity, and gender.** The court should determine whether service and treatment providers to whom clients are referred are culturally competent, particularly in serving Black and Native American people, and gender-responsive. As well, SMC should engage clients, service providers, and community members in helping to explore why disparities exist and identifying the barriers to success for women and people of color on probation. Many jurisdictions undertaking reform efforts have convened community advisory boards that can help analyze, explain, and reduce racial and ethnic disparities in legal system processes.<sup>100</sup>

**Recommendation 15: SMC should further explore gender-responsive programming.**

Probation Services has taken the important step of creating a specialized DV unit caseload for criminalized survivors of violence. The department should also consider specialized caseloads for women generally, with counselors who are: trained in trauma-informed care and gender-responsive strategies; and knowledgeable about community-based services designed for women.

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## Endnotes

- <sup>1</sup> Debates around defunding Seattle Municipal Court Probation Services have been ongoing since 2018. The material in this report reflects conversations regarding this specific municipality through the end of 2019.
- <sup>2</sup> Vera Institute of Justice, *The Potential of Community Corrections to Improve Safety and Reduce Incarceration* (New York: Vera Institute of Justice, 2013), 18, [https://www.vera.org/downloads/Publications/the-potential-of-community-corrections-to-improve-safety-and-reduce-incarceration-configure/legacy\\_downloads/potential-of-community-corrections.pdf](https://www.vera.org/downloads/Publications/the-potential-of-community-corrections-to-improve-safety-and-reduce-incarceration-configure/legacy_downloads/potential-of-community-corrections.pdf).
- <sup>3</sup> Christopher Lowenkamp, Edward Latessa, and Alexander Holsinger, “The Risk Principle in Action: What Have We Learned From 13,676 Offenders and 97 Correctional Programs?” *Crime & Delinquency* 51, no. 1 (2006), 77–93, <https://pdfs.semanticscholar.org/15f3/fda89fde2433d6167a21da29babcc3f4d679.pdf>.
- <sup>4</sup> The Pew Charitable Trusts, *Probation and Parole Systems Marked by High Stakes, Missed Opportunities* (Philadelphia: The Pew Charitable Trusts, 2018), 12, [http://www.pewtrusts.org/-/media/assets/2018/09/probation\\_and\\_parole\\_systems\\_marked\\_by\\_high\\_stakes\\_missed\\_opportunities\\_pew.pdf](http://www.pewtrusts.org/-/media/assets/2018/09/probation_and_parole_systems_marked_by_high_stakes_missed_opportunities_pew.pdf).
- <sup>5</sup> Lowenkamp et al., “The Risk Principle in Action,” 2006, 88–89.
- <sup>6</sup> See, for example, Sarah Kuck Jalbert, William Rhodes, Michael Kane et al., *A Multi-Site Evaluation of Reduced Probation Caseload Size in an Evidence-Based Practice Setting* (Cambridge, MA: Abt Associates, 2011), 12.
- <sup>7</sup> Vera Institute of Justice, *The Potential of Community Corrections*, 2013, 23.
- <sup>8</sup> Milwaukee County District Attorney’s Office, “Milwaukee County Early Intervention Programs,” <https://perma.cc/M9QX-9BAS>.
- <sup>9</sup> New York State Division of Criminal Justice Services, “New York City Adult Arrests Disposed,” <https://www.criminaljustice.ny.gov/crimnet/ojsa/dispos/nyc.pdf>.
- <sup>10</sup> Ram Subramanian, Rebecka Moreno, and Sophia Gebreselassie, *Relief in Sight? States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014* (New York: Vera Institute of Justice, 2014), [https://www.vera.org/downloads/Publications/relief-in-sight-states-rethink-the-collateral-consequences-of-criminal-conviction-2009-2014/legacy\\_downloads/states-rethink-collateral-consequences-report-v4.pdf](https://www.vera.org/downloads/Publications/relief-in-sight-states-rethink-the-collateral-consequences-of-criminal-conviction-2009-2014/legacy_downloads/states-rethink-collateral-consequences-report-v4.pdf).
- <sup>11</sup> Executive Session on Community Corrections, *Toward an Approach to Community Corrections for the 21st Century: Consensus Document of the Executive Session on Community Corrections* (Cambridge, MA: Harvard Kennedy School Program in Criminal Justice Policy and Management, 2017), 4, [https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/Consensus\\_Final2.pdf](https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/Consensus_Final2.pdf).
- <sup>12</sup> The American Law Institute, “Model Penal Code: Sentencing,” 632, [https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/mpcs\\_proposed\\_final\\_draft.pdf](https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/mpcs_proposed_final_draft.pdf).
- <sup>13</sup> Vera Institute of Justice, *The Potential of Community Corrections*, 2013, 27.
- <sup>14</sup> The Pew Charitable Trusts, *Probation and Parole Systems*, 2018, 15.
- <sup>15</sup> Executive Session on Community Corrections, *Toward an Approach to Community Corrections for the 21st Century: Consensus Document of the Executive Session on Community Corrections* (Cambridge, MA: Harvard Kennedy School Program in Criminal Justice Policy and Management, 2017), 4.
- <sup>16</sup> The Pew Charitable Trusts, *Probation and Parole Systems*, 2018, 15.
- <sup>17</sup> See, for example, Laura Baber and James Johnson, “Early Termination of Supervision: No Compromise to Community Safety,” *Federal Probation* 77, no. 2 (2013), 17–22, [https://www.uscourts.gov/sites/default/files/77\\_2\\_2\\_0.pdf](https://www.uscourts.gov/sites/default/files/77_2_2_0.pdf).
- <sup>18</sup> Jarred Williams, Vincent Schiraldi, and Kendra Bradner, *The Wisconsin Community Corrections Story* (New York: Columbia Justice Lab, 2019), 25, <https://justicelab.columbia.edu/sites/default/files/content/Wisconsin%20Community%20Corrections%20Story%20final%20online%20copy.pdf>.

