

# The Choice is Yours: Early Implementation of a Diversion Program for Felony Offenders

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# Table of Contents

<b>Introduction</b> .....	<b>1</b>
The Choice is Yours Vision.....	1
Evaluation .....	2
Key Research Questions.....	2
Data Sources .....	3
Report Overview .....	5
<b>The Choice is Yours Program Model</b> .....	<b>6</b>
Eligibility Determinations.....	7
TCY Court .....	8
TCY Community-Based Program .....	9
Orientation Phase .....	10
Enrollment Phase .....	11
Graduation .....	15
The Connection Among Stakeholders.....	16
<b>TCY PARTICIPANTS</b> .....	<b>16</b>
Who Are the TCY Participants?.....	17
Early Successes.....	19
Program Completion.....	20
Program Services .....	20
Employment and Education.....	22
Recidivism .....	23
<b>Key Lessons From Early Implementation</b> .....	<b>24</b>
Communication.....	24
Ongoing Data Collection, Analysis, and Reflection .....	25
Advance Planning.....	27
<b>Conclusion/Final Thoughts</b> .....	<b>28</b>
<b>References</b> .....	<b>29</b>

## Exhibits and Tables

### Exhibits

Exhibit 1: TCY Logic Model .....	7
Exhibit 2: Graduated Sanctions .....	10
Exhibit 3: TCY Graduation Requirements.....	15
Exhibit 4: Sample TCY Dashboard/Scorecard.....	26

### Tables

Table 1: Demographic Characteristics of TCY Participants .....	18
Table 2: Education and Employment Experience of TCY Research Cohort Participants at Program Entry .....	18
Table 3: Risk Behaviors and Experience with the Justice System among TCY Participants at Program Entry .....	19
Table 4: Trajectory of TCY Participants .....	20
Table 5: Program Service Dosage by Status in Program and Activity Type .....	21
Table 6: Employment and Educational Outcomes Among TCY Participants .....	22

## Introduction

Americans have relied primarily on criminal justice responses to improve public safety and reduce crime. In fact, due to increasingly punitive criminal justice policies during the last part of the 20th century, the percentage of Americans in prisons, jails, and detention facilities is five times higher than it was three decades ago (Pew Center on the States, 2008). Yet, many experts believe that the “get tough on crime” movement that began in the 1980s, including harsher sentencing and, therefore, increased incarceration, has not resulted in benefits that justify its costs (Lynch & Sabol, 1997; Pew Center on the States, 2011). While our intuition suggests that incarceration will “teach” offenders that the punishment is not worth the crime, it is not clear that this is true (Bratton, 2011). In fact, some researchers believe that incarceration may actually increase criminal behavior upon release through marginalization and stigmatization (Durlauf & Nagin, 2011). These concerns, together with recognition of the high costs of incarceration borne by local and state governments, have led to the development of myriad alternatives-to-incarceration programs for offenders who do not pose significant risks to public safety.

## The Choice is Yours Vision

In an effort to introduce approaches that reduce both recidivism and court costs, Philadelphia District Attorney (DA) Seth Williams spearheaded the development and testing of an alternative-to-incarceration program for first-time, nonviolent felony drug dealers facing one- to two-year minimum mandatory state prison sentences. The program, known as The Choice is Yours (TCY), diverts these offenders away from prison into both 1) TCY court (essentially a problem-solving Philadelphia Municipal Court featuring a dedicated judge who has repeated contact with program participants to monitor their progress and motivate compliance using rewards and sanctions) and 2) a suite of community-based social services and supports directed by JEVS Human Services (JEVS) and their partner agencies, the Pennsylvania Prison Society (PPS) and the Center for Literacy (CFL).

The TCY model was based on San Francisco’s Back on Track program, with which DA Williams became familiar through contact with past San Francisco DA Kamala Harris.

However, DA Williams was interested in adapting the model to more serious (i.e., felony) offenders as a demonstration in Philadelphia, both as a mechanism for giving felons a second chance and as a vehicle for potentially achieving greater cost savings.

As such, the Philadelphia TCY model is informed by promising practices and past research on alternative sentencing programs and reentry across the country that have established links among education, employment, and reduced recidivism. In addition to educational and employment services, the TCY pilot

### **The Choice is Yours (TCY) Demonstration**

TCY is a Philadelphia alternative-to-incarceration program for first-time, nonviolent felony drug dealers facing one- to two-year minimum mandatory state prison sentences. Participants receive community-based services and are monitored by the TCY court for approximately one year.

The program began in early 2012. Intake of eligible individuals was conducted from February 2012 through January 2013. During the pilot period, 85 participants enrolled in the program; of those, 65 successfully completed the orientation phase and continued on to full program enrollment.

Court oversight and program services are expected to continue until early 2014.

incorporates such promising strategies and supports as case management; mentoring; and assistance with housing, child support, public benefits, and other key services. The program also entails participation in some restorative justice activities and the obligation to complete a specified amount of community service.

At the individual level, TCY aims to reduce recidivism by improving educational, employment, and self-efficacy outcomes (as depicted in the TCY Logic Model presented in Exhibit 1). Additionally, the program offers graduates the opportunity to have their criminal records expunged, with the intent of removing the stigma of criminal records that can be additional barriers to future success in employment and other areas of life (e.g., access to low-cost housing opportunities).

The TCY model also hypothesizes beneficial system reforms. For example, the program is expected to reduce justice system costs associated with low-level drug offenders, improve practitioner knowledge and skills regarding intervention strategies for working with similar populations, and cultivate effective strategies for ensuring the sustainability of promising programs.

## Evaluation

In addition to partnering on program implementation, the District Attorney's Office of Philadelphia (DA's Office), the Defender Association of Philadelphia (also known as the Public Defender's Office), The Municipal Court, and the TCY service providers (PPS and CFL) are participating in an evaluation of the TCY pilot; both the pilot and the evaluation are supported by The Lenfest Foundation and The William Penn Foundation. Public/Private Ventures (P/PV) provided technical assistance and support to the DA's Office in the development of the program model, and was the original program office and evaluator for TCY. P/PV closed in July 2012; McClanahan Associates, Inc., in collaboration with Urban Institute, was selected to complete the TCY evaluation.

The evaluation of TCY has three primary objectives, to:

- Provide data that can guide the continuous program improvement.
- Inform TCY program leaders, the DA's Office, TCY Court, Public Defender's Office, other stakeholders, and funders about the efficacy of TCY program.
- Determine if TCY is effective in reducing recidivism and lowering the financial costs/burden to the criminal justice system.

## Key Research Questions

The evaluation was planned to incorporate both implementation and outcomes components. The implementation study is intended to explore two core areas: program operations and participants and their participation patterns. For program operations, the primary questions include the following:

- What are key TCY program components that lead to intended outcomes?
- How well are services provided (fidelity, consistency, frequency, incorporating best practices, and quality of service)?
- What are challenges and barriers to successful implementation of TCY?
- How are the partnerships coordinated among organizations (DA's Office, Municipal Court, and service partners)? Who is partnering? How do the partnerships work?
- Do organizations meet the required benchmarks of TCY? Why or why not?

- How are participants referred to and dismissed from program? What are the decision-making rules for referrals and dismissals? Is there consistency in how these processes are completed?
- What staffing is associated with smooth program operations?

The primary questions regarding participants include

- Who are TCY participants? What are their demographics, background characteristics, and attitudes and behaviors about work, family supports, education, self-efficacy, and their futures?
- What services are TCY participants accessing? What are the dosages of services received?
- How often do TCY participants attend program? What length of time do participants attend program? What are the “on-time” graduation rates?
- Who gets dismissed from program? Why are they dismissed?

The outcomes component will explore how participants benefit from TCY, and what differences may exist in achieving benefits for subgroups of the TCY population. Key research questions include the following:

- What effect does TCY have on participants’
  - Recidivism Outcomes?
  - Education Outcomes?
  - Employment Outcomes?
  - Self-Enhancement Outcomes?
- For whom is the program most successful? Do different background characteristics like age, family supports, education, outlook on life, and other such factors make a difference?
- What is the relationship between program participation and participant outcomes?
- What is the overall financial cost of TCY?

## Data Sources

The TCY evaluation relies on several data sources, including individual surveys, program administrative data, and field visits that include observation of TCY court and program activities, stakeholder interviews, and focus groups with participants. Data collection began in January 2012 and is expected to continue through early 2014.

### *Baseline and Follow-Up Surveys*

TCY participants are asked to complete baseline and follow-up surveys. Baseline surveys, which take approximately 45 minutes to complete, are administered at the TCY program orientations; follow-up surveys are completed once participants are eligible for program graduation—approximately 12 months after they start TCY. The surveys are *only* used for research purposes and participant responses are not seen or used by program staff.

