

# The Role of Community Supervision in Addressing Reentry From Jails

Paper Prepared for:

Urban Institute, John Jay College, and Montgomery County, Maryland's Department of Corrections and Rehabilitation Reentry Roundtable on Reentry from Jails

June 2006

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This paper is partially funded by the Urban Institute's Reentry Roundtable as well as the Maryland Division of Parole and Probation. All opinions are those of the authors and do not represent any position of the agency. The author would like to thank Ms. Judith Sachwald, Mr. Patrick McGee, and Mr. Ernest Eley for their input into this work. Also appreciation is given to Christina Yancey and Jeanne Bilanin of the University of Maryland who assisted in the preparation of the data for this working paper. Parts of this paper were previously published in Taxman, F.S. (2006). "What Should We Expect from Parole (and Probation) under A Behavioral Management Approach?," *Perspectives*, 30(2): 38-45 or are part of a report to the Maryland Division of Parole and Probation.

**Disclaimer:** This article was prepared under grant number 2005-RE-CX-K148 awarded to the Urban Institute by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this article are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the Urban Institute.

With over 10 adult million and over a million youth cycling through local jails each year, a renewed focus on the jail population is warranted, especially given the recent literature on the “removal” problems, concentrated disadvantaged populations, and strategies to promote health and safety in our communities. Jail detainees are similar to the overall correctional populations in that there are higher rates of substance abuse, mental illness, health risk factors (e.g. HIV/AIDS, tuberculosis, etc.) than in the general population. For the most part, offenders are returned to their communities after having been “removed” with the associated trauma of picking up their lives and addressing whatever comes next in their criminal justice career (e.g. trial, probation, etc.). And, their families or support network(s) are also part of the “removal” and “return” cycle which affects the psychological, social, and financial needs of the offender and his/her support network.

Research on jails is rare with the exception of some studies on jail based treatment in the early 1990s and some scant literature on the needs of jail detainees. Most of the discussions about jails have focused on the constitutional issues regarding pretrial detention and alternatives to pretrial detention to address jail overcrowding problem. As a corollary to this relatively small body of work on effective programming in jail settings are the issues regarding the use of pretrial detention with an emphasis on the constitutional issues of pretrial detention. As recently discussed by Taxman, Bryne, & Pattavina (2005), the adequacy and availability of defense counsel and the infrequent use of pretrial supervision are criminal justice issues that have been largely ignored and yet undoubtedly question the efficacy of the administration of justice. As part of this discussion, the impact of socio-economic status on release decisions and the problems associated with offenders that are economically disadvantaged who are unable to make bail or bond conditions and thus remain incarcerated for small periods of time.

The challenge for addressing the “removal and return” problem associated with offenders and their loved ones is similar to the issues surrounding community supervision in the U.S. Over 4.8 million adults are being supervised by probation and/or parole officers in the U.S. (BJS, 2006), and many of these individuals have spent time in a jail. (A review of local probation data suggests that half of the cases have incarceration sentences too, but we have little information precisely on split sentences.) Their time in jail is most likely short (for pretrial detainees) but could be longer for those that have split sentences (some incarceration as part of their sentence). Regardless of the time spent in jail, offenders released to the community generally are involved with some aspect of the criminal justice system. How we deliver particularly pretrial and sentenced community supervision in the 3100 communities in the U.S. focuses an assessment of whether the current state of supervision can assist the offender with the major challenges ahead to master “return” in a manner that fosters and supports positive outcomes. The end goal is to return the offender and have the process be such that the offender is focusing on those behaviors that result in the jail and/or community sentence. New efforts are being trusted to re-engineer supervision to focus the attention on addressing criminogenic needs that keep the offender focused on reducing their risk of recidivism (see Taxman, Shepardson, & Byrne, 2004; Taxman, 2006; NIC, 2006). This paper outlines a behavioral management model of community supervision and engagement, discusses the relevance to the jail population, and presents preliminary findings from a study in Maryland on the potential impact of this model on changing the risk of recidivism.

### **Behavioral Management Strategies**

As part of an overall strategy to improve supervision of offenders and to facilitate offender change, supervision needs to move from a contact driven system (e.g. face-to-face contacts, etc.) to performance based system (e.g. offenders engaged in the supervision plan,

offenders involved in appropriate services, etc.). As previously noted, standard supervision is based on a model of face to face contacts where the nature of the contacts are to “monitor” or check on the offender. This approach is atheoretical and relies upon the offender to know what and how to change. It does not provide a framework for how the supervision officer can work with offenders to achieve behavioral change (Taxman, 2002).