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<sup>19</sup> Vera Institute of Justice, *The Potential of Community Corrections*, 2013, 27.

<sup>20</sup> Williams et al., *Wisconsin Community Corrections Story*, 2019, 25.

<sup>21</sup> Peggy McGarry, Allon Yaroni, and Sean Addie, *Innovations in NYC Health and Human Services Policy: Adult Probation and Neighborhood Opportunity Network Initiative* (New York: Vera Institute of Justice, 2014), 6, [https://www.vera.org/downloads/Publications/innovations-in-nyc-health-and-human-services-policy-adult-probation-and-neighborhood-opportunity-network-initiative-neon/legacy\\_downloads/transition-brief-probation-neon-v2.pdf](https://www.vera.org/downloads/Publications/innovations-in-nyc-health-and-human-services-policy-adult-probation-and-neighborhood-opportunity-network-initiative-neon/legacy_downloads/transition-brief-probation-neon-v2.pdf).

<sup>22</sup> Williams et al., *Wisconsin Community Corrections Story*, 2019, 25.

<sup>23</sup> Records checks are often a mandatory condition of probation, particularly in DUI and DV cases. See, for example, Washington State Legislature, RCW 46.61.5055(11), “Alcohol and Drug Violators—Penalty Schedule,” <https://app.leg.wa.gov/RCW/default.aspx?cite=46.61.5055>. In most DUI and DV probation cases, the court has jurisdiction for up to five years, except when the case is a deferred prosecution, for which the court’s jurisdiction is five years mandatorily. See RCW 3.50.330, “Suspension or Deferral of a Sentence—Continuing Jurisdiction of Court,” <https://app.leg.wa.gov/RCW/default.aspx?cite=3.50.330> and RCW10.05.120, “Dismissal of Charges,” <https://app.leg.wa.gov/rcw/default.aspx?cite=10.05.120>.

