

University of Pittsburgh
Institute of Politics

CRIMINAL JUSTICE TASK FORCE

brief

CRIMINAL JUSTICE IN THE 21ST CENTURY: ALLEGHENY COUNTY COURTS AND PROBATION

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LETTER FROM THE COCHAIRS

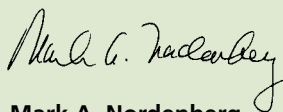
In the fall of 2015, the Institute of Politics at the University of Pittsburgh devoted much of its annual retreat for elected officials to the serious and increasingly visible issue of mass incarceration. Following that program, which generated considerable interest, Allegheny County Executive Rich Fitzgerald asked the Institute to assemble a group of distinguished civic leaders to examine what could be done to make our current system of criminal justice “fairer and less costly, without compromising public safety.”

In response to the county executive’s request, the Institute convened the Criminal Justice Task Force, consisting of 40 regional leaders. The group included criminal justice professionals currently holding positions of leadership within the system; distinguished academics with expertise in such directly relevant areas as criminology, law, and psychiatry; and respected community leaders with a strong interest in the system but generally with no direct links to it. Each task force member was recruited to serve because of the unique contributions that he or she was positioned to make by adding to the group’s collective potential to make a real difference in this area.

The members met on a monthly basis for most of a year, with regular presession and postsession reading assignments. Sessions typically began with a best-practices presentation from a respected professional from outside the region followed by an experienced task force member adding a sense of local context. At critical points in the process, we benefited from the help of Nancy La Vigne, director of the Justice Policy Center at the Urban Institute, who served as

its outside consultant. Though differing perspectives often surfaced, meetings were characterized by civil discussion and a commitment to consensus building, thoughtful reflection, recognition that Allegheny County already has been a leader in criminal justice reform, and a belief that we should strive to do even more to achieve ever-higher levels of fairness and cost-effectiveness.

We are privileged to lead this distinguished group and are pleased to present this report as the product of its committed efforts. In crafting this document, we deliberately chose to focus on a manageable number of targeted opportunities for reform. It is our hope, shared by the members of the task force, that the ideas advanced herein can make Allegheny County’s criminal justice system both more equitable and more cost-effective. As other communities continue to deal with similar challenges, we hope that some of these ideas also will be of help to them, just as we will continue to look for good ideas from other communities.



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THE ROLE OF THE COURTS AND PROBATION SERVICES IN THE UNITED STATES

COURT SYSTEM IN PENNSYLVANIA

In Pennsylvania, the Unified Judicial System consists of the Supreme, Superior, and Commonwealth courts; Courts of Common Pleas; and Magisterial District Courts.¹ The highest court within Pennsylvania is the Supreme Court. Below the Supreme Court are two intermediate appellate courts: the Superior Court, which hears civil and criminal appeals, and the Commonwealth Court, which hears only government cases. Under the Superior Court are the Courts of Common Pleas. These courts are the primary courts for criminal, family, and civil cases. The Minor Courts are responsible for preliminary arraignments and preliminary hearings. Additionally, these courts are responsible for setting and accepting bail except in murder or manslaughter cases.² In Allegheny County, there are 46 magisterial district courts, including Pittsburgh Municipal Court.

PROBATION IN PENNSYLVANIA

In Pennsylvania, the Pennsylvania Board of Probation and Parole is the paroling and supervising authority for people with sentences of two years or more (individuals sent to state prison). Counties are responsible for supervising people with incarceration sentences of less than two years (individuals sent to the local jail) and for people sentenced to community supervision.

ALLEGHENY COUNTY CRIMINAL COURT SYSTEM

The Fifth Judicial District of Pennsylvania includes the 46 magisterial district judges and the Court of Common Pleas' Criminal Division as well as its Family, Civil, and Orphans' Court divisions. All judges are independently elected but are under the umbrella of the president judge. The Fifth Judicial District's Criminal Division consists of criminal court administration, pretrial services, and adult probation services.

In addition to the 46 magisterial district justices, there are 15 Common Pleas criminal court judges, including the administrative judge of the Criminal Division and the president judge. In 2015, the Criminal Division disposed of more than 16,000 cases.³

INITIATIVES AND INNOVATIONS

EXPEDITED DOCKETS

To address a backlog of pending cases, the Fifth Judicial District Court of Common Pleas implemented two initiatives to speed up the disposition of cases: Expedited Disposition Plea (EDP) Court and the Phoenix Court. These courts address low-level crimes typically related to drugs and alcohol.⁴

EDP is a program designed to fast-track criminal cases early on in the criminal justice system. These cases are disposed of at the preliminary hearing (within two weeks of arrest). In 2014, there were 1,585 pleas accepted on the scheduled preliminary hearing date through the EDP program.⁵

The Phoenix Court, started in 2009, typically handles charges such as retail theft, DUI, and drug possession. Often, the cases do not involve victims and result in probation. Most Phoenix Court cases have a prenegotiated plea, which allows the court to complete the case quickly—months faster than in a traditional courtroom. In 2014, there were 4,404 cases adjudicated through the Phoenix docket.⁶

PROCEDURAL FAIRNESS

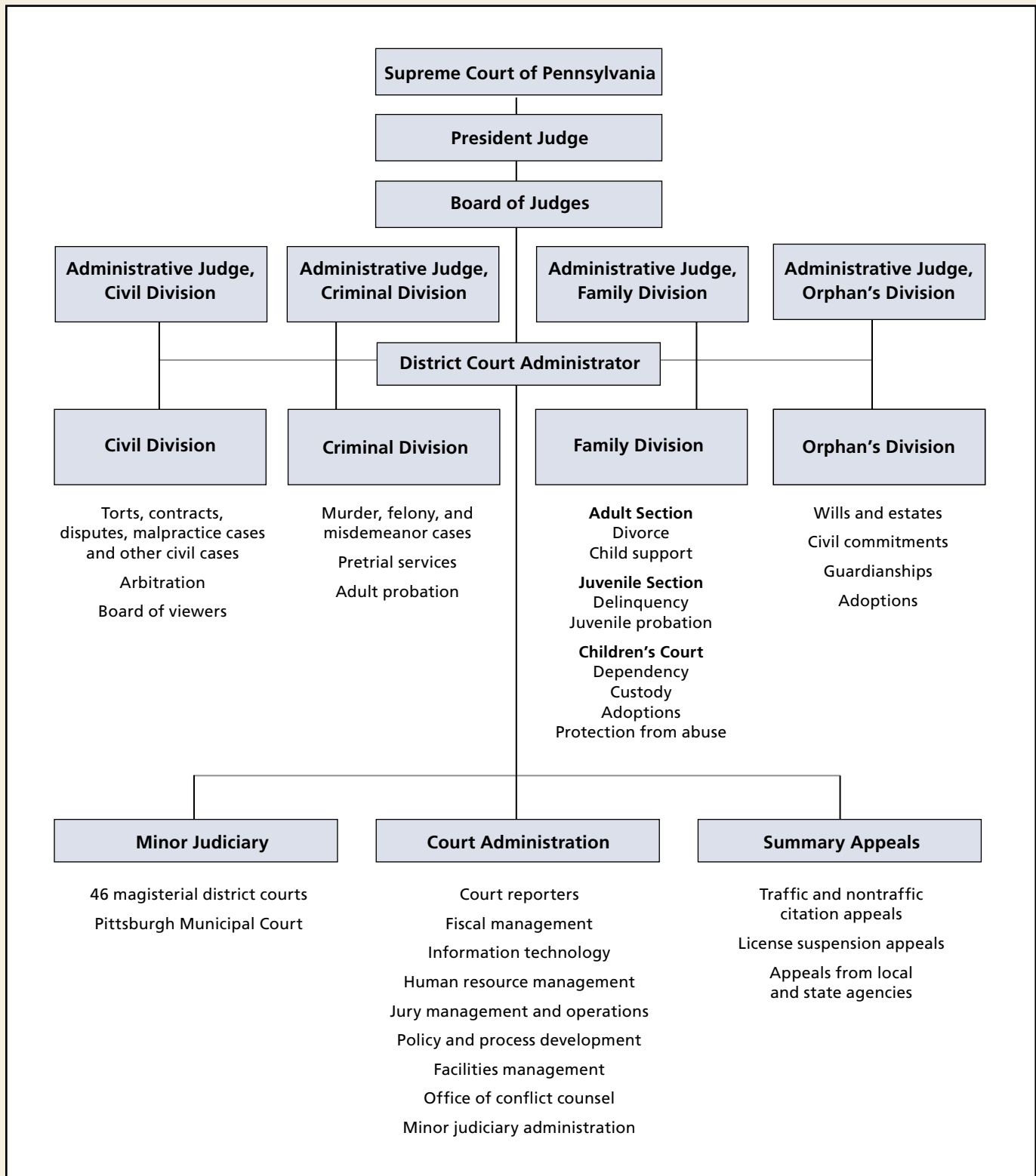
The Fifth Judicial District also is working to improve procedural fairness in its processes. The concept of procedural fairness is based on the idea that participants in the criminal justice system, to be more satisfied and compliant with the outcome, need to feel that the process in reaching a final decision is fair. When participants in the criminal justice system believe that the process they are involved in is fair, they are more likely to comply with court orders and the law in general.⁷

There are five fundamental elements to procedural fairness within the criminal justice decision-making process:

1. **Voice:** the perception that your side of the story has been heard
2. **Respect:** the perception that you are treated with dignity and respect
3. **Neutrality:** the perception that the decision-making process is unbiased and trustworthy
4. **Understanding:** the comprehension of the process and how decisions are made
5. **Helpfulness:** the perception that system participants are interested in your personal situation to the extent that the law allows⁸

The Fifth Judicial District applied for and was selected as one of four jurisdictions that are part of a procedural fairness evaluation by the Center for Court Innovation, a national organization devoted to creating "a more effective and humane justice system." The purpose of this evaluation

Figure 1: Organizational Structure of the Fifth Judicial District of Pennsylvania



Source: Fifth Judicial District of Pennsylvania 2014 Annual Report

is to highlight promising practices for the field at large, help jurisdictions to identify problem areas, and outline short- and long-term plans to implement appropriate interventions.⁹

BEHAVIORAL ECONOMICS TO IMPROVE CRIMINAL JUSTICE

Behavioral economