

How Can (and Why Should) Probation Agencies Participate in Condition Setting?

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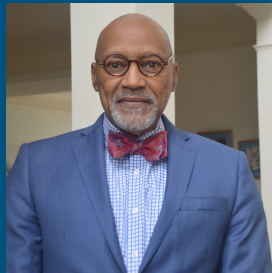
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Introduction

Problem:

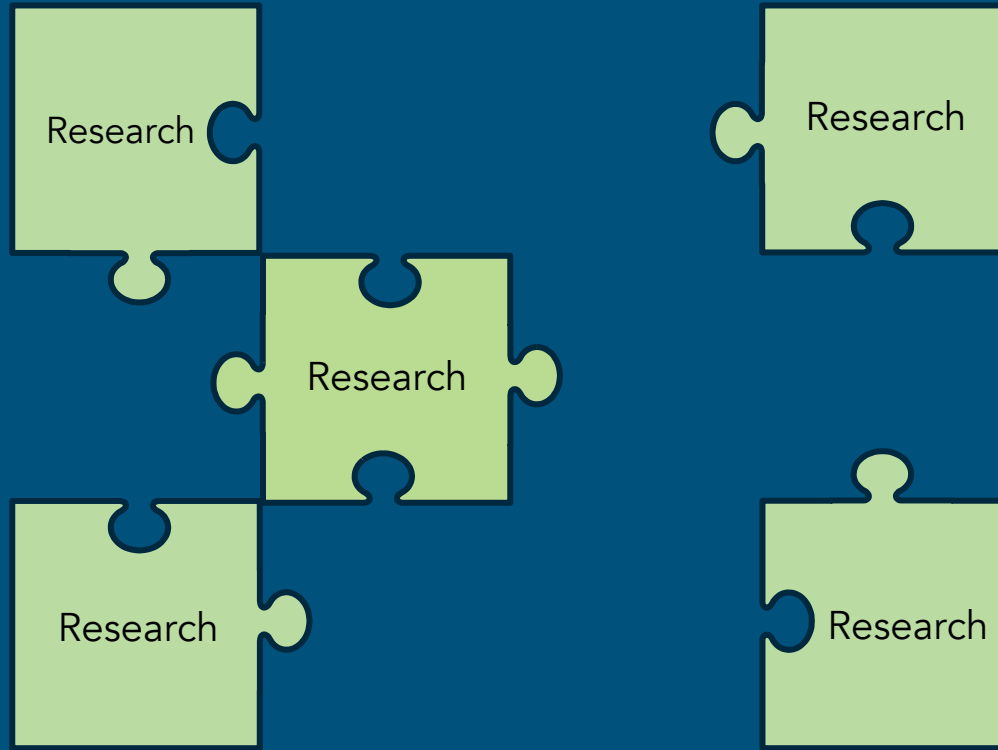
- Conditions are usually set at the time of sentencing and often does not include the perspectives of probation staff
- Practice guidelines for condition-setting did not exist

(Practice guidelines are statements intended to optimize outcomes and use evidence-based practices)