<sup>24</sup> The national rate includes total U.S. misdemeanor probation and “other” sentence types. Other sentence types vary across states but may include gross misdemeanors in some states, including Washington. Because of the inclusion of other sentence types, the national rate reported here is likely a slight overestimate of the national rate of misdemeanor probation. The national rate was generated using Bureau of Justice Statistics, “Corrections Statistical Analysis Tool (CSAT)—Probation,” <https://www.bjs.gov/probation/>; and United States Census Bureau, Population Division, “Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2018” (link decommissioned after data retrieved for this report).

<sup>25</sup> Alternative sentencing options do not appear to be widely used. Judges assigned the vast majority of cases to Probation Services through suspended sentences, rather than alternatives that allow for eventual case dismissal. Of the 6,899 probation cases open at any time during the study period, 75 percent had suspended sentence dispositions on any charge, whereas only 8 percent had deferred prosecution, 2 percent had deferred sentence, 2 percent had dispositional continuance, and 3 percent had stipulated order of continuance dispositions. These alternative dispositions do have some eligibility restrictions. For example, only DUI and some DV cases are eligible for deferred prosecution, but DUI cases are not eligible for dispositional continuance or stipulated order of continuance. In some cases, judges do not mandate supervision by Probation Services in using sentencing alternatives, resulting in those cases being excluded from Probation Services’ case management system and therefore from the dataset the department shared with Vera.

<sup>26</sup> Percentages do not total to 100 due to rounding on the individual percentages.

<sup>27</sup> A February 2019 report prepared by the court used a sample of 521 probation cases to determine that an “order to close” (OTC) was submitted in 32 percent of eligible cases. Because Vera was not able to access data to determine eligibility, the rate of 11 percent reflects the percentage of all cases that had an OTC filed. Removing all cases that had a disposition of deferred sentence, deferred prosecution, dispositional continuance, or stipulated order of continuance, which are not eligible for an OTC, on any associated charge yields a similar figure—only 13 percent of the remaining cases had an OTC filed.

<sup>28</sup> Here, OTC) can mean a move to inactive supervision rather than a full end to probation jurisdiction. There is no way to distinguish these outcomes in the data.

<sup>29</sup> The Choose 180 Youth Workshop is a pre-filing diversion workshop held by the Prosecuting Attorney’s Office and the nonprofit organization Choose 180. Approximately 400 young people are diverted each year after attending

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half-day workshops free of charge. See <https://kingcounty.gov/depts/prosecutor/youth-programs/choose-180.aspx>.

<sup>30</sup> Timothy Schnacke, *Pretrial Release and Probation: What is the Same and What is Different?* (Washington, DC: National Association of Pretrial Services Agencies, 2014), <https://info.nicic.gov/nicrp/system/files/033085.pdf>.

<sup>31</sup> Ebony Ruhland and Jason P. Robey, *Probation Revocation and Its Causes: Profiles of State and Local Jurisdictions, Hennepin County, Minnesota* (Minneapolis, MN: Robina Institute of Criminal Law and Criminal Justice, 2016), 8, [https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/hennepin\\_co\\_profile\\_nov2016\\_web.pdf](https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/hennepin_co_profile_nov2016_web.pdf).

<sup>32</sup> Vera Institute of Justice, *The Potential of Community Corrections*, 2013, 16.

<sup>33</sup> *Ibid.*, 18.

<sup>34</sup> *Ibid.*, 16.

<sup>35</sup> *Ibid.*, 18.

<sup>36</sup> James Bonta, Tonya Ruge, Terri-Lynne Scott et al., “Exploring the Black Box of Community Supervision,” *Journal of Offender Rehabilitation* 47, no. 3 (2008), 248–270.

<sup>37</sup> For one example of a study that examines these needs, see Grant Duwe, *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2017), <https://www.ncjrs.gov/pdffiles1/nij/250476.pdf>.

<sup>38</sup> Bonta et al., “Exploring the Black Box,” 2008, 264–265.