Researchers, through the meta-analysis techniques and literature reviews, have outlined major tenets that are pertinent to minimize the “removal” and “return” problems, or more succinctly to reframe supervision on the criminal behaviors that contribute to the individual’s involvement in criminal conduct. The new conceptual model is based on a redefinition of the role of the probation officer which deemphasizes an enforcer (or social worker) role to one where the supervision officer is responsible for using social learning techniques to improve the performance of the offender on supervision. The tenets are translated into certain key business practices that include:

- Standardized risk and needs assessment tools should be used to identify high risk offenders, criminogenic needs that affect involvement in criminal conduct (e.g. anti-social values, criminal peers and networks, substance abuse, dysfunctional family, low self control, and criminal personality), and low risk offenders. High risk offenders should be triaged into the available services that focus on the criminogenic needs. Low risk offenders (or those that involved in low level misdemeanors or “broken windows” crimes should be handled administratively or through reparative principles (e.g. short terms, repair harms to the community, etc.).
- Offenders should be matched to services that address the criminogenic needs (high risk first, and if then focus on moderate risk offenders). The services should be geared to facilitate change in the offender, preferably services that use cognitive behavioral,

cognitive processing, contingency management, and other systems. A case plan or behavioral contract should guide the offender, with clearly defined and achievable incremental tasks. Small incremental steps are important because they provide the offender with new skills on how to navigate a problem. The services should have focus on skill building by using cognitive, behavioral, or a cognitive behavioral approach that is focused on the offender improving their social, decision-making, and interpersonal skills.

- A system of rewards and sanctions should be used to reinforce the behavioral change. Incentives should be used to “shape” behavior and redefine prosocial norms (or expectations). The system should be focused on reinforcing positive behaviors first and foremost, especially the small incremental steps taken to achieve larger goals. The system should meet the standards of procedural justice where the rewards and sanctions are equally applied to all offenders in an office, therefore contributing to an environment that diminishes the concerns that individual supervision officer discretion could result in one offender being treated different than other offenders for similar behavior.
- Actors in the jail/community supervision office should focus on key dimensions of department or the process of developing a trusting relationship with the offender. Deportment is a tool to achieve procedural justice where again the offender believes that the actor of the state (or some authoritarian agency) is acting in a manner that is fair and that balances the best interest of the offender and society. And, it reinforces the concept that the offender must “own” the behavior.

Implementing of these tools requires a process for supervision or reentry that focuses on four major goals for the contacts between the offender and the state, as shown in Figure 1 below.

Each phase is briefly described. For more information refer to Taxman, Shepardson, & Byrne, 2004.

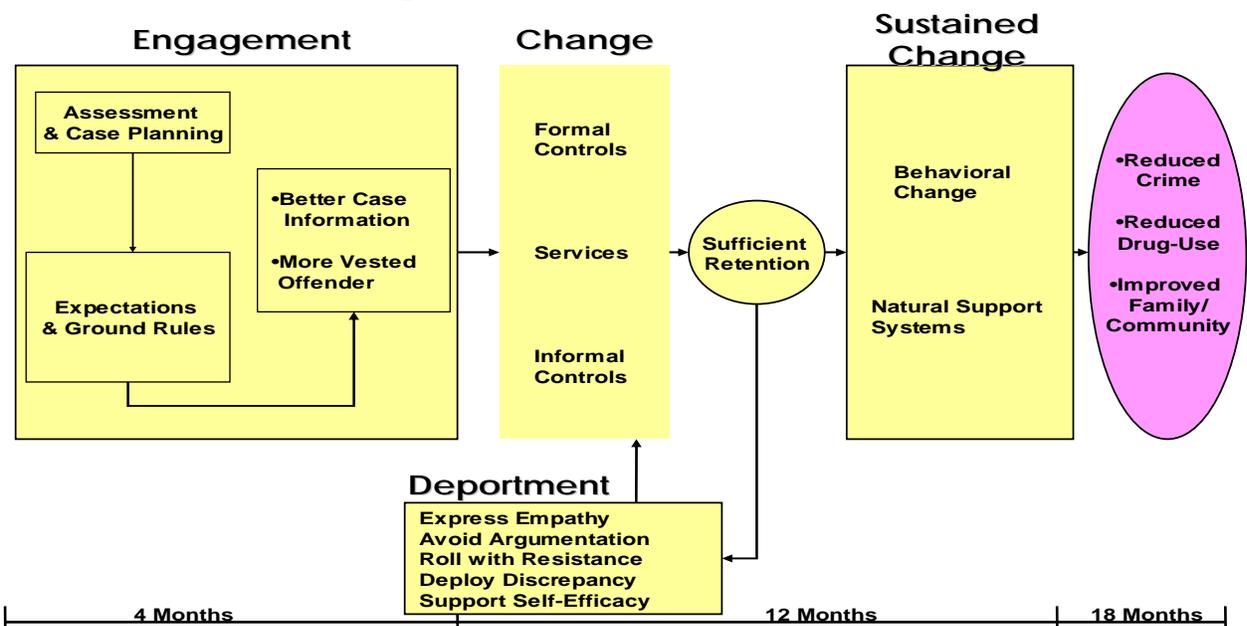
**Engagement:** To assist offenders in taking ownership for their own behavior, a behavioral contract should be developed that outlines the incremental steps for the offender. Ownership derives from the offender's understanding of the rules of supervision (e.g., the criteria for being successful, the rewards for meeting expectations, the behaviors that will end in revocation), the offender's criminogenic drivers that affect the likelihood of involvement with the criminal justice system, the dynamic criminogenic factors that can be altered to affect the chance that the offender will be likely to change, and the prosocial behaviors that will be rewarded by the community (and criminal justice system).