The surveys include measures on demographics, educational achievement, family background, career/job advancement, self-efficacy, depression, drug and alcohol use, future orientation, and criminal background. The baseline and follow-up surveys will be compared to identify if TCY participants made positive strides in these areas and to understand where participants may need additional supports after they graduate from TCY.



### *Efforts to Outcomes Management Information System*

JEVS uses Efforts to Outcomes (ETO) as a management information system (MIS) to collect data on participants and their attendance in TCY activities. Monthly reports are generated for TCY staff to learn about patterns of participation and to identify missing or incomplete data. Monthly reports are intended to guide continuous improvement efforts and identify needed technical assistance.

Data are collected each time a participant attends a TCY activity or completes a service. Data critical to the evaluation include the following:

- Participant background characteristics: age, race, gender, family composition, etc.
- Participation data: services received, training and educational skills enhancement, case management, job training, etc.
- Employment and education outcomes: starting salary, hours expected to work per week, availability of health benefits, credits and degrees received, etc.

These data are analyzed to determine whether TCY provides services as intended and achieves program goals.

### *Site Visits*

Two sites visits per year are conducted to interview staff, stakeholders, and participants, and to observe program operations. These site visits provide the opportunity to see TCY in action, and identify programmatic strengths and weaknesses that should be addressed. The visits are particularly useful in illuminating details about

- The referral and dismissal process and programmatic flow of TCY participants.
- Partnership coordination.
- Implementation successes and challenges.
- Best practices approaches for TCY activities.
- Staffing levels needed for TCY implementation.

Data generated from the site visits are shared (in aggregate) with TCY agencies to improve service delivery, develop data-driven strategies, and ensure that participants have the greatest likelihood of benefitting from TCY.

### *Criminal Records Data*

The research team will analyze the criminal histories of TCY participants (including those who do not complete TCY successfully) to understand recidivism rates post-program. These data will reveal if TCY was successful in reducing crime rates among participants.

### *Unemployment Insurance or Other Employment Records*

The research team hopes to access state records on participants' employment and earnings.

## Report Overview

This report presents an initial review of TCY from its implementation in early 2012 through June 2013, based on site visits conducted in May and November, 2012, as well as information extracted from the baseline surveys and ETO MIS through June 2013. Given the focus on early implementation, the report does not provide definitive information about whether TCY changes the lives of participants or how much the program costs. Nonetheless, we do share some of the early successes of TCY and its participants.

The first section of this report describes the TCY model, including the operations of the dedicated court and the community-based suite of services (i.e., case management, job readiness and job placement services, educational enhancement efforts, mentoring, and community service and restorative justice activities). In addition, the narrative describes collaboration among stakeholders.

The second section focuses on program participants, covering their demographic characteristics, prior educational and employment experiences, and their risk profiles and contacts with the criminal justice system. Since the TCY pilot is at a mid-point, as previously noted, we are unable to assess participant outcomes in earnest; however, we anticipate that a report on participant outcomes will be available about six months after the conclusion of the pilot in June 2014.

Lastly, in the two remaining sections, we identify lessons learned during the first year of program implementation with respect to communication, data collection, and planning for contingencies, as well as stakeholder and participant impressions regarding the program's initial pilot year.

# The Choice is Yours Program Model

TCY was launched in Philadelphia, PA, in February 2012. It uses a two-pronged strategy: a problem-solving court combined with a structured community-based program designed to improve individual outcomes, as well as introduce system reforms. The Philadelphia Municipal Court oversees and processes TCY participants; JEVS serves as the lead community-based organization, with CFL and PPS as key service-providing partners.<sup>1</sup> Other key partners include the Philadelphia DA's Office and the Public Defender's Office.

The program operates in three phases, as depicted in the logic model in Exhibit 1. The first phase occurs as the DA's Office, with input from the Public Defender's Office, determines whether an offender meets the eligibility criteria for TCY. The program targets first-time, nonviolent offenders, aged 18 or older, arrested for possession with intent to distribute 2–10 grams of powder or crack cocaine. This phase establishes whether an individual can be offered the opportunity to participate in TCY. Eligible parties are notified about the program by mail and asked to appear at the TCY courtroom, where they receive further information on the program and are given the chance to agree to enter the next phase. Individuals who are ineligible and those who decline an offer to participate are referred back to court for trials or plea agreements.

TCY Eligibility Criteria
<ul style="list-style-type: none"><li>• 18 or older</li><li>• Male or female</li><li>• US citizen</li><li>• Charged with nonviolent possession of 2–10 grams of powder or crack cocaine with intent to distribute</li><li>• No more than one prior conviction of a nonviolent misdemeanor and no outstanding warrants</li><li>• No prior felony convictions</li></ul>

There are two programmatic phases after eligibility determination: a 5-week orientation, followed by approximately 11 months of program enrollment (each phase is detailed below). Individuals are encouraged to use the orientation phase to develop first-hand familiarity with program services and requirements to enable informed decision making regarding their willingness and capacity to comply with the requirements of program enrollment. Those who fail to comply with the expectations of the orientation phase may receive graduated sanctions, or may be unable to move up to the enrollment phase and, instead, returned to the court for sentencing on the original charge(s). Those who successfully complete the orientation phase and enter a no-contest plea with the TCY judge are formally enrolled in the program for the remainder of one year.

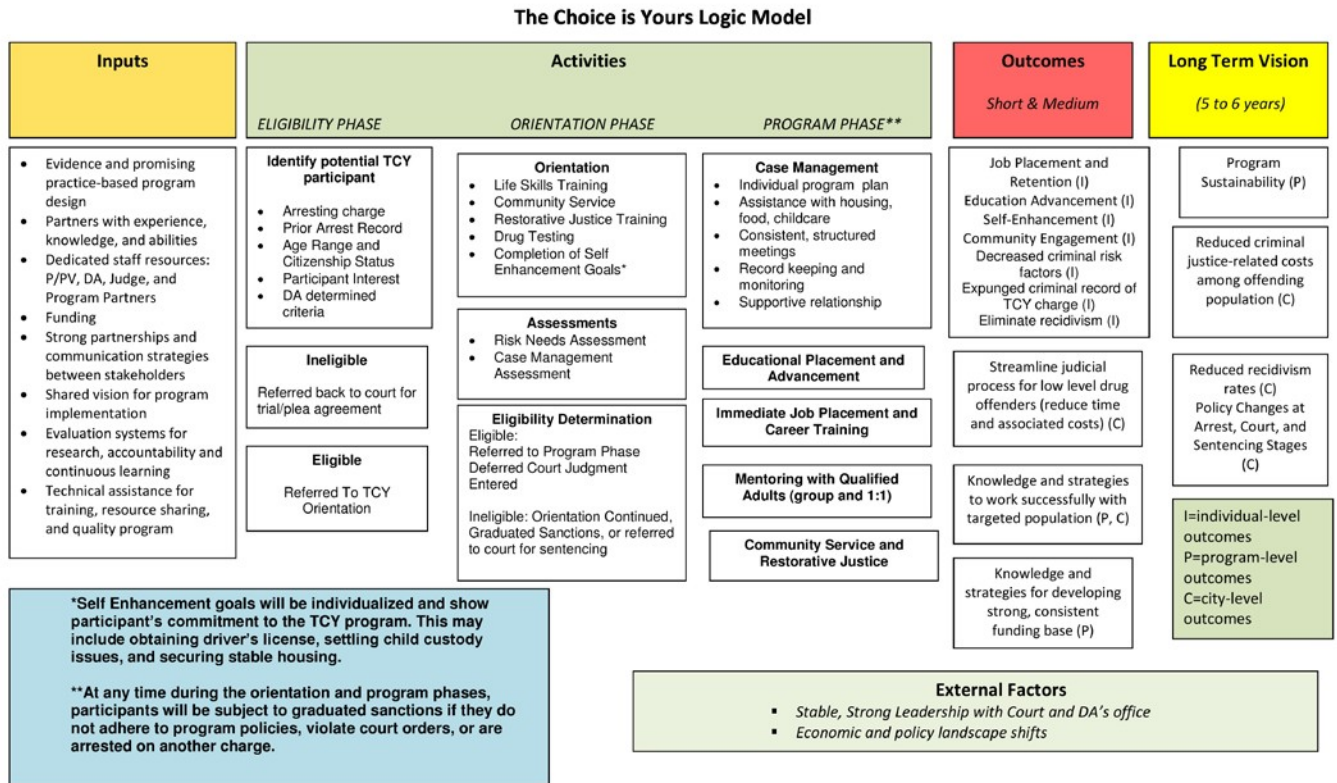
In general, the program requirements include periodic attendance at status hearings in TCY court; weekly contact with the TCY case manager; participation in educational enhancement classes, job readiness classes, mentoring, job seeking, and employment; and completion of community service hours. Throughout the duration of the program, participants are engaged in TCY court where the judge strives to hold participants accountable and keep them on track in terms of program attendance and fulfillment of group requirements, as well as completion of activities specified in their individualized plans. Any final verdict is withheld until the completion of the program. Additionally, the DA's Office is prepared to withdraw charges in the case and expunge the felony convictions of program participants who successfully complete the program and remain arrest-free for one year after program completion. Those who fail to complete the program face traditional sentencing (based on their guilty pleas), likely

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<sup>1</sup> These organizations were selected through a competitive solicitation process managed by Public/Private Ventures in 2011.

resulting in jail or prison time for a minimum of one to two years. The two components of the model—the TCY court and community-based services—are described in more detail below.