<sup>39</sup> Mark Carey, “Probation,” in *Handbook of Evidence-Based Substance Abuse Treatment in Criminal Justice Settings*, edited by Carl Leukefeld, Thomas Gullotta, and John Gregrich (New York: Springer, 2011), 143–171.

<sup>40</sup> Mark Lipsey, Nana Landenberger, and Sandra Wilson, “Effects of Cognitive-Behavioral Programs for Criminal Offenders,” *Campbell Systematic Reviews* 6, (2007), 1–27, <https://onlinelibrary.wiley.com/doi/epdf/10.4073/csr.2007.6>.

<sup>41</sup> *Ibid.*, 6.

<sup>42</sup> Christopher T. Lowenkamp, Anthony W. Flores, Alexander M. Holsinger et al., “Intensive Supervision Programs: Does Program Philosophy and the Principles of Effective Intervention Matter?” *Journal of Criminal Justice* 38, no. 4 (2010), 368–375, [https://www.d.umn.edu/~jmaahs/Correctional%20Continuum/Online%20Readings/ISP\\_rehab\\_lowenkamp%20and%20friends.pdf](https://www.d.umn.edu/~jmaahs/Correctional%20Continuum/Online%20Readings/ISP_rehab_lowenkamp%20and%20friends.pdf).

<sup>43</sup> See, for example, Lowenkamp et al., “Intensive Supervision Programs,” 2010, 368–375; Elizabeth Drake, Steve Aos, and Marna Miller, “Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State,” *Victims and Offenders* 4, no.2 (2009), 170–196; and Lowenkamp et al., “The Risk Principle in Action,” 2006, 77–93.

<sup>44</sup> Steve Aos, Marna Miller, and Elizabeth Drake, “Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates,” *Federal Sentencing Reporter* 19, no. 4 (2006), 275–290. See also Christopher T. Lowenkamp, Edward J. Latessa, and Paula Smith, “Does Correctional Program Quality Really Matter? The Impact of Adhering to the Principles of Effective Intervention 2006,” *Criminology & Public Policy* 5, no. 3 (2006), 575–594, [https://www.uc.edu/content/dam/uc/ccjr/docs/articles/Correctional\\_Program\\_Quality.pdf](https://www.uc.edu/content/dam/uc/ccjr/docs/articles/Correctional_Program_Quality.pdf).

<sup>45</sup> Craig Dowden and D. A. Andrews, “The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-Analytic Review of Core Correctional Practice,” *International Journal of Offender Therapy and Comparative Criminology* 48, no. 2 (2004), 203–214.

<sup>46</sup> Madeline Carter, *Behavior Management of Justice-Involved Individuals: Contemporary Research and State-of-the-Art Policy and Practice* (Washington, DC: National Institute of Corrections and Center for Effective Public Policy, 2015), 3, 7, <https://info.nicic.gov/nicrp/system/files/029553.pdf>.

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<sup>47</sup> See, for example, Eric Wodahl, John Boman IV, and Brett Garland, “Responding to Probation and Parole Violations: Are Jail Sanctions More Effective than Community-Based Graduated Sanctions?” *Journal of Criminal Justice* 43, no. 3 (2015), 242–250, <https://daneshyari.com/article/preview/882661.pdf>.

<sup>48</sup> Williams et al., *Wisconsin Community Corrections Story*, 2019, 24.

<sup>49</sup> Mike Eisenberg, Jason Bryl, and Tony Fabelo, *Validation of the Wisconsin Department of Corrections Risk Assessment Instrument* (New York: Council of State Governments Justice Center, 2009), 1, <https://csgjusticecenter.org/wp-content/uploads/2020/02/WIRiskValidationFinalJuly2009.pdf>.

<sup>50</sup> *Ibid.*, 28.

<sup>51</sup> Some assigned activities represent multiple related conditions—for example, chemical dependency evaluation and chemical dependency treatment. Although they may appear in Probation Services’ case management system as multiple activities assigned to a single case, they do not represent different conditions that occur at the same time. Instead, the required activity transitions to something else over time as the case progresses. These related activities have been condensed into activity categories using information provided by Probation Services.