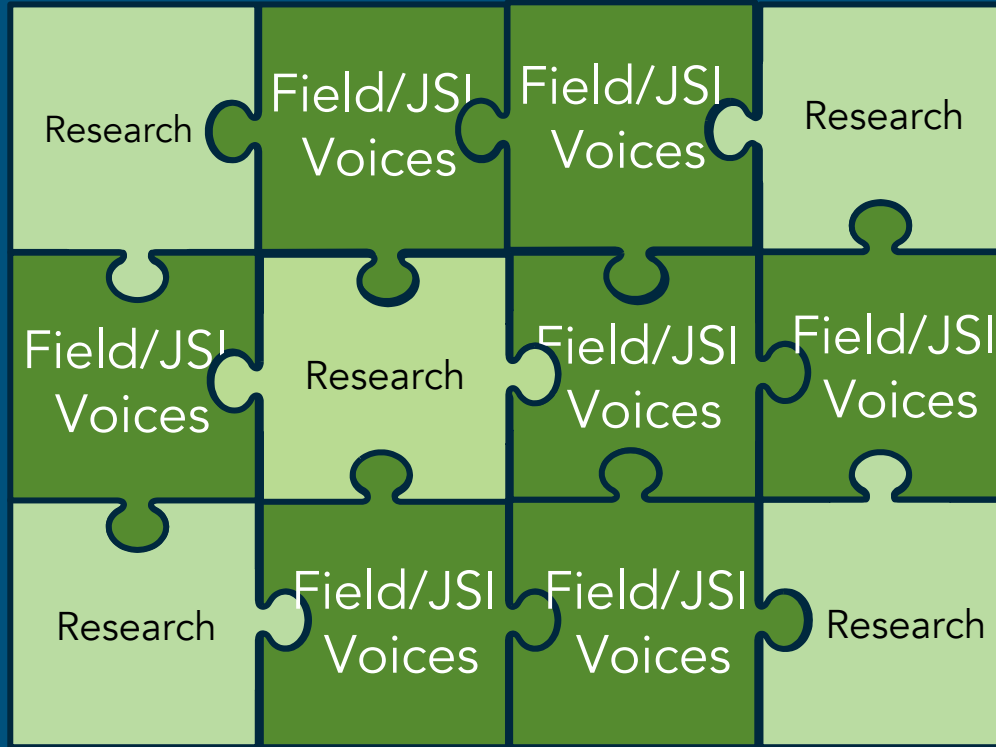
Study Goals:

1. Use a quality improvement process to have local teams implement refinements in condition setting practices
2. Examine the implementation of the refined practices
3. Assess the impact on probation outcomes

EBP Puzzle



EBP Puzzle



EBP Puzzle

***Pragmatic
Guidelines***

Background: The Appropriateness Statements Package

ACEI > Appropriateness Statement Package > Treatments

Substance Use Screening and Evaluation

Substance Use Screening and Evaluation – Evidence-based practice

Summary of the Evidence

- Substance use screening and evaluation are evidence-based practices.
- Strong empirical evidence supports the use of evidence-based screenings and evaluations.
- If possible, probation staff should outsource their screening and evaluation to clinical staff trained to diagnose behavioral health disorders.
- Risk-assessment tools are not effective SUD screeners or evaluations.

What Are Substance Use Screenings and Evaluations?	+
How Are They Used?	+
What Do Supervision Staff Think?	+
Special Considerations When Using Screening and Evaluation with Subpopulations	+

Similar Topics

Treatment Implementation	Prosocial Modeling	Incentives
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Transform Your Practice By Using Guidelines Informed by Research, Staff and Justice-Involved Individuals

Community supervision agencies are responsible for managing diverse populations with a range of offending behaviors such as shoplifting, violence or intimate partner violence, drug use, or involvement with street gangs. Complicating the picture are characteristics of the clients themselves.



Veronica Cunningham, Executive Director/CEO of American Probation and Parole Association

Click below to search guidelines on 20 common supervision practices.

[Begin Searching Practices](#)

[Learn How We Developed These Guidelines](#)

[Access Here!](#)