### Exhibit 1: TCY Logic Model



### Eligibility Determinations

TCY recruitment is a careful, time-intensive, subjective process that requires intensive staffing and coordination among the DA's Office, Public Defender's Office, and the court system. Candidate participants are referred and admitted to the TCY program through a distinct three-step process:

1. The Charging Unit of the DA's Office determines if someone is a potential candidate for one of Philadelphia's numerous prison diversion programs, including TCY. The particular program for which a defendant may be eligible is specified at arraignment. Defense attorneys are notified at arraignment that their client's case has been targeted for TCY and a subpoena for the defendant to appear at the program is issued.
2. In addition to the Charging Unit's identification of potential TCY participants, the DA's Office conducts a secondary review of every Preliminary Arraignment Reporting System (PARS) report listing a defendant who meets TCY's initial criteria regarding age, drug type, and drug weight. Upon identifying a potential candidate, the DA's Office contacts the individual's

defense attorney and conveys an offer to have the case administratively relisted into the TCY program.

3. Defense attorneys, including the Public Defender's Office, are trained in the processes and criteria for diversion programs in Philadelphia, including TCY. These attorneys review the cases received from the Charging Unit, and refer clients to TCY based on their understanding of the program's eligibility criteria and the case information available to them. Upon a defense attorney's recommendation, referrals are submitted back to the DA's Office for final review and approval. The Assistant DAs assigned to TCY screen the cases submitted to them by defense counsel, and have the final say in determining program eligibility.

Unlike private defense counsel and the Public Defender's Office, the DA's Office has access to defendants' juvenile and out-of-state criminal records. As a result, the DA's Office finds more than half of referred clients ineligible for TCY based on their sealed criminal pasts. Through a mailed letter or phone call, the Public Defender's Office (or private attorneys) notifies clients of their eligibility for TCY. The notification also directs clients to appear in TCY court at a set date and time.

## TCY Court

Defendants referred to the program are under the jurisdiction of the TCY court, which is structured much like a problem-solving court (e.g., drug courts, domestic violence courts, and mental health courts). A specific judge is assigned to hear all cases in TCY court; an additional judge is designated to substitute when necessary. In addition to the judge and defendants (and sometimes, their family members), hearings are typically attended by the Assistant DAs, Public Defenders, and private attorneys, as well as the TCY program director, case manager, job readiness Instructor, and sometimes the defendant's family members. The same DAs and Public Defenders are assigned to staff the program each week. The TCY docket includes individuals being considered for TCY program admittance, as well as those already participating in the orientation or program enrollment phases.

When clients appear at the TCY courtroom for their initial hearings, they are met by members of the Public Defender's and TCY's staffs (e.g., the TCY program director, case manager, and job readiness instructor). These staff members take the time before court is convened to further explain the program, answer questions, and help participants determine whether to enter TCY's orientation phase. Once inside the courtroom, potential participants and their attorneys (either Public Defenders or private lawyers) are called before the judge, individually or in small groups, to indicate if the individual(s) have elected to participate in the diversion program. Those who elect to participate in TCY waive their rights to preliminary hearings (and thus agree to enter the TCY orientation phase). As noted above, those who decline TCY are then scheduled to proceed with the traditional judicial process based on their charges. After all cases are heard and the TCY court session has ended, new program participants are taken directly from the courthouse to JEVS' main offices to begin orientation classes.

After their initial court appearance and agreement to participate in the TCY orientation phase, program participants are required to attend status hearings in TCY court at the end of their five-week orientations. Upon their return to court, the participants again have the option to either continue in the program or ask to be removed; those declining further participation are scheduled to proceed with the traditional judicial process based on their charges. If they choose to continue and formally enroll, they enter no-contest pleas, during which the judge explains the judicial process (e.g., reviewing individuals'

rights to trial and determining whether they are making the decisions knowingly, voluntarily, and of their own free will) and the implications of their decisions—specifically that failure to complete the program may result in conviction and up to two years of prison time. They are then subpoenaed for status hearings at scheduled intervals: monthly for the first two months after program enrollment, and then at 90-day intervals for the remainder of the program. However, the judge frequently requires participants who do not comply with program requirements to appear in court every two weeks. TCY court sessions range from one to three hours, depending on the number of participant progress reports (along with new participant referrals) that are presented.

JEVS and the DA’s office make recommendations if and when participants who have successfully completed the orientation phase should be formally entered into the program enrollment phase. Such determinations are based on meeting the requirements of orientation, as well as input from the TCY team on an individual’s progress. However, in the end, it is the TCY judge who makes the final decision based on the recommendation, his/her conversation with the participant, and his/her judgment. The process for program graduation is identical (note that program completion criteria are detailed below in the section on graduation).

At the status hearings, the TCY team, including JEVS, the DA, and the defense team, presents updates on participants and their progress in the program. Based on this information, the judge speaks directly with participants not only about how they are progressing in the program, (e.g., asking questions; offering guidance to participants on topics such as fulfillment of program requirements, ways to secure employment, responsibility to communicate with program staff if issues arise for the participant; and explaining and implementing sanctions when necessary) but also to provide advice, support, and/or reprimand. Compliant participants may be rewarded with public praise from the program staff or judge, while noncompliant participants may be sanctioned by the judge.

These “graduated sanctions” are determined by guidelines developed for TCY, and include such options as judicial reprimand; assignment of a written essay (e.g., to describe an imagined day in a state institution, as compared with life as a successful program graduate); bench warrants for those who fail to appear for program activities or court; and termination from the program. A full list of the sanctions is shown on the next page in Exhibit 2.

## **TCY Community-Based Program**

TCY offers robust community-based services, both during orientation and program enrollment phases designed to provide participants with the support, skills, and services they need to avoid re-offending. These include

- Case management, including assistance accessing housing, public benefits, and other needed services, as well as managing child support.
- Opportunities for educational enhancement.
- Job readiness training and job placement assistance.
- Mentoring.

## Exhibit 2: Graduated Sanctions

Minor Infractions		Major Infractions	
Sample Infractions	Sanctions	Sample Infractions	Sanctions
<p><b>Orientation</b></p> <ul style="list-style-type: none"> <li>• Less than 90% attendance</li> <li>• Does not meet requirements in a timely manner</li> </ul> <p><b>Program Enrollment</b></p> <ul style="list-style-type: none"> <li>• Does not check-in with case manager as required</li> <li>• Does not follow through with referrals/appointments</li> <li>• Does not make satisfactory effort to complete training courses or obtain employment</li> <li>• Less than 90% attendance of required classes/mentoring</li> <li>• Time management issues</li> <li>• Does not accept appropriate job offer</li> <li>• Lack of effort</li> <li>• Ongoing poor grades/lack of achievement</li> <li>• Not obtaining necessary educational credits</li> <li>• Poor behavior and attitude</li> <li>• Does not complete community service requirements</li> <li>• Does not comply with legal orders</li> <li>• Positive drug tests</li> </ul>	<ul style="list-style-type: none"> <li>• Written warning from program director or case manager</li> <li>• Participant essays on relevant topic</li> <li>• Increase check-ins with case manager</li> <li>• Time management conversations</li> <li>• Increase reporting requirements to judge or case manager</li> </ul>	<ul style="list-style-type: none"> <li>• Arrest/conviction</li> <li>• Continued positive drug tests</li> <li>• Continued significant non-compliance with program operations</li> <li>• Three or more minor infractions</li> <li>• Less than 90% attendance in orientation, workforce, and/or educational training</li> </ul>	<ul style="list-style-type: none"> <li>• One-on-one meetings with the judge or program director</li> <li>• Suspend participant from TCY activities</li> <li>• Weekend jail time</li> <li>• Program termination and imprisonment</li> </ul>

Additionally, the program exposes participants to restorative justice circles,<sup>2</sup> and requires completion of a specified amount of community service.