**Early Change:** To assist the offender in addressing dynamic criminogenic factors in a manner meaningful to both the offender and the criminal justice system. As part of the change process, all individuals have certain interests and needs that can be used to motivate them to commit to a change process. The change process begins by allowing the offender to act upon these interests, as well as begin to address one dynamic criminogenic driver (which will eventually lead to addressing other criminogenic traits). The trade-off in achieving this goal is that the offender's interests in being a parent, provider, or addressing specific needs (e.g., religious, health) should be acted upon simultaneously to the needs identified in the standardized risk/needs tool as a means to assist the offender in taking ownership over his/her own change process.

**Sustained Change:** The goal of supervision is to transfer external controls from the formal government institutions to informal social controls (e.g., parents, peers, community supports, employers). This is best achieved by assisting the offender as gains are made in the change process to stabilize in the community and to utilize informal social controls to maintain the changes. Part of the supervision process should be to identify those natural support systems that the offender has, or to develop these natural support systems to be a guardian for the offender to provide the support mechanisms.

**Department & Reinforcers:** As part of each contact, the goal is to reinforce the change process through a manner that reinforces the importance of the behavioral change. Formal contingency management systems assist with this goal by providing supervision staff with the tools to reward positive gains and to address negative progress. The formal process of swift and certain responses provides the protective process for the offender by showing that the supervision staff recognizes small incremental steps that facilitate change and sustain change.

## Supervision Process



Source: Taxman, Shepardson, Bryne, 2004.

### Preliminary Results from Proactive Community Supervision (PCS) in Maryland

The above described behavioral management processes was implemented in the state of Maryland as part of an effort to improve supervision outcomes. The Proactive Community Supervision (PCS) project was implemented in four target geographical areas. The initiative received specialized funding that reduces probation/parole caseload sizes from 100 to 55 offenders per agent in the four pilot areas. (In Maryland, probation officers are referred to as

agents.) The PCS model has shown promise to modify how supervision can be a tool in assisting offenders to become more productive citizens. More importantly the model is useful for considering how to reengineer supervision agencies (including pretrial agencies) that integrate key communication skills to enhance the impact of the staff in achieving better outcomes from offenders.

### ***Study Design***

The purpose of the study was to determine whether the implementation of the PCS core concepts had an impact on offender outcomes, particularly on rates of rearrest and warrants for violation of probation/parole. A related issue was whether the implementation of the core components (the behavioral management components of PCS) was sufficient to achieve measurable differences in offender outcomes. The study used a random selection-individual match design to select offenders for a comparison group that had the same characteristics as those offenders served by the PCS sites. We verified that the likelihood of arrest was similar in the PCS and non-PCS offices in 2000, or at the same time that the PCS model was conceived.

Selection criteria for the study included 1) started supervision during calendar year 2004; 2) served a minimum of six months on supervision (to ensure exposure to the core of the PCS process); 3) rated high risk for recidivism using the MDPP risk screener;<sup>1</sup> and 4) on active parole, probation, or mandatory release. The number of cases selected from each office was proportionate to the total number of PCS cases entering supervision at each pilot site for a total of 274 PCS cases. The non-PCS cases were required to meet the same four eligibility criteria and to be in the same geographical environment with potential matches from the PCS MDPP offices. Each individual offender in a PCS office was matched to an individual offender in a non-PCS

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<sup>1</sup> The intent was to select individuals whom MDPP agents had classified during intake as requiring intensive supervision. We selected individuals classified as intensive at their most recent classification.

office on the following criteria: gender, race, age, type of supervision, and category of instant offense.

### ***What is PCS? And How was It Implemented?***

The Proactive Community Supervision (PCS) model adopts the tenets of science-based research with an emphasis on the nature and intent of the contacts between the offender and his/her probation/parole agent. The contacts are central for the agent to facilitate change in three ways: 1) to engage the offender in a change process that focuses on obtaining prosocial skills; 2) to commence the offender change process by using supervision tools and treatment interventions to address criminogenic traits; and 3) to assist the offender in desistance and sustaining change through positive involvement with community support networks like family/associates, mentors, and civic associations. The behavioral manager role encompasses both the law enforcement and social work skills that are needed in protecting the public (Taxman, Shepardson, & Byrne, 2004).

The PCS model reflects has the following components:

- Use of the Level of Service Inventory-Revisited (LSI-R) instrument to assess the criminogenic risk and need factors affecting the offender's involvement in criminal behavior;
- Development of a case plan that is responsive to the criminogenic traits identified in the assessment process, which includes the LSI-R and other objective information and that also addresses goals that are specific to the offender's criminogenic traits. The focus is on identifying a purpose for the supervision plan that is specific for the goals and focuses on desistance;
- Referral to the appropriate array of treatment, educational, vocational, and other services to assist the offender in developing new skills to be a productive citizen;
- Use of the supervision process to assist the offender to learn about the triggers (e.g., people, places, or situations) that affect involvement in criminal behavior;
- Use of incentives and sanctions to shape offender behaviors;
- Timely communication with the offender to review progress on the case plan and achievement of supervision goals; and,
- Emphasis on desistance from criminal lifestyle and conduct.