<sup>52</sup> Case termination data was compiled by analysts in SMC’s Research, Planning, and Evaluation Group using underlying data and information that was not available to Vera researchers. Cases are not successfully completed when they have termination reasons “Revoked—technical,” “Revoked—technical and new offense(s),” “Revoked—new offense(s),” or “Substantially completed with new offense(s).” Cases are successfully completed when they have termination reasons “Completed all conditions and obligations,” “Closed—end of court jurisdiction,” “Stricken—no revocation or consequence,” or “Substantially completed without new offense.”

<sup>53</sup> Washington State Administrative Rules for Courts of Limited Jurisdiction, “Rule 11.2 Qualifications and Core Services of Probation Department Personnel,” 11.2(b)(2), [https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.rulesPDF&groupName=clj&pdf=1](https://www.courts.wa.gov/court_rules/?fa=court_rules.rulesPDF&groupName=clj&pdf=1).

<sup>54</sup> Carter, *Behavior Management of Justice-Involved Individuals*, 2015, 19.

<sup>55</sup> Joan Petersilia and Susan Turner, “Intensive Probation and Parole,” *Crime and Justice: A Review of Research* 17, (1993), 281–335.

<sup>56</sup> Matthew DeMichele, *Probation and Parole’s Growing Caseloads and Workload Allocation: Strategies for Managerial Decision Making* (Washington, DC: American Probation and Parole Association, 2007), 14, <https://www.appa-net.org/eweb/docs/appa/pubs/SMDM.pdf>.

<sup>57</sup> Vera Institute of Justice, *The Potential of Community Corrections*, 2013, 15–16.

<sup>58</sup> Madeline Carter and Richard Sankovitz, *Dosage Probation: Rethinking the Structure of Probation Sentences* (Washington, DC: National Institute of Corrections and Center for Effective Public Policy, 2014), 16, <https://s3.amazonaws.com/static.nicic.gov/Library/027940.pdf>.

<sup>59</sup> National Institute of Corrections and Crime and Justice Institute, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* (Washington, DC: U.S. Department of Justice, 2004), 1, <https://s3.amazonaws.com/static.nicic.gov/Library/019342.pdf>.

<sup>60</sup> See, for example, James Bonta, Guy Bourgon, Tanya Ruge et al., “An Experimental Demonstration of Training Probation Officers in Evidence-Based Community Supervision,” *Criminal Justice and Behavior* 38, no. 11 (2011), 1127–1148, [https://www.researchgate.net/profile/Guy\\_Bourgon/publication/254081710\\_An\\_Experimental\\_Demonstration\\_of\\_Training\\_Probation\\_Officers\\_in\\_Evidence-Based\\_Community\\_Supervision/links/5665910c08ae192bbf925025/An-Experimental-Demonstration-of-Training-Probation-Officers-in-Evidence-Based-Community-Supervision.pdf](https://www.researchgate.net/profile/Guy_Bourgon/publication/254081710_An_Experimental_Demonstration_of_Training_Probation_Officers_in_Evidence-Based_Community_Supervision/links/5665910c08ae192bbf925025/An-Experimental-Demonstration-of-Training-Probation-Officers-in-Evidence-Based-Community-Supervision.pdf); and Patrick J. Kennealy, Jennifer L. Skeem, Sarah M. Manchak et al., “Firm, Fair, and Caring Officer-Offender Relationships Protect Against Supervision Failure,” *Law and Human Behavior* 36, no. 6 (2012), 496–505, [49](http://risk-</a></p></div><div data-bbox=)

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resilience.berkeley.edu/sites/default/files/journal-articles/files/firm\_fair\_and\_caring\_officer-offender\_relationships\_protect\_against\_supervision\_failure\_2012.pdf.

<sup>61</sup> Kennealy et al., “Firm, Fair, and Caring,” 2012, 503.

<sup>62</sup> Vera Institute of Justice, *The Potential of Community Corrections*, 2013, 19.