### Orientation Phase

TCY’s five-week orientation period begins immediately after participants’ waive their preliminary hearings at their initial TCY court appearances. Orientation serves mainly to introduce participants to the TCY program, outline program expectations, and grant participants the opportunity to determine if they are able to truly commit to the program (which requires a significant investment as daily program attendance is mandatory for the first five weeks). Participation in all orientation activities is formally documented, as clients’ progression into the next phase of the program—full program enrollment—is contingent on successful completion of the orientation requirements.

Week one is structured as an introduction to TCY. Week one activities include:

- Introductions to TCY staff and information sessions.

<sup>2</sup> Restorative justice considers victims of crime and the community as having as big a stake in responding to crime as the state has in formally charging and punishing offenders. As a process, restorative justice circles provide a mechanism for offenders and victims, as well as the larger community, to meet for discussion and decision making sessions to address the underlying issues that may have given rise to specific crimes; encourage the perpetrator to understand the consequences of his/her behavior, take responsibility for causing harm to the victim and community, and make amends; and facilitate healing for all parties.

- Tours of all TCY facilities.
- Completion of intake and baseline survey forms.
- Completion of the test of adult basic education (TABE) and CareerScope (an online career aptitude test) assessments.
- Obtaining appropriate identification and legal documents for program participation.
- Developing case management plans.

Weeks two–five of TCY orientation require program attendance at JEVS facilities four days per week, during which participants engage in job readiness training and/or educational enhancement classes and meet individually on a daily basis with their case manager. All participants attend job readiness training that uses a cognitive behavioral approach. Some activities are tailored to the participants’ needs (e.g., participants who lack high school diplomas or general equivalency diplomas (GEDs) attend educational enhancement classes, while those possessing such educational credentials attend job training workshops that include interview skills, job searching, networking, and other skill development). On the fifth day of each week, participants are scheduled to engage in community service activities.

To move into full program enrollment, participants must meet the following requirements by the end of the five-week period:

- Attend at least 90 percent of all mandatory training sessions (e.g., job readiness and/or educational enhancement classes).
- Complete all necessary paperwork and procure all necessary documentation (e.g., securing photo identification, social security card, etc.).
- Complete mandatory educational and employment assessments.
- Complete all case management in-person or telephone meetings.
- Complete at least 30 hours of restorative justice/community service activities (e.g., volunteering at non-profit organizations).
- Stay in compliance with court orders.

Once participants have completed these requirements, the TCY program director makes formal recommendations to the DA’s Office that the individuals be accepted into the full program enrollment phase. The transitions are made official at the next TCY court hearing, at which time the participants enter nolo contendere pleas before the judge, allowing them to move into full enrollment. Final verdicts are held in abeyance during participants’ time in the program.

Participants who do not successfully fulfill the orientation requirements within the five weeks may continue in the phase (at the discretion of the judge, DA’s Office, and TCY staff) or are terminated from TCY. When participants are terminated from TCY after failing to complete orientation, their cases are held for court.

## **Enrollment Phase**

The enrollment phase of TCY lasts for approximately 11 months. Participants who are officially enrolled in the program must attend a host of weekly activities, ranging from case management to mentoring. Descriptions of each are listed below.



## *Case Management*

Case management is a core component of TCY and involves a combination of direct services and service referrals. TCY's case manager meets weekly for 30 minutes with individual participants (either in person or by phone) to discuss their needs and record their progress in the program. One-on-one weekly meetings focus mainly on keeping participants on track in fulfilling program requirements, negotiating applications for public assistance programs and legal services, helping participants obtain and maintain employment, assisting participants in enrolling in secondary or vocational school, and avoiding recidivism.

The JEVS case manager has both expertise in working with Philadelphia's public assistance network and familiarity with community resources, which enables the linkage of participants to needed services. The case manager routinely assists participants in a variety of activities, including obtaining driver's licenses or social security cards; making arrangements for child support payments or child care; and obtaining benefits such as housing assistance, food stamps, mental health services, and drug treatment.

In addition to one-on-one weekly meetings and service referrals, monitoring the participants is also a key facet of the program. The case manager diligently documents participants' progress in TCY from orientation through graduation, keeping track of program attendance, community service hours, employment and education status, and interactions with the criminal justice system—documentation of which is necessary for participants to graduate from the program. The case manager tracks employed participants' employment status by collecting paystubs biweekly, when applicable. For those participants holding jobs paid without receipt of pay stubs (sometimes referred to as "off the books" or "under the table"), the case manager visits their work places to verify their employment status. If participants fail to show up for either their jobs or TCY program activities and are unreachable by phone or email, the case manager contacts family members and makes home visits in order to reengage participants and keep them in compliance with requirements for successful program completion.

## *Job Readiness*

Job readiness training begins during orientation and continues as needed throughout participants' enrollment in TCY. TCY employs a part-time job readiness instructor and shares a job developer with another JEVS program.

TCY's job readiness classes provide "soft-skills" training in either a classroom or one-on-one setting. "Soft-skills" training sessions cover the following areas:

- Resume preparation
- Job interview practice
- Work ethic and punctuality
- Appropriate work attire
- Business culture and appropriate work attitudes and behavior
- Employee-supervisor relations
- Anger management and communication skills
- Computer literacy

Participants in the enrollment phase of TCY attend job readiness classes four days per week for two hours per day only if they have not secured employment.

### *Job Placement, Retention, and Advancement*

TCY's job placement component helps program participants make the transition into stable employment. In this process, participants learn to identify appropriate types of work, as well as specific job descriptions and specific employers. The job placement component is closely connected with the job training component, and participants start searching for positions once they have been trained and are assessed by TCY as ready to work.

Job developers work to place TCY participants in appropriate employment, and provide weekly follow-up support to employers and participant employees for the first 30 days after employment. Such follow-ups occur monthly after the first 30 days, and for as long as the participant is enrolled in TCY. Supports also include visits to job sites, one-on-one meetings with employers and TCY participants, and phone calls.

Participants who are already employed at entry into TCY often remain in their existing jobs; many employers have shown great flexibility so that participants can meet program requirements, while maintaining their employment. Often job developers will work with these participants to ensure that these jobs have opportunities to strengthen skills and earn higher wages. TCY also organizes job fairs for participants, develops job-specific training (when necessary), works with vocational schools to enroll participants, and secures appropriate clothing for participants' job interviews.

### *Educational Enhancement*

The educational enhancement component of TCY begins with the Test of Adult Basic Education (TABE) assessment during the first week of orientation, and may continue throughout the enrollment phase, depending on participants' education levels and interests. CFL is TCY's primary educational services partner, and provides on-site GED classes and basic skills training.

Participants in full program enrollment who have not yet received their high school diplomas or GEDs, or have not scored above the seventh-grade level on the TABE test, must continue to attend educational enhancement classes twice weekly for three hours per day until they 1) obtain their GEDs, 2) reenroll and attend high school or a credit-bearing program, or 3) reach an agreed upon benchmark.<sup>3</sup> Additionally, participants in full enrollment may elect to take a financial literacy course, offered onsite by the educational enhancement instructor, once every three months. The educational enhancement instructor works alongside TCY's case manager to enroll participants in local schools and programs, such as accelerated alternative high schools, adult basic education programs, community colleges, vocational schools, and specialized work-learning programs for young offenders.

### *Mentoring*

Mentoring harnesses the power of social capital—particularly pro-social relationships—in the lives of participants. Building a network of caring, strategic relationships is key to keeping individuals out of prison and on productive paths. Mentoring provides social and emotional support, as well as practical

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<sup>3</sup> In some cases, participants have limited education. In such cases, it may be impossible for them to achieve the GED in the year they are involved in TCY. Consequently, alternative educational benchmarks are developed for these participants.

advice to help participants negotiate the day-to-day barriers they face. Mentors can also support participants' efforts to find jobs or seek health care, or further their education. TCY envisions a combination of one-on-one and group mentoring for program participants. Group mentoring offers an opportunity for participants to discuss, understand, and grapple (with each other and the mentors) with the challenges they may be facing in their lives. Sessions have been developed to address issues commonly facing those at high risk for recidivism. During these group sessions, topics such as masculinity; incarceration and recidivism; physical, mental, and sexual health; relationships; work and education; restorative justice; and parenting are addressed and discussed. They are led by one of the group participants, often the mentor coordinator or a mentor, and provide an open forum for relationship development and exploration of the relevant issues.

Individual-mentor schedules are collaboratively determined by the TCY participant, mentor, case manager, and mentor coordinator and mentors are matched with TCY participants based on gender and background characteristics. In these one-on-one matches, mentors are expected to provide support to participants that can vary from non-monetary instrumental supports (like letting the participants know about relevant job opportunities) to social-emotional supports (like letting participants vent when they are facing relationship challenges) to recreational opportunities (like playing sports or attending community events). Contact between mentors and participants can take place at JEVS, in the community, or by phone.