MDPP used typologies to guide the supervision plans. The typologies are: drug-involved addict or entrepreneur, violent offender, disassociated offender, sex offender, mental health offender, and domestic violence offender. Each typology has a different emphasis for the

supervision plan due to the unique factors affecting criminal behavior and differing goals to promote desistance, as shown in Table 1.

**Table 1. Goals of Supervision Plan**

<b>Type of Offender</b>	<b>Emphasis of Supervision Plan</b>
Disassociated	Develop prosocial social support network
Drug-involved Addict	Achieve abstinence from illicit drug use
Drug-involved Entrepreneur	Obtain prosocial employment
Violent	Address violent tendencies
Domestic Violent	Manage power and control issues
Mental Health	Address mental health issues
Sex	Control sexual deviance behaviors

PCS implementation was staged to accompany the development of new communication, interviewing, and contingency management skills needed by probation/parole staff to be successful as behavioral managers. First, MDPP introduced motivational interviewing and other communication strategies to provide probation/parole agents with interviewing and verbal communication techniques, which are not typically provided in pre-service or in-service training.<sup>2</sup> The agency established guidelines regarding the use of socially acceptable techniques to deal with such as using salutations to address offenders and establishing eye contact with offenders. These techniques were designed to ensure that an office environment was created where a trusting relationship could flourish and where offenders could learn social skills through interactions with their agents. MDPP employed a coaching model where front line supervisors used the Quality Contact Standards (QCS) form to monitor agents' use of the techniques and as a structured mechanism to provide feedback to develop staff skills (Taxman, 2002).

The next level of staff development involved using the Level of Service Inventory-Revisited (LSI-R) instrument to create case plans. These efforts focused on identifying criminogenic traits through interviewing the offender and addressing these traits in the resulting

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<sup>2</sup> Few probation/parole agencies provide staff with training in interviewing or communication strategies in working with offenders. Motivational interviewing is a well-recognized technique that is consistent with working with offenders/clients on behavioral change issues.

case plan. The supervision goals articulated in Table 1 define the main purpose of the supervision plan, and, along with the supervision tool box (e.g., drug tests, community services, treatment, and vocational education, employment, and support networks). Each plan was to involve a proper mix of external and internal controls to assist the offender. To ensure that staff would use the tools in a case plan, they were provided with a software package that required first-line supervisors to certify the case plan. Requiring supervisor certification was a strategy to engage staff throughout the organization in the core principles of PCS.

Part of the strategy was to develop offender performance indicators to monitor outcomes. The goal is to provide front-line supervisors with easy access for monitoring the performance of their units. The PCS strategy involves not only equipping staff with new skills, but also equipping the organization with the means to focus on recidivism reduction strategies. The building of an organizational strategy has been reinforced by other related efforts of MDPP management such as sponsoring executive and leadership training.

### **Sample Characteristics**

Table 2 compares the PCS and non-PCS groups at the time of intake according to selected characteristics. The matching criteria were intended to define key behavioral characteristics linked to recidivism. There was also equivalency between PCS and non-PCS individuals on variables that were not used in the individualized match.<sup>3</sup> For employment status, marital status, education level, and prior arrest history, there are no statistically significant differences between the PCS and non-PCS groups.

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<sup>3</sup> Since these other characteristic variables were not used for selection into the study, there were missing data for many of the individuals. In addition to excluding PCS cases with missing data from the comparison in Table 3, the researchers excluded PCS cases for which the non-PCS match had missing data.

**Table 2. Group Characteristics for PCS and Non-PCS at Time of Intake**

<b>Group Characteristics</b>	<b>PCS (n=274)</b>	<b>Non-PCS (n=274)</b>
Gender - % Male	82.8	82.8
Race - % Black	85.0	85.0
Employment Status - % Unemployed	61.1	69.5
Age - % Over 30	53.3	54.0
Marital Status - % Single	82.5	78.6
Education Categories -% At Least High School Diploma	62.1	60.6
Mean Number of Arrests Prior to Supervision Intake	7.41	6.83
Supervision - % Probation	88.0	87.6
Supervision - % Parole/Mandatory Release	12.0	12.4

### **Implementation of PCS Core Components**

The first question was to determine the degree to which PCS was implemented. The first core step is the completion of an LSI-R-based assessment. The supervision plan and progress monitoring cannot occur without substantive information from the LSI-R or another intensive assessment tool; otherwise the probation/parole agent is using a “generic” model of supervision instead of focusing the supervision on addressing the criminogenic traits of the individual offender. In this cohort, 70 percent of the offenders had an LSI-R; the remaining 30 percent did not. The average LSI-R score was 15.6, with a standard deviation of 7.9. This average score corresponds to a rating of medium risk in the community, according to the national standards for the LSI-R (MHS, 2004). About 30 percent of the offenders scored under 10, which

indicates low risk; 29 percent scored 11-17, indicating medium risk; 28 percent scored 18-25, which is moderate to high risk; and 13 percent scored 26 or more, reflecting high risk<sup>4</sup>.