<sup>63</sup> Paul Gendreau and Claire Goggin, “Correctional Treatment: Accomplishments and Realities,” in *Correctional Counseling and Rehabilitation*, 3rd ed. (Cincinnati: Anderson Publishing Company, 1997), 271–280.

<sup>64</sup> Vera Institute of Justice, *The Potential of Community Corrections*, 2013, 19.

<sup>65</sup> The Pew Charitable Trusts, *Probation and Parole Systems*, 2018, 15.

<sup>66</sup> Ibid.

<sup>67</sup> Vera Institute of Justice, *The Potential of Community Corrections*, 2013, 15.

<sup>68</sup> Anthony W. Flores, Christopher T. Lowenkamp, Alexander M. Holsinger et al., “Predicting Outcome with the Level of Service Inventory-Revised: The Importance of Implementation Integrity,” *Journal of Criminal Justice* 34, no. 5 (2006), 523–529, [https://www.uc.edu/content/dam/uc/ccjr/docs/articles/LSI\\_JCJ.pdf](https://www.uc.edu/content/dam/uc/ccjr/docs/articles/LSI_JCJ.pdf).

<sup>69</sup> Vera Institute of Justice, *The Potential of Community Corrections*, 2013, 15.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid., 30.

<sup>73</sup> National Institute of Corrections, “Training for Corrections Professionals,” <https://nicic.gov/training>.

<sup>74</sup> Madeline Carter, *Behavior Management of Justice-Involved Individuals*, 2015, 13.

<sup>75</sup> Ibid., 15.

<sup>76</sup> Ibid., 15, 17.

<sup>77</sup> Ibid., 17–20.

<sup>78</sup> McGarry et al., *Innovations in NYC Health and Human Services*, 2014, 2.

<sup>79</sup> The Pew Charitable Trusts, *Probation and Parole Systems*, 2018, 15.

<sup>80</sup> Shadd Maruna, *Making Good: How Ex-Convicts Reform and Rebuild Their Lives* (Washington, DC: American Psychological Association, 2001).

<sup>81</sup> Mark Brown and Stuart Ross, “Mentoring, Social Capital and Desistance: A Study of Women Released from Prison,” *Australian and New Zealand Journal of Criminology* 43, no. 1 (2010), 31–50, [https://www.researchgate.net/profile/Mark\\_Brown27/publication/249916152\\_Mentoring\\_Social\\_Capital\\_and\\_Desistance\\_A\\_Study\\_of\\_Women\\_Released\\_from\\_Prison/links/5403b3dc0cf2bba34c1c25d3/Mentoring-Social-Capital-and-Desistance-A-Study-of-Women-Released-from-Prison.pdf](https://www.researchgate.net/profile/Mark_Brown27/publication/249916152_Mentoring_Social_Capital_and_Desistance_A_Study_of_Women_Released_from_Prison/links/5403b3dc0cf2bba34c1c25d3/Mentoring-Social-Capital-and-Desistance-A-Study-of-Women-Released-from-Prison.pdf).

<sup>82</sup> Fergus McNeill and Beth Weaver, *Changing Lives? Desistance Research and Offender Management* (Glasgow: The Scottish Centre for Crime & Justice Research, Glasgow School of Social Work, 2010), [https://www.sccjr.ac.uk/wp-content/uploads/2012/11/Report\\_2010\\_03\\_-\\_Changing\\_Lives.pdf](https://www.sccjr.ac.uk/wp-content/uploads/2012/11/Report_2010_03_-_Changing_Lives.pdf); Joan Payne, *Long-term Unemployment: Individual Risk Factors and Outcomes* (London: Policy Studies Institute, 1996).

<sup>83</sup> McGarry et al., *Innovations in NYC Health and Human Services*, 2014, 2.

<sup>84</sup> Walter J. Dickey and Peggy A. McGarry, “The Search for Justice and Safety through Community Engagement: Community Justice and Community Prosecution,” *Idaho Law Review* 42, no. 2 (2006), 313–381.