### *Community Service and Restorative Justice*

The concepts of community service and restorative justice are introduced during the first week of orientation. TCY staff members explain the philosophical importance of restoring the relationship between the offender and victim on the social, relational, and individual levels, and the steps participants will need to take to appropriately make amends. The goal is to help participants' recognize how their criminal behaviors adversely effects their own lives, as well as those of their family and community members, while exposing them to opportunities to make positive contributions to the community and, hopefully, see themselves as contributing members of society.

All participants are required to fulfill community service requirements as part of TCY. Participants must log a minimum of 220 hours of community service activities while in the TCY program, including the 50 hours required during orientation. Participants are responsible for finding acceptable nonprofit venues in which to satisfy their community service requirements; however, TCY staff members also make themselves available to assist participants in identifying organizations at which to volunteer. Community service placements have included volunteering in: faith-based organizations (e.g., painting, gardening), the Philadelphia Food-Bank (preparing food and meals for the homeless, stocking the pantry) and Shared Food Warehouse (packing food bags), a community play production, city park restorations (general clean-up, erasing graffiti), and neighborhood clean-ups.

Restorative Justice Circles are held the fourth Friday of every month at JEVS.<sup>4</sup> Typically, participants are engaged in an activity such as watching a movie connected to crime or the community, followed by group discussion focused on how it related to their lives. Alternatively, they may go on a scavenger hunt to help them become more familiar with their neighborhood (and neighborhood resources), or a photo-documented walking tour of the community. All Restorative Justice activities include participants' family members.

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<sup>4</sup> This component was initially implemented by PPS, and later by JEVS. The change was the result of funding reallocations.

## Graduation

When a client has completed program requirements (typically at the end of one year), JEVS and the DA formally make a recommendation to the TCY judge that the participant is ready for graduation from the program. The judge makes the final decision about closing supervision, which occurs at a formal court proceeding. During that court session, graduates are publicly congratulated on their accomplishments, reminded by the judge of their ongoing responsibility to abide by the law, and given the opportunity to directly address the court.

Once participants graduate from the program and their case is dismissed, they are still required to maintain a clean criminal record for one year to have their criminal records expunged for the TCY-related charge. Record expunging is particularly important, as it is central to broader employment (since this charge will be cleared from a participant's criminal record, which often is a deterrent to securing stable employment), housing, and financial opportunities for TCY participants.

In order for participants to graduate from TCY, they must complete the tasks outlined below in Exhibit 3. If there are any doubts about a participant graduating, it is discussed at the pre-court meeting, and the judge renders the final decision. In some cases, a participant may be asked to continue in the program until s/he meets these requirements.

### Exhibit 3: TCY Graduation Requirements

<b>Graduation Requirements</b>
1. Complete orientation phase
2. Complete enrollment phase
3. Satisfy all lead agency requirements including:
<b>Case Management</b>
a) Obtain basic needs: housing, government benefits, health insurance, etc.
b) Enroll and participate in critical specialized services: mental health counseling, substance abuse counseling, family services, etc.
c) Secure all necessary identification throughout the program.
d) Development and ongoing achievement of Individual Life Plan (ILP) goals.
<b>Employment and Education</b>
a) If high school diploma or GED, obtain full-time employment (at least four consecutive months) and/or enroll in secondary educational institution and/or enroll in long-term, full-time job training (at least four consecutive months) and demonstrate one literacy grade-level gain for every 50 hours of instruction. Part-time employment options will be considered for those in full-time higher education programs.
b) If no high school diploma or GED, obtain GED or high school diploma or successfully complete one or more GED subtests (out of five) or at least one grade-level gain for every 50 hours of instruction or enrollment in high school credit-bearing program and 90 percent attendance with a minimum of three earned credits (relative to time in school).
<b>Restorative Justice and Mentoring</b>
a) Complete 220 hours of community service.
b) Write graduation essay demonstrating change in attitude and beliefs.

<b>Graduation Requirements</b>
c) Maintain a strong relationship with mentor or case manager.
<b>Criminal Justice System</b>
a) Remain in good standing with court and legal system, including a good faith effort to pay fines and restitution (as determined by TCY program director and judge), and pay \$95 towards court fees.

## The Connection Among Stakeholders

Communication among TCY partners is the key to the program’s coordination and success. Justice system partners need timely, consistent, and detailed information (particularly regarding noncompliant participants), both as serious problems arise and routinely in advance of court hearings. Similarly, JEVS needs to know if there has been new criminal justice involvement among participants. TCY has worked hard during the first year of implementation of the pilot to put in place a routine, non-cumbersome, timely and accurate system to ensure that all partners have the information they need to make the program successful—both from the perspective of the participants and the criminal justice system.

While there is ongoing ad-hoc communication between JEVS, the courts, the DA and the Public Defender (or private counsel), the primary mode of knowledge transfer is TCY team meetings. These meetings are held immediately before court sessions (similar to drug courts and other problem-solving courts), and enable the judge, DA, Public Defender, and program staff to discuss non-compliant or otherwise troublesome cases and develop a group recommendation for the judge to consider in advance of the court session. Additionally, the case manager communicates biweekly through email with the DA’s Office, the Public Defender’s Office, and the TCY judge. Though the JEVS staff, as well as the other partners, are present for all court hearings, these email updates help expedite court proceedings and keep all parties on the same page. Participants who are non-compliant are called to appear in court, where the judge may issue warnings or sanctions, or terminate the client from the program.

Finally, the TCY case manager is in constant communication with TCY’s program director, job readiness instructor, educational enhancement instructor, and the rest of the staff. The case manager gives staff members regular participant status updates, and also inquires directly about individuals to gain the staff’s perspective on clients’ progress.

In the next section we present information about TCY participants: the recruitment process and the characteristics of those who chose to enter the program.

## TCY Participants

Because TCY is a diversion program for felony offenders, the participant screening process (as described previously) is systematically structured to ensure that TCY is offered only to those individuals who do not pose significant risks to public safety. Therefore, TCY is targeted only to offenders who meet a specific set of eligibility criteria. TCY participants must be first-time, nonviolent offenders, charged with possession with intent to distribute between two and ten grams of powder or crack cocaine. This specific charge carries a one- to two-year mandatory minimum prison sentence. Charges of possession with intent to distribute larger amounts of crack cocaine or other illegal drugs carry longer sentences, and therefore do not meet TCY eligibility criteria. Eligible clients may have no more than one prior conviction

of a nonviolent misdemeanor, and no outstanding warrants. By restricting participation in TCY to individuals with little to no criminal record and no violent offenses, TCY staff and partners seek to limit the program to individuals who do not pose a risk to society. Additionally, eligible participants are U.S citizens, 18 years of age or older; juveniles are not permitted to participate.

## Who Are the TCY Participants?

Programs similar to TCY have been criticized for “cherry picking” participants; however, this level of caution and scrutiny is perceived as necessary to maintain public safety. In this section, we demonstrate that TCY participants are individuals who are at risk for continued involvement in the criminal justice system, and therefore appropriate for program inclusion, but are not such chronic violent offenders that placing them in a community-based intervention represents a serious threat to residents.

The TCY pilot is comprised of 85 participants who entered the orientation phase between February 2012 and January 2013. Of these participants, 73, or 86 percent, granted consent to participate in the research study and completed the baseline survey. Of those participants, 65 successfully completed orientation and continued on to full program enrollment. The data that follow only include participants who agreed to participate in the research.<sup>5</sup>

As shown in the last column of Table 1, TCY participants are mostly male (84 percent), minority (just over half are African-American, with another 32 percent identifying as Hispanic) and their average age, when beginning orientation, was 22.1 years (with a range from 18 through 31). This profile mirrors what many researchers and practitioners know—that young, minority males are at higher risk for committing, being arrested for, and charged with drug-selling crimes. Just over one-third of TCY participants have at least one child.

Table 1 also shows that those participants who did not make it through TCY orientation were more likely to be male than those who moved on to the program enrollment phase. In fact, all of the females in the research cohort completed orientation and entered enrollment.

Research has shown that individuals without high school diplomas and without solid employment prospects are at higher risk for engaging in crime and recidivating than those with higher levels of education and more fruitful job opportunities. As shown in the far right column in Table 2, when participants entered orientation, more than one-third of the participants had neither high school diplomas, nor GEDs. Only 8 percent of participants had any college experience. With respect to employment history, 87 percent of participants reported that they had previously held paying jobs (on- or off the books), with 61 percent reporting prior experience working full time. However, when participants entered orientation only 20 percent were employed (either full time or part time); those who enrolled in the program were significantly more likely to have been employed when they entered orientation than those who did not complete orientation.