gmuace.org/appropriateness-statement-package

Massachusetts Probation Service (MPS) Project

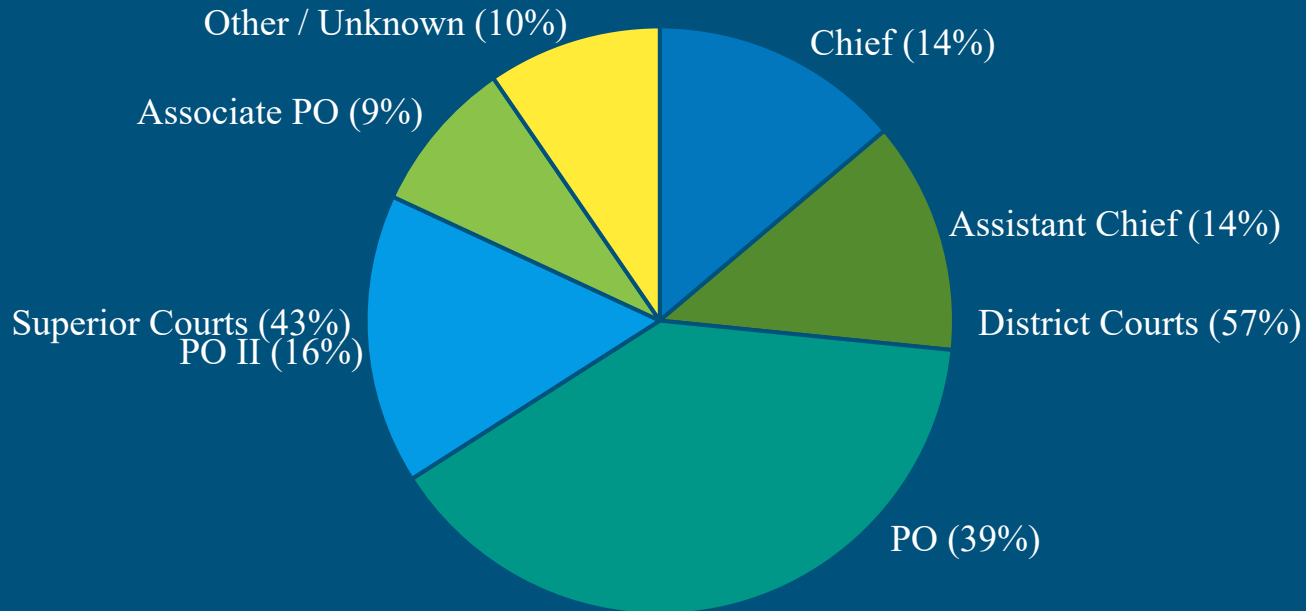
Funded by Arnold Ventures

- Work with local probation offices to learn about appropriateness statements
- Facilitate use of new/refined procedures to address condition setting
- Measure over time how different offices set conditions and the impact on probation outcomes—compliance, revocation, arrest
- *Intended Goal: Provide a Method for Altering Organizational Culture Regarding Condition Setting*

Qualitative Research

- Between June and September, 2023, we conducted interviews with MPS staff
- Focused on the condition-setting process

We visited 23 District Superior Courts across Massachusetts...



The Problem



Conditions set by the prosecutor, defense attorney, and/or judge may not be appropriate



Probation has little input at release and adjudication phases



Refinement of conditions is "extra work" which justice actors do not want



Conditions may not reflect the ORAS Assessment information



Violation procedures are often used to "correct" misaligned probation conditions



Violations are a function of front-end issues

Legislative Efforts

- **Rule 4(c) – District/Municipal Courts**

- *“Prior to submission to the court of a tender of plea or admission or a request for other disposition, and if the proposed dispositional terms involve any probationary terms or conditions, the parties shall consult with the probation department, so as to enable the probation department to be heard as may be required by the court at the time the court considers the tendered plea or admission.”*

- **Rule 12(b)/Sentencing Recommendation Form – Superior Courts**

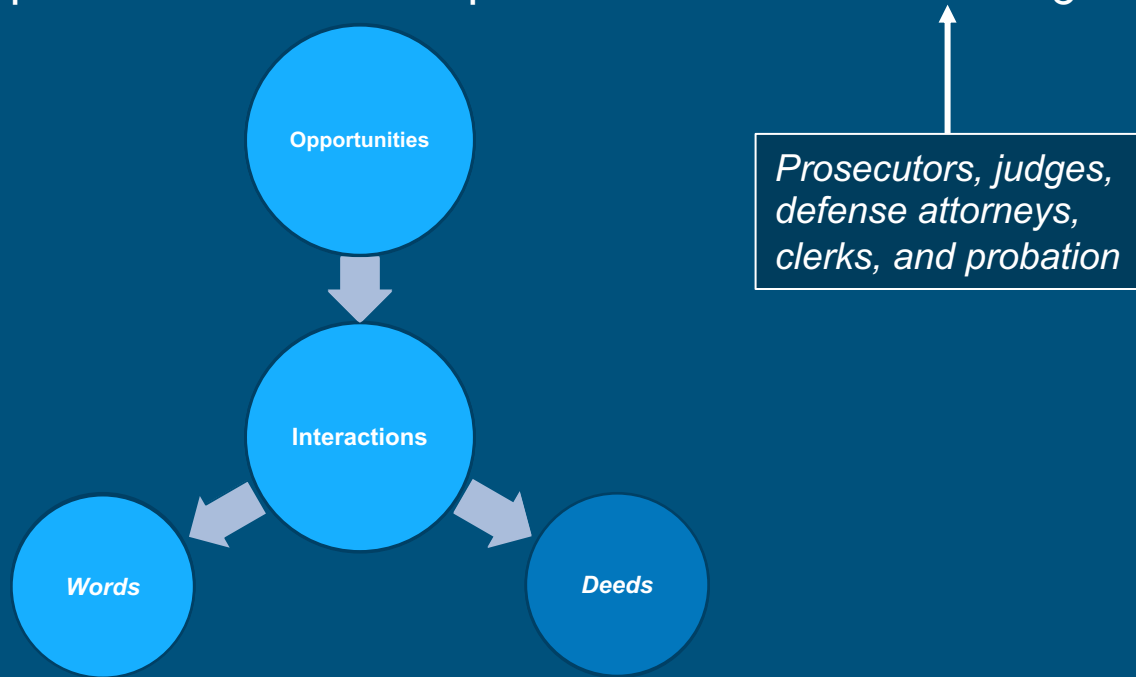
- Pilot project allowing probation to weigh in on number/type of conditions (space provided on form)

- **Difficulties:**

- Prosecutor/judge compliance varies
- Different mechanism district/municipal vs. superior courts
- Consultation ≠ full voice

Team-Building Efforts

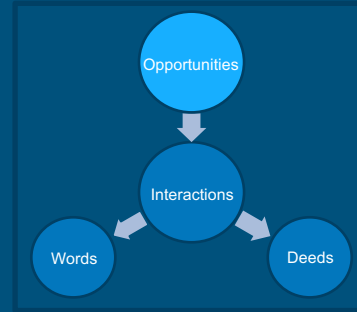
- Many staff took steps to build relationships with the *Courtroom Workgroup*



- *Strong relationships can help probation leverage its voice in the courtroom*

Opportunities

- *Create and use chances to interact with other members of the courtroom workgroup*



Prior Relationships

“I have a great relationship with the DA’s office [...] I used to be an advocate. I’ve worked in the courts. There’s a lot of friendly faces, a lot of people that I know”
- PO II

Specialty Courts

“I’m in recovery court, so I have an even closer relationship with the judge who sits on the bench”
- PO

Routine Court Processes

“Just greet them and say thank you and talk about whatever. Do that little relationship building stuff. Extra than just, ‘Oh, thank you for the paperwork.’ Stuff like that. The trust is a lot”
- Chief

“Communication is key”
- PO

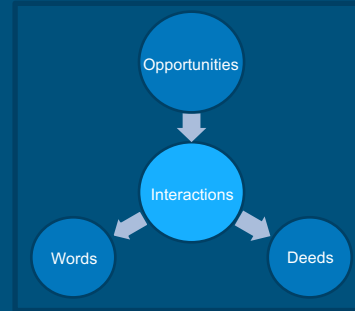


Trainings

“We should do some more together trainings about who and what we are and what our responsibilities are. A lotta court officers, I see what they do. I know some friends in other courts [so] I understand a lot of the pressure that they’re under and what they have to do.”
- PO II

Interactions

- *Communicate and conference with other members of the courtroom workgroup*



Increased Interaction Opportunities

Set Up Meetings

"In the past the judges weren't really informed [but now] we have a meeting every week that really works well [...] probation tells the judge that this is what we need. The judge conveys that in the courtroom."
- Assistant Chief

Build Rapport

"Try to understand as best you can what's the dynamic. Not manipulate people, but understand why are they the way that they are. [Are] they just totally overwhelmed? Did the last Chief screw 'em in some aspect? [...] Demonstrate that this way may make your job easier."
- Chief

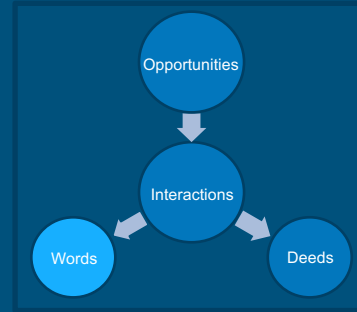
Establish Connections

"Sit down with the judges more. Get more face-to-face time outside the courtroom."
- PO II

"I just try to explain some of the things that we do and why we do it."
- PO

Words

- *Communicate formally and respectfully, getting to know the other members of the courtroom workgroup*



Respectful

“You have to be able to work with everybody else and have good relations. You might have disagreements, which is fine. We all have disagreements. It's part of what the nature of what my job is, right? It's to be respectful of each other and try to work things out in a good way”

- Chief

Formal

“Keeping the flow of communication, picking up the phone when you need something. Having that formal communication, rather than just shooting off a violation notice through the email. Or dropping it in their office, making a face-to-face connection.”

- Assistant Chief

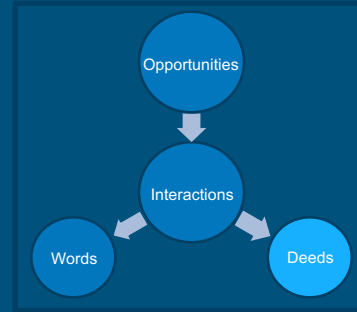
Personal

“People are really approachable [here]. I think it really makes all [the difference], and like the court officers, you know everyone by name, you know who's married, who's got kids, who's running football practice after. I mean, you just learn everybody.”

- PO

Deeds

- *Establish yourself as a credible and capable team player in the courtroom workgroup*



Build Credibility

“[The court] see[s] what the POs are doing [...] they know they’ve been very hands on. If the probation officer asks to be heard it’s pretty likely that the judge will say, ‘okay.’”
- Associate PO

Reciprocal Relationships

“Establish some sort of rapport, but also being reliable. If they need something, and it’s not necessarily my particular job description, I’ll help out somebody when I can.”
- Assistant Chief

It’s like a give-and-take. [...] We jump on it and the [DA], we can text him or we can email him. He’ll immediately answer, get a warrant or whatever, and we do it. It balances itself out.
- Chief

Stages of Team-Building

- **Inactive** – Communication minimal; collaboration nonexistent or one-sided
- **In-Progress** – Communication lines opening; using team-building strategies to increase collaboration
- **Well-Established** – Communication and consultation frequent; using team-building strategies to maintain collaboration and form new relationships with incoming court actors

“I think our department’s doing a better job at speaking up upstairs. [...] it just depends on the clerks, and the judges, and where we’re at on the day. If it’s busy, if it’s not. Sometimes the attorneys just don’t come down here. [...] Everyone’s very receptive to getting together and talking about it. I think where things break down is just the volume of cases. It’s just difficult to slow things down.”

- PO

In-Progress

“The district attorney's and the defense counsel, a lot of times they're doing their jobs. They're not thinking about us. They're working out what they wanna work out, and they're good with it. Then they come to us, and they, "Can you sign this [form to indicate you approve of the conditions]?"

- Chief

Inactive

“We used to meet with the DAs once a week [about] the cases that were coming up for the following week, and we would discuss them, who's appropriate [for probation], who's not”

- PO II

“The ADA will ask us—they'll say, ‘What do you think we should do with this person? Do you know this person at all?’ They kinda consult with us”

- PO

Well-Established

Benefits of Team Building



Thank You!

- Access the full Appropriateness Statement Package online:

Use the link

Scan the QR code

gmuace.org/appropriateness-statement-package



- Contact us if you want to use the statements—we can provide guidance

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