<sup>85</sup> McGarry et al., *Innovations in NYC Health and Human Services*, 2014, 4.

<sup>86</sup> Donald Hermann, “Restorative Justice and Retributive Justice: An Opportunity for Cooperation or an Occasion for Conflict in the Search for Justice,” *Seattle Journal for Social Justice* 16, no. 1 (2017), 71–103, <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1889&context=sjsj>.

<sup>87</sup> Jesse Jannetta, Justin Breau, Helen Ho et al., *Examining Racial and Ethnic Disparities in Probation Revocation: Summary Findings and Implications from a Multisite Study* (Washington, DC: The Urban Institute, 2014), 1,



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<https://www.urban.org/sites/default/files/publication/22746/413174-Examining-Racial-and-Ethnic-Disparities-in-Probation-Revocation.PDF>.

<sup>88</sup> Elizabeth Swavola, Kristine Riley, and Ram Subramanian, *Overlooked: Women and Jails in an Era of Reform* (New York: Vera Institute of Justice, 2016), 7, <https://www.vera.org/downloads/publications/overlooked-women-and-jails-report-updated.pdf>.

<sup>89</sup> Jake Horowitz and Connie Utada, “Community Supervision Marked by Racial and Gender Disparities,” Pew Charitable Trusts, December 6, 2018, <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/12/06/community-supervision-marked-by-racial-and-gender-disparities>.

<sup>90</sup> Jannetta et al., *Examining Racial and Ethnic Disparities*, 2014, 1.

<sup>91</sup> *Ibid.*, 3.

<sup>92</sup> Alexi Jones, “Correctional Control 2018: Incarceration and Supervision by State,” Prison Policy Initiative, <https://www.prisonpolicy.org/reports/correctionalcontrol2018.html>.

<sup>93</sup> Emily J. Salisbury, Patricia Van Voorhis, Emily M. Wright et al., “Changing Probation Experiences for Female Offenders Based on Women’s Needs and Risk Assessment Project Findings,” *Women, Girls & Criminal Justice* 10, no. 6 (2009), 83–84, 92–95.

<sup>94</sup> Alexi Jones, “Correctional Control 2018,” 2018.

<sup>95</sup> *Ibid.*

<sup>96</sup> Linda Freeman and Dan Cathey, *Best Practices in Gender Specific Probation and Parole Models and Survey of Women Currently on Supervision in New Mexico* (Albuquerque, NM: New Mexico Sentencing Commission, 2008), 2, <https://nmsc.unm.edu/reports/2008/GenderSpecific.pdf>.

<sup>97</sup> Salisbury et al., 2009, 83–84, 92; Emily Salisbury and Patricia Van Voorhis, “Gendered Pathways: A Quantitative Investigation of Women Probationers’ Paths to Incarceration,” *Criminal Justice and Behavior* 36, no. 6 (2009), 541–566, [http://ce-classes.com/exam\\_format/1f52ad297868616e2f7f23b892939a4d.pdf](http://ce-classes.com/exam_format/1f52ad297868616e2f7f23b892939a4d.pdf).

<sup>98</sup> State of Connecticut Judicial Branch, Court Support Services Division, “Adult Probation Services,” <https://www.jud.ct.gov/CSSD/adultprob.htm>.

<sup>99</sup> The race of probation clients in the data provided to Vera is identified by law enforcement rather than self-identified. Additionally, no ethnicity data is recorded.

<sup>100</sup> For example, the City of Philadelphia established a 23-member Community Advisory Committee to support local reform efforts focused on safely reducing the number of people in jail and addressing systemic racial and ethnic disparities. See Office of Criminal Justice (OCJ), Office of the Mayor, “Community Advisory Committee Established for MacArthur Challenge,” press release, (Philadelphia: OCJ, Office of the Mayor, October 31, 2019), <https://www.phila.gov/2019-11-13-community-advisory-committee-established-for-macarthur-challenge/>.