### Public Safety Considerations

TCY participants are individuals who are at risk for continued involvement in the criminal justice system, and therefore appropriate for TCY, but are not individuals so deeply involved in criminal activity that keeping them in the community endangers residents' welfare.

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<sup>5</sup> Called the research cohort herein.

**Table 1: Demographic Characteristics of TCY Participants**

Demographic Characteristic	Participated in Orientation Only (N=8)	Officially Enrolled in TCY (N=65)	Overall (N=73)
<i>Gender:</i>			
Male	100%	81.5% <sup>6</sup>	83.6%
Female	0.0%	18.5%	16.4%
<i>Race/Ethnicity:</i>			
African-American	50.0%	57.1%	56.3%
Caucasian	0.0%	6.4%	5.6%
Hispanic	37.5%	31.8%	32.4%
Multi-Cultural	12.5%	4.8%	5.6%
<i>Mean Age at Orientation:</i>	21.6	22.2	22.1
<i>Has Own Children:</i>	14.3%	36.7%	34.3%
<i>Has Private Attorney:</i>	75.0%	75.4%	75.4%

**Table 2: Education and Employment Experience of TCY Research Cohort Participants at Program Entry**

Educational Attainment and Employment Experience	Participated in Orientation Only (N=8)	Officially Enrolled in TCY (N=65)	Overall (N = 73)
<i>Educational Attainment:</i>			
Less Than High School/GED	50.0%	33.8%	35.6%
GED	0.0%	4.6%	4.1%
High School Diploma	25.0%	46.2%	43.8%
Some Vocational and Technical Training	12.5%	7.7%	8.2%
Some College	12.5%	7.7%	8.2%
<i>Employment Experience:</i>			
Ever employed	85.7%	87.5%	87.3%
Ever employed Full-Time	71.4%	59.4%	60.6%
Currently employed	0.0%	22.6% <sup>7</sup>	20.0%

As shown in Table 3 in the final column, TCY participants have engaged in risky behaviors and experienced substantial contact with the justice system. Drug use is relatively high, with more than 50 percent of participants reporting marijuana use in the four weeks prior to program entry, and almost one-quarter reporting daily use. Use of other drugs is much lower, with only 11 percent reporting use in the four weeks before program entry. Almost 20 percent reported carrying a weapon such as a gun or knife in the four weeks leading up to program entry; and in the 12 months prior to the program,

<sup>6</sup> The gender distribution of participants who enroll in TCY is significantly different from that which participated in orientation only ( $p < .001$ ).

<sup>7</sup> The percentage of participants employed on the baseline survey is significantly higher among those who enroll in TCY as compared with those who participated in orientation only ( $p < .001$ ).

about one-third had hung out with gang or crew members. In addition to using drugs, 42 percent reported selling marijuana, and 58 percent reported selling hard drugs in the year before they entered TCY orientation. It is important to remember that this information is based on participants' reports of their behaviors—34 percent reported selling neither marijuana, nor hard drugs in the prior 12 months; however, being arrested for selling powder or crack cocaine is a prerequisite for entry into TCY. For most participants, the arrest that precipitated their association with TCY was not their first arrest. Overall, 56 percent had been arrested two or more times previously.<sup>8</sup> There were no statistically significant differences between those who enrolled in the full program and those who only participated in orientation.

**Table 3: Risk Behaviors and Experience with the Justice System among TCY Participants at Program Entry**

<b>Justice Experience and Risk Behaviors</b>	<b>Participated in Orientation Only (N=8)</b>	<b>Officially Enrolled in TCY (N=65)</b>	<b>Overall (N = 73)</b>
<i>Used Marijuana in 4 Weeks Prior to Survey</i>	62.5%	51.6%	52.8%
<i>Used Marijuana Almost Daily in 4 Weeks Prior to Survey</i>	12.5%	25.0%	23.6%
<i>Used Other Drugs in 4 Weeks Prior to the Survey</i>	25.0%	9.4%	11.1%
<i>Carried Weapon in 4 Weeks Prior to Survey</i>	12.5%	18.8%	18.1%
<i>Hung Out with Crew/Gang Member in 12 Months Prior to Survey</i>	50.0%	29.7%	31.9%
<i>Sold Marijuana in 12 Months Prior to Survey</i>	37.5%	42.9%	42.3%
<i>Sold Hard Drugs (such as heroin, cocaine, crack) in 12 Months Prior to Survey</i>	62.5%	57.8%	58.3%
<i>Mean Number of Times Arrested</i>	2.1	1.8	1.9

## Early Successes

TCY, despite not having completed its pilot, has achieved several significant benchmarks, including securing employment for many participants, bolstering their educational achievement, and keeping them out of jail. Participants appear to benefit from both the structure and daily routine that TCY provides, and from the level of attention they receive from program staff. Focus groups conducted with two sets of program participants established that most participants were optimistic that TCY activities would enable them to avoid incarceration, while creating better futures for themselves and their families; the education and job readiness components were especially viewed as helping prepare them to do this. Participants mentioned how helpful TCY staff has been (e.g., assisting with personal or family problems, providing clothes for job interviews, engaging them in pro-social recreational activities in off

<sup>8</sup> TCY participants are not necessarily first-time offenders, but they cannot have previous felony convictions. They may have an arrest history for crimes that were not felonies. Additionally, they may have been previously arrested for a felony and never convicted or convicted of a lesser crime.



hours) and how much they respect them, particularly because some staff has been in similar circumstances to the TCY participants.

In the sections that follow, we share data on TCY’s early achievements in the areas of program services, employment and education, and recidivism. But first, we describe current participants’ trajectory through the program, which will provide context for interpreting the findings that follow (note that TCY’s graduation requirements were described in the preceding section and outlined in Exhibit 3).

## Program Completion

Table 4 provides a snapshot of participants’ current status in the program (of the 65 who entered program enrollment and gave consent to participate in the research as of June 30, 2013). At the time this report was written, cohorts A, B, and C were eligible for graduation. Of those, 10 participants had graduated from TCY, and four were continuing in the program because they had not yet completed all program requirements. Across all cohorts, five participants were terminated for non-compliance.

**Table 4: Trajectory of TCY Participants**

Cohort Start Date	Cohort	Number of Participants Who...			
		Graduated	Are in Program Enrollment Phase		Have Been Terminated from Program Enrollment
			On Track for On-Time Graduation	Delayed Graduation	
2/27/12	A	7	---	1	0
3/19/12	B	2	---	2	1
4/16/12	C	1	---	1	0
4/30/12	D	---	3	---	0
5/21/12	E	---	4	---	1
6/25/12	F	---	6	---	0
7/30/12	G	---	10	---	1
8/27/12	H	---	6	---	1
9/24/12	I	---	3	---	1
11/26/12	J	---	7	---	0
1/7/13	K	---	7	---	0
Overall	65	10	46	4	5

In the sections that follow, we provide information about the services participants have received, to date, in TCY and their outcomes.

## Program Services

As described earlier in the report, participants received a range of services in TCY. The types of services they access are dependent on several factors, including their highest level of education achieved, employment status, and other needs identified by their case manager. Table 5 below shows a sample of TCY services provided to participants to date. It is important to note that not all participants are required to access all services and that other services were also provided to participants. Because this table is a snapshot in time during program implementation, the fact that non-graduated cohorts have

earned less than 220 hours of community service does not indicate that TCY is not achieving its goal (since the participants still active in these cohorts have several months to complete community service requirements).

Table 5 shows that TCY participants access a range of services. More than 2,900 hours of job readiness training was received by participants, with each participant exposed to an average of about 44 hours. Similarly, more than 2,600 hours of educational enhancement were provided to participants in need of this support, and, on average, individual participants received about 40 hours of this service. Mentoring was provided to just over two-thirds of participants, but the dosage has been low, at about three hours per participant on average. This is because mentoring has been a particularly challenging facet of the program to implement. In excess of 11,000 hours of community service has been completed by program participants with the support of JEVS—graduating participants have achieved their goals of 220 hours, and those still active in the program (not yet graduated) have completed 167 hours, on average. This high level of engagement is not surprising, as participants need to accrue 220 hours of community service to graduate from TCY. Across everyone, average hours engaged in direct one-on-one case management is 14 per participant—almost 1000 hours in total. Participants who have graduated have, not surprisingly, received the most, with an average of about 24 hours of direct one-on-one case management, which comports with the expectation of weekly 30-minute in-person or telephone contacts.

**Table 5: Program Service Dosage by Status in Program and Activity Type**

<b>Program Status</b>	<b>N</b>	<b>Average Hours of Case Management per Participant</b>	<b>Average Hours of Educational Enhancement per Participant</b>	<b>Average Hours of Job Readiness Training per Participant</b>	<b>Average Hours of Community Service per Participant</b>	<b>Percentage of Participants Receiving Mentoring</b>
Graduated	10	23.6	52.6	27.6	289.1	70.0%
Not Yet Graduated	50	12.8	39.7	50.7	166.6	74.0%
Terminated From Program	5	9.2	26.3	19.0	59.1	20.0%
Overall	65	14.2	40.7	44.7	177.2	69.2%

## Employment and Education

Table 6 shows how TCY participants have fared thus far, with respect to education and employment outcomes. In TCY, participants without high school diplomas or GEDs are working towards educational outcomes, while those with GEDs or high school diplomas are working towards employment goals. Among participants focused on education, there are multiple pathways to achieving their goals: obtain a GED or high school diploma, successfully complete one or more GED subtests (out of five), gain one grade-level on the TABE (for every 50 hours of instruction), or enroll in a high school credit-bearing program with a minimum of three earned credits (relative to time in school). Participants with employment goals can achieve those through employment, full-time job training, or enrollment (and attendance in) post-secondary education. Table 6 shows that with the exception of one participant, who the judge determined was ready for graduation despite not having met his educational requirement, those who have graduated from TCY have achieved their required educational or employment goals.

Among those who are still active in the program and have not yet graduated, about one-third who have educational goals have achieved them: four participants have advanced in their GED or have received their high school diploma since enrolling in TCY (pathway for participants with an eighth grade reading level or higher) and five have advanced a grade level on the TABE as a result of the basic education class (pathway for participants with a reading level below the equivalent of eighth grade). Among participants with employment goals who are still active in the program, almost two-thirds have fulfilled their requirement. The vast majority has opted for employment, but five have enrolled in training (1) or post-secondary education (4).

**Table 6: Employment and Educational Outcomes Among TCY Participants<sup>9</sup>**

	With an Educational Goal <sup>10</sup>					With an Employment Goal				
	N	Advanced One Grade Level per 50 hours of Classroom Instruction	Completed and Passed One GED Subtest or Received GED or Diploma	Enrolled in High School Credit Bearing Program and Earned 3+ Credits	Met Educational Goal	N	Enrolled in Secondary Education	Enrolled in Full-Time Job Training	Employed During the Program	Met Employment Goal
Graduated	2	50.0% (1)	50.0% (1)	50.0% (1)	<b>50.0%<sup>11</sup> (1)</b>	8	12.5% (1)	0% (0)	100% (8)	<b>100% (8)</b>
Not Yet Graduated	20	25.0% (5)	20.0% (4)	0% (0)	<b>35.0% (7)</b>	30	13.3% (4)	3.3% (1)	60.0% (18)	<b>60.0% (18)</b>
Terminated from Program	1	0% (0)	0% (0)	0% (0)	0% (0)	3	33.3% (1)	0% (0)	0% (0)	<b>33.3% (1)</b>
Overall	23	26.1% (6)	21.7% (5)	4.4% (1)	<b>34.8% (8)</b>	41	14.6% (6)	2.4% (1)	63.4% (26)	<b>65.9% (27)</b>

<sup>9</sup> Progress on educational enhancement is reported for the 64 participants who completed the ILP and completed orientation.

<sup>10</sup> Educational attainment is defined by item B-30 on the ILP.

<sup>11</sup> The judge has the discretion to graduate a participant despite the fact that s/he has not reached program goals.

In addition to the figures presented in the table below, our analysis revealed that 43.5 percent of all participants (including those who were non-compliant or have not yet graduated) who were unemployed when they came to TCY now have a job.

## **Recidivism**

Importantly, very few TCY participants have recidivated. As of June 30, 2013, of consented participants who progressed beyond orientation and into the full enrollment phase, 4.6 percent (N=3 of 65) have been rearrested (one other who entered orientation, but did not make it into the full program stage, was also rearrested).

## Key Lessons From Early Implementation

Despite the early successes that have been achieved with respect to program services, employment and education, program graduation, and recidivism, there have also been challenges. Below, we share some of the key lessons from the early implementation of TCY.

### Communication

Communication is the glue that holds TCY together, on multiple levels: 1) between program staff and participants, 2) among staff directly serving participants, 3) among JEVS and its service-providing partner organizations, and 4) among the court and its associated stakeholders—the DA and defense lawyers. Communication between TCY staff and program participants was generally reported as being quite good and helpful, from the participants’ perspectives. The TCY program model dictates that participants have ongoing contact with the TCY Court, DA’s and Public Defenders’ offices, and JEVS and its partner agency staff at all stages of the program. The model also relies on case management as a centralized structure that serves to ensure participants are properly assessed, referred for appropriate services, and monitored for program compliance. Routine case management meetings, which occur both in-person and by phone, are used to identify whether participants have progressed in keeping with their individual plans and also, importantly, to discuss any emergent needs that require assistance. TCY employs one case manager, who interacts with participants during both the orientation and enrollment phases at least once per week, and more frequently if individuals have particular service needs or other issues (such as non-compliance) arise.

Communication with participants who are “on the cusp” of leaving the program due to noncompliance is of high importance. TCY staff makes concerted efforts to contact participants who miss program sessions, or are otherwise delinquent in meeting program requirements, as a way to draw them back into compliance. Identifying who these participants are early and engaging them (via communication or other means) to keep them in the program is highly important to their success. In some cases, TCY has been successful in looping these participants back into program through home visits, intensive phone call campaigns, and engaging with family members.

Staff capacity is an important consideration with respect to ensuring satisfactory communication with participants. During the early months of TCY implementation, a single case manager was sufficient to handle case management responsibilities; however, as the program enrolled additional cohorts, the size of the caseload expanded and program staff began considering whether the case management function should be re-configured to ensure participants would be able to receive the personalized attention that had been anticipated by the model.

In addition to case management, there are other capacity issues that can help or hinder communication efforts with participants. First, in order to serve a diversity of participants, staff across all stakeholders needs to be culturally competent, as well as conversant and able to provide program materials in the key languages of program participants. While this has been challenging in a small program like TCY, the courts have been flexible in their use of translators. Dedicated multi-lingual staff and translated

#### Key Implementation Lessons

- 1) *Communication* is central to successful implementation of a complex, multi-partner initiative like TCY.
- 2) *Ongoing data collection, analysis, and reflection* are essential to making mid-course corrections that are critical for program improvement.
- 3) *Advance planning* for operational contingencies is as important for small programs, as large ones.

materials can also bolster communication efforts between staff and participants, as can referring participants to other culturally-appropriate service providers. Second, because of the nature of the legal agreement between TCY participants and the justice system, it is critical that explanations regarding program expectations (e.g., sanctioning, community service, and graduation requirements, including repayment of fines) are clearly communicated to participants—and shared in both writing and verbally.

Communication is also critical among program staff in order to ensure that service delivery is as holistic and seamless as possible. JEVS staff and their key partners, PPS and CFL, are co-located, which allows them to informally interact on a daily basis, increasing the opportunities to discuss individual or cross-client issues on a frequent and timely basis. Such interaction facilitates ongoing discussions regarding the TCY participants—whether they are facing challenges, succeeding, or need additional support to get them back on track—and is of particular value when clients are in crisis and need immediate supportive services. In addition to benefiting from this informal information sharing, JEVS holds staff meetings every two weeks to ensure team members are fully versed regarding participant progress and that participants receive satisfactory, seamless services tailored to their individual needs.

Strong communication among the community service providers and the justice system stakeholders is also critical to TCY. Not only do justice system stakeholders need timely, consistent, and detailed substantive information about the status of participants (particularly regarding noncompliant participants—for instance the dates of non-attendance, the particulars of the challenges encountered, and the sources of information), both as serious problems arise and routinely in advance of court hearings, but communicating concerns about recalcitrant participants to other program partners—particularly the TCY judge and DA—enables the program to leverage additional authority to motivate such individuals to return to compliance with program expectations. The specificity of the information and documentation of the participants' engagement in the community-based program is paramount to the effectiveness of the program. In TCY, the team has employed biweekly updates, ad-hoc email communication, and routine, pre-court team meetings to share information about participant progress and set-backs. Further, as discussed below, all stakeholders receive the dashboard information to enable them to track the overall program progress.

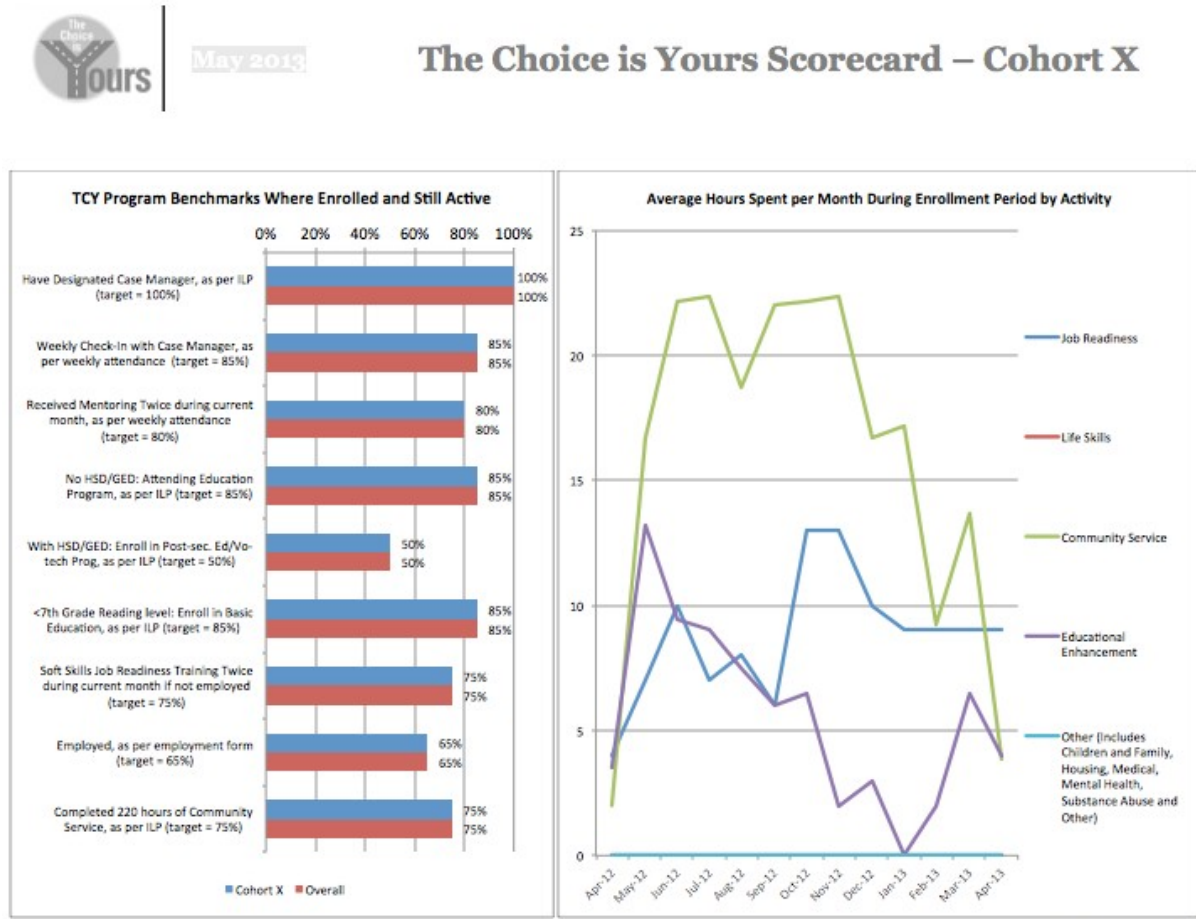
## Ongoing Data Collection, Analysis, and Reflection

As with any initiative, whether it is within its first year of operation or in a mature stage, ongoing data collection and use is paramount to the program's success. TCY, as part of JEVS, also was able to build out the JEVS database (ETO) to collect and analyze data about TCY participation. The database and needed forms were developed prior to program implementation, with the ability to make needed changes as the program evolved. Therefore, JEVS was able to institute ongoing data collection for TCY easily. It is important to note that as with any data collection effort of a multi-service initiative, the data are complex. It is important to map out the needed forms and benchmarks prior to program implementation, and ensure that data collection procedures match the reality of program operations. For example, it may not be possible to capture employment wage earnings every three months from employers if there is not a strong system in place to support this effort.

In the case of TCY, the research team also produced monthly dashboards to encourage reflection and use of the data. The dashboards provided both summary and individual-level progress on key indicators, including participation in TCY services, progress on meeting TCY benchmarks, and any rearrests or

graduated sanctions placed on participants. A screenshot of the dashboard (using “fake” data) is below in Exhibit 4.

**Exhibit 4: Sample TCY Dashboard/Scorecard**



Prepared by McClanahan Associates with data through April 30, 2013

The dashboard serves as an impetus to launch conversations about the data and what staff see happening to participants in various program components and at different stages in their program history. It is also a way to ensure the quality of the data. For example, there may be a lag in data being entered into the TCY database that is revealed. It also ensures that the interpretation of benchmarks and metrics is consistent across all program providers/partners. Programs (including TCY) are encouraged to make the monthly dashboards (and data) part of their ongoing partner and staff meetings. In the case of TCY, the dashboard was one of the first indicators to the research team that mentoring was a challenge for the program. It also identified the differences across cohorts in their progress hitting program benchmarks, and allowed program staff to target particular individuals with needed services.

The use of data on an ongoing basis also helped the TCY and research teams ensure that the data and analysis produced (for example, in this report) were interpreted appropriately.

## Advance Planning

Service-providing programs, such as TCY, rarely have an embarrassment of resources; typically, operations rely on a lean number of staff to perform key responsibilities and function smoothly. However, it is not unusual for such service programs to encounter staff turnover, particularly during funded demonstrations, and the absence of staff continuity can hamper service delivery, be distressing to program participants, cause confusion and frustration for other stakeholders, and ultimately undermine the success of program efforts. One of the unintended consequences of staff turnover in smaller programs (and in TCY) is the blurring of staff roles and responsibilities as existing staff are pressed into action to cover tasks assigned to staff who have left the program; in the process, remaining staff are often stretched thin and find themselves unable to perform their originally-assigned duties at the appropriate level; instead of acting as specialists, they become jack-of-all trades, but their performance and the program operations suffer accordingly.

A few approaches are worthwhile to consider. One important tool is written guidance detailing how specific roles and responsibilities are to be performed, and by whom. In effect, this becomes a manual specifying operational details (that should be updated as operations evolve), which can be used for training original staff hired for the program and new staff hired as replacements or as the program expands. Such information also is useful as a reference guide as staff need to refresh their memories about how certain activities are to be performed or as they encounter situations they personally may not have previously addressed. Additionally, in TCY the courts created scheduling and coding guides for TCY tipstaff and clerks.

Also, particularly in small programs that operate with few staff members, each of whom may perform a specialized set of tasks, it is useful to make contingency plans about how to cover gaps when staff leave the program or are otherwise unable to fulfill their role, regardless of the reason for their absence. Some programs have found it useful to cross-train staff, while others use the program director as the backup for every role. Regardless of the strategy selected, the important point is to establish a plan in advance that ensures that clients will continue to receive satisfactory, seamless services tailored to their individual needs and that program partners will reliably receive whatever information is needed for the program to operate as flawlessly as possible while more permanent arrangements are being developed.

Further, programs often use staff meetings as an opportunity to familiarize all staff about program procedures associated with different roles and responsibilities, as well as to discuss how to handle continuity of care for clients in particular instances where there is advance knowledge that key staff may be unavailable for a period of time. As previously noted, JEVS holds its TCY staff meetings every two weeks.

Lastly, one way that small programs ensure quality control, both in general and during periods of higher-than-desired staff turnover, is by using structured, evidence-based instruments and curricula. For instance, TCY is using standardized approaches for their educational enhancement and job readiness program components.



## Conclusion/Final Thoughts

Both justice system and service-providing stakeholders acknowledge that TCY has achieved some, but not all, of its goals, yet all partners remain optimistic that TCY is on track to achieving program objectives. Furthermore, stakeholders regard TCY as a team effort; all express ongoing belief in the merits of the program and are committed to extending the life of the program if additional funding can be identified beyond the program pilot. They recognize that this program fills a void in offering felony offenders supportive services that enable them to remain in the community, enhance their academic skills and job opportunities, avoid incarceration, and subsequently expunge their criminal records.

### The Promise of TCY

Justice system and service-providing stakeholders are acutely aware that TCY offers the rare opportunity for individuals who have engaged in felony offenses requiring mandatory state sentences to earn a chance to expunge their criminal records and stay out of prison.

The participants also had positive views of TCY. Those we interviewed indicated that they agreed to participate in TCY so they could stay out of jail and get a fresh start, and they felt like the program motivated them to create better futures for themselves. The education and job readiness components are especially viewed as helping prepare them to do this. Finally, many participants indicated that they would recommend TCY to other potential participants. They understand the positive impact the program can have on their lives; and that their futures can be better and there may be more options available to them because of TCY. Many are optimistic that they will stay out of trouble.

More research is needed to determine the extent to which TCY actually results in changes the trajectories of its participants. The TCY pilot will conclude in early 2014 with the final evaluation report anticipated in summer 2014.

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