Typologies were assigned in 56 percent of the PCS cases, including 80 percent of the cases in which an LSI-R was completed. The cases with typologies assigned were distributed as follows: 46 percent disassociated 24 percent drug-involved, 20 percent violent, and 10 percent sex offenders, mental health, or domestic violence. In the following analyses for the PCS sites, researchers assumed that the 44 percent of PCS cases without a typology were handled by traditional supervision methods since the specific criminogenic traits of the individual offender were not identified.

Table 3 below presents a comparison of the implementation of the PCS model across the four sites in terms of the responsibilities assigned and completed. Again, the unidentified group was considered to approximate traditional supervision.

**Table 3. Development and Implementation of Responsibilities in Case Plans**

	Typology				Typology Unidentified (n=121)
	Disassociated (n=71)	Drug Involved (n=36)	DV/MH/ Sex* (n=16)	Violent (n=30)	
Mean # of Agent Responsibilities in Case Plan	3.4	6.4	4.3	2.9	0.5
Mean # of Offender Responsibilities in Case Plan	3.8	5.0	4.2	4.0	2.0
Mean # of Responsibilities Agent Took Action	2.3	4.2	3.1	2.5	0.3
Mean # of Responsibilities Action by Offender Was Taken	1.7	2.2	2.7	2.0	0.9

\* Combines Domestic Violence (DV), Mental Health (MH), and Sex Offender (Sex) typologies.

Table 4 examines whether having a typology affected the average contacts per month between the agent and the offender. The mean number of contacts per month is higher for

<sup>4</sup> Offenders who scored in the highest category of risk on the LSI-R had the highest rate of rearrest (45%) during the observation period, while those who scored in the low risk category had the lowest rate of rearrest (19.3%). These findings validate the LSI-R instrument.

offenders with a typology as compared to offenders without a typology ( $p < .01$ ). Similarly, for offenders with drug testing conditions, tests are performed more frequently on the offenders that have a typology assigned than on offenders without a typology ( $p < .05$ ). Offenders overall have more frequent contact with their agent than under traditional supervision.

**Table 4. Supervision Contacts and Drug Tests**

	<b>Had a Typology</b>	
	<b>Yes</b>	<b>No</b>
Mean Number of Contacts per Month	1.7	1.3
Mean Number of Drug Tests per Month for Offenders with Court-Ordered Conditions	2.0*	1.3
Mean Days Between Contacts	24**	48

\* $p < .05$ , \*\* $p < .01$

Other supervision studies have found that increased conditions generally increase violations of probation/parole for failure to abide by the conditions (Petersilia, 2000; Petersilia & Turner, 1993). In this study, it appears that the increased conditions do not necessarily result in increased noncompliance. As shown in Table 5, except for drug offenders (with the greatest mean number of conditions), all other typologies had a greater percentage of offenders that complied than the traditional supervision group. Surprisingly, the PCS cohort appears to be more compliant than the traditional supervision group.

There is no significant difference across typologies in the mean number of incidents of noncompliant behavior such as missed appointments, failures to appear for drug tests, positive drug tests, and failures to conform to court ordered provisions ( $p < .05$ ), despite the fact that the PCS group had a far greater number of conditions. The PCS group is actually attending to the components of the case plan at a greater rate. The difference between the traditional group (mean of 18.8 incidents per case) and the combined group of offenders who were assigned typologies (combined mean of 17.5 incidents per case) was not statistically significant. Again

with the increased number of responsibilities one would have expected the PCS cases to have had more noncompliant incidences.

**Table 5. Noncompliant Behaviors and Sanctions**

	Typology				Typology Unidentified (n=121)
	Disassociated (n=71)	Drug Involved (n=36)	DV/MH/ Sex* (n=16)	Violent (n=30)	
No Noncompliant Behaviors - %	17	6	13	17	9
Mean Number of Noncompliant Incidents	19.2	26.1	11.3	6.3	18.8
Noncompliant Incidents Sanctioned - %	33	27	44	26	39

\* Combines Domestic Violence (DV), Mental Health (MH), and Sex Offender (Sex) typologies.

***The Impact of PCS: Comparing Outcomes***

The outcomes for the PCS and non-PCS groups were compared according to three outcomes: positive drug tests, new arrests and requests for warrants (proxy for technical violation or non-criminal behavior acts that are violations of orders of release). The analysis plan uses two main strategies to determine whether the PCS process has differential outcomes from the non-PCS process. Tables 6 and 7 (bivariate and logistic regression results) present the differences between the PCS and non-PCS groups. The logistic regression models were used to test for statistical significance controlling for variables that were not used in the case selection process that might be relevant to outcomes such as the number of days under supervision and criminal history of the offender (number of prior arrests).

**Drug Test Results.** Court-ordered drug testing conditions were in place for 48.9 percent of the PCS offenders and 62.8 percent of the non-PCS offenders. Statistical tests indicated that there are no differences between the two groups in terms of failure to appear for testing or positive urines.

Table 6 reports the findings from a logistic regression that determined participation in PCS had no effect on the likelihood of having positive urine, controlling for the influence of time on supervision and prior arrests. The results of these analyses suggest that PCS did not have an effect on the drug consumption patterns of those in our sample with a court-ordered mandate for urinalysis.<sup>5</sup>

**Table 6. Results for the PCS vs. Non-PCS Cases on Key Outcomes: Drug Testing Results, Rearrests, and Warrants for Violation of Probation/Parole**

	PCS	Non-PCS	Odds Ratio <sup>6</sup>
<b>Drug Testing Results</b>			
Positive Urines - %	22.8	25.4	1.12
FTA for Urinalysis - %	50.0	53.6	
<b>Rearrest for New Crime</b>			
New Arrest* - %	32.1	40.9	0.62
Mean Number of New Arrests*	0.45	0.65	
<b>Warrants for Violation of Probation/Parole</b>			
Warrant Filed* - %	20.1	29.2	0.60

\*P<.05

Notes.

1. For drug test results, the sample size was 94 PCS offenders and 106 non-PCS offenders. For failure to appear, the sample size is 99 PCS and 121 non-PCS.
2. For all other measures, the sample size was 274 PCS and 274 non-PCS.

**Rearrest Rates.** The PCS group was statistically less likely to be arrested than the non-PCS group; 40.9 percent of the non-PCS group was arrested as compared to 32.1 percent of the PCS group. Individuals in the PCS group had a mean number of arrests that was 30.7 percent lower than the non-PCS group. As stated before, we drew a sample of offenders supervised in the same PCS and non-PCS offices in 2000 and found that they had comparable arrest rates during this period of time.

Two logistic regression models were developed to assess the impact of PCS on rearrests.

In these models, researchers controlled for length of time on supervision and prior criminal

<sup>5</sup> All of the logistic regression models were run adding in the covariate of the offender had a court-ordered condition for drug testing. The assignment of a court-ordered condition for drug testing did not explain any variance in the arrest and warrant for violation of probation/parole models, and the covariate was not statistically significant.

<sup>6</sup> Logistic regression results are available from the author.

history since these were not part of the original selection criteria. The results in Table 6 illustrate that offenders participating in PCS were significantly less likely to be re-arrested during the study period. The odds-ratio of 0.62 means PCS offenders have 38.3 percent less chance of being rearrested for new criminal behavior than the non-PCS group.

**Warrant Filed for Violation of Parole/Probation.** As shown in Table 6, 20.1 percent of the PCS cases and 29.2 percent of the non-PCS cases had a warrant filed, a statistically significant difference ( $p < .05$ ). Supervision agents for PCS cases filed a warrant when the offender had a median of 17 noncompliant behaviors for missing appointments, failing to inform the agent of location, failing to comply with court-ordered conditions of supervision (such as paying fines or attending drug treatment), testing positive at urinalysis, absconding from supervision, and failing to report for drug testing. Overall the fewer the number of misbehaviors, the less likely the agent was to file a warrant.<sup>7</sup>

Findings from the logistic regression reveal an odds ratio of 0.60, which means that participation in PCS resulted in a 38 percent reduction in the probability of a warrant being filed for technical violations. Further, this finding was statistically significant, controlling for the number of days on supervision and the number of arrests prior to the current sentence.

### **Implications for Working with Offenders in Jail**

The lessons from the Maryland PCS community supervision project and the efforts to improve outcomes for offenders can inform new practices that include the period of time that an offender is incarcerated in jail. Programming in the correctional arena tends to be more atheoretical, and tends to not use well-researched and efficacious strategies to facilitate behavior change. The MD PCS project is an example of how the tools of behavioral change can be used in criminal justice settings to improve outcomes for offenders. Yet, thus far, these discussions about supervision have not included the period of time when the offender is incarceration, either

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<sup>7</sup> The percentages for the other locations ranged from 16-40 percent.

as part of pretrial or sentencing decision. (Refer to prior work on reentry, where the author discussed using the reentry period of time to build motivation to change and to reorient the offender. See Taxman, Byrne, & Young, 2000; Taxman, Byrne, & Young, 2003). During the jail period, advancement in offender outcomes could occur when the efforts as part of the traditional processing (e.g. pretrial screening, bail decisions, opportunities associated with release, in-jail group sessions, etc.) could be focused on engagement. Engagement processes could commence when the offender is incarcerated and this could become an instrumental part of the offender both understanding his/her own behavior and beginning to outline how to address his/her own specific criminogenic needs. That is, most of the pretrial screening or jail release practices are pro forma (e.g. legalistic, task functioned to serve the legal process). With a slight refocus, the processing components (both upon reentry to jail and upon release) could be transformed by having staff use some of the key tenets cited above.

The keys to offender engagement involve using a standard risk and/or need assessment processes to begin to inform the offender about his/her behavior. During the standard pretrial screen, intake to the jail, or other routine activity, the focus can still be on gathering information but an added component could be done to inform the offender of his/her risk and/or need factors using the model described above. The tendency in standard procedure is to collect information from the offender and to collect information about the offender (e.g. arrest histories, incarceration histories, etc.)—yet, little is done to share information with the offender or to assist the offender to process this information. For example, most systems obtain the offender’s arrest or conviction history and assume that the offender is knowledgeable about his/her history. However, part of the process of the offender assuming ownership is to begin to remove “rose color glasses” and help the offender recognize a pattern of his/her behavior. “Owning a problem” requires the presentation of objective data about a person’s past.

The next step in the engagement process is to assist the offender in processing key information. The processing component assists the offender to identify the pattern of behavior or the “people, places, or things” that affect the offender’s involvement in criminal conduct. Here the focus should be on the six criminogenic needs that affect recidivism including low self control, antisocial values, criminal personality, substance abuse, dysfunctional families, and criminal peers/associates. Assisting the offender in learning to identify the criminogenic behavior that is most often affiliated with their own lives is a key step in: helping the offender to resolve any ambivalence about the need to change, helping the offender to begin to see the benefits from change, and allowing the offender to learn about their own patterns that are connected to spatial issues, people, and so on. These are important components of the first stages of the change process as depicted by Prochaska, DiClemente, and Norcross (1992). The criminal justice actors can begin the process by using objective tools that can be shared with the offender. The use of objective tools removes the subjective nature (e.g. having a criminal justice actor tell the offender about their problem areas, etc.) and provides a format for helping the offender to digest his/her own criminal history. It allows for questions to be asked in a manner that allows the offender to assess their own patterns. During the incarceration period in jail, the offender can also become aware of relevant community resources that exist. Similarly, if given the time, a case plan can be developed during this period of time that can refocus the attention on the areas that can assist the offender in becoming law-abiding. Jail staff can then begin the process.

The focus of the last two decades has been on providing the offender with the full array of services that *would appear* to address the offender’s unmet psycho-social needs. Most of the literature focuses on addressing the full range of offender needs from housing, educational, employment, substance abuse, mental health, etc. However, as suggested by the meta-analysis literature and the issues of criminogenic needs that affect criminal behavior, the emphasis should

be less on providing “any service” to providing services that are relevant to the needs of a specific offender. Also, the emphasis should be on stabilizing the offender to begin to address the major “drivers” that affect involvement in criminal conduct. In fact, one of the lessons of the 1990’s is that placing too many demands and expecting too much from the offender contributes to failures (the problem of technical violations). The layering of demands has been noted as contributing to the offender’s sense of being overwhelmed with trying to manage too many issues, and not understanding why these conditions exist. One of the overriding principles in behavioral change is to use incremental steps to reshape the offender’s behavior—this requires limiting the number of issues to be addressed at any given time to up to three problem areas. Too many requirements usually leads to failure. Stated simply, it is important to examine the main criminogenic factor (e.g. substance abuse, criminal peers, antisocial values, low self control, criminal personality, and dysfunctional families) and help the offender develop a plan that is focused on two or three issues for this main factor. Piling on too many conditions, too many services, and too many expectations only contributes to the offender’s perception that he/she is doomed to failure.

A major component of crafting the case plan is that it should be a *joint* venture between the offender and the criminal justice actor. This requires the offender to be empowered with having to make choices, and the criminal justice system recognizing that the resulting behavioral contract may have slightly different plans (than maybe the criminal justice actor might desire) but if the plan is to be successful the offender must own parts of the plan.

For engagement to be successful it is important to alter the tone in which screening and assessment (and pretrial release recommendation or jail release) occurs. As part of the proposed model, a key component is that the criminal justice and correctional staff need to use communication and deportment strategies that allow the offender to be included in the conversation, address the inequities in the criminal justice decision-making processes, and

provide a forum for the expectations that the offender has to be noted. The environment can not be understated—behavior change can not occur in an environment where the person is being devalued as a human being. This is one challenge for the criminal justice practice is how to work with offenders in a manner that supports offender change but holds the person accountable.

As noted by Professor Ed Maguire (2006), there appears to be a consilience in many different fields that core components of *civility* must be present in order to achieve and encourage compliance. Consilience refers to the coming together of knowledge, from many different disciplines; in this case, it refers to the importance of procedural justice processes in facilitating compliance. In many different disciplines (e.g. medicine, law enforcement, education, etc) it has been found that fair processes and procedures are important in helping achieve better compliance. Compliance is a product of how an individual feels that they are being treated and whether they believe that they are being treated like others. When legal cynicism is high or the offender begins to suggest that it is the “system” that is responsible for their predicament, it is apparent that the offender is not taking ownership for his/her own actions. Alternatively, it can also be that the system is contributing to the offender’s perception that his/her behavior does not matter since the “system” will not apply fair and justice procedures. In this case, the actions of the state may have actually contributed to the offender’s perception that their own behavior does not matter because of the inequities of the criminal justice system (Taxman, Byrne, & Pattavina, 2005). Taxman (2005) noted that many offenders assume an outlaw persona because they are not given the opportunity to be a citizen, and until the system addresses these types of issues the outlaw persona will exist. Using the tenets of procedural justice, requires the agents of the state to begin to examine how they can treat the offender like a citizen as part of a strategy to help the offender assume responsibility and ownership. That is, the offender is not being defiant per se’ but rather is assuming the role that he/she assumes in response to actions by the criminal justice system.

Pretrial processing and the use of jail-based incarceration and/or split sentences practices can be viewed from a procedural justice lens. The research has found that even when there are unfavorable outcomes, the manner in which the authority figures (e.g. law enforcement, other criminal justice actors, doctors, etc.) handle the situation impacts how an individual accepts the situation and the consequences (Tyler, 2004). This finding is relevant to corrections since it suggests that even when the outcomes are negative, processes and procedures that are perceived as fair tend to support an individual assuming more ownership. Behavioral change is then likely to occur. This message is relevant to jail and jail processing since many of the procedures and processes that exist are not likely to result in the offender receiving a favorable outcomes (e.g. a dismissal of the case, a nonincarceration sentence, etc.), but there are techniques to assist the offender in accepting the outcomes. These techniques range from system actors acknowledging the inadequacies of the system to system actors “ending” the conversation in a positive light.

## **Conclusion and Next Steps**

With over 10 million adults processed through local jails and over 700,000 in jail at any given time, the front-end of the criminal justice system should be more vested in using behavioral management concepts. The behavioral management approach is relevant to the jail environment, particularly focusing on goals of engagement. The tools used in the front end of the system—gathering information about the offender—can be incorporated into steps that focus on motivating the offender to change. The task is simple: to use that information to inform the offender of the patterns of behavior, to create an atmosphere where the offender can learn about his/her own behavior, and to construct a process that serves to help the offender address issues of legal cynicism and acceptance of ownership for his/her behavior. The jail has a role in this process, but it requires examining how current “business” is conducted.

In applying the research to the jail environment, certain qualifiers must be highlighted regarding the nature of occupants of local jails. The research findings are consistent in providing that most of the services and attention should be devoted to the high risk offenders, as determined by valid risk and needs tools (Lowenkamp, Latessa, & Hoslinger, 2006; Taxman & Marlowe, 2006). Many of the offenders arrested and/or processed in pretrial settings and many of the offenders in jail for short periods of incarceration would probably not fall into the “high risk” category. That is, they are not criminals but have other unmet social needs (e.g. concentrated economically disadvantaged, mentally ill, homeless, etc.). And, these offenders have needs that are not necessarily criminogenic but nonetheless contribute to their involvement in the criminal justice system. The challenge in applying the research and developing new strategies in the jail environment is to know *whom* to apply the legally-involved behavioral management approach and develop case plans that are focused on addressing factors that contribute to criminal behavior. The question that needs attention is whether the criminal justice system should be responsible for meeting the needs of the “lower risk” (not criminal) offenders in jail. While the jail has become the de facto place for services (as well as the social support network), the label of an “offender” places a stigma that has a number of collateral consequences. Adding legal requirements to individuals in terms of obtaining treatment services, jobs, etc. should be reserved for those individuals where the emphasis will be to reduce recidivism that is due to criminogenic factors.

The behavioral management model is relevant to other disciplines. But the use of this technique, when adding the authority and mandates of the criminal justice system, is best reserved for offenders that are high risk. Jail staff will need to learn to differentiate behaviors between those that are criminal and those that are the result of the expanding “criminal justice umbrella”. This will require more attention to ensure that the procedures to implement the behavioral management techniques provide for decisions that reduce the official “requirements”

on the individual but maybe provide the necessary linkage and commitment of community resources. The expectations for this group of individuals may be different than a recidivism reduction strategy devoted to high risk offenders. For example, while many jails have assumed a role in the community for providing care for the mentally ill, the goal in using the suggested strategies is to transition people to the appropriate mental health clinic or other facility without having these legal requirements placed on them through the criminal justice system. If a legal condition is placed on an individual, then the supervision agencies are boxed into “enforcing” conditions which detracts from efforts devoted to higher risk offenders. Another example is for the economically disadvantaged, the focus should be on maybe providing life skills but again these should be services that are available but not mandated. The case plan should be reserved for those conditions that serve to address criminogenic needs that drive criminal behavior. While society might have by default placed the criminal justice system in the position of being the “safety net”, the more the system acts in this manner, the less attention can be given to helping offenders learn to address their criminogenic drivers. And, this may only add to more churning. In the end, churning undermines most reform efforts because it may contribute to cynicism. And, churning reinforces the difficulty of behavioral change which may contribute to criminal justice actors being reluctant about assuming roles and responsibilities for facilitating offender behavior change. Being the enforcer (for system actors) or the offender (for those on the receiving end) may be the easier role. The experience over the last thirty years should contribute to a desire to be innovative and focus our efforts on change directed at the individual offender, at the communities that are most affected by the “removal and return” cycle, and at the criminal justice system to address inequities and to reduce the risk of recidivism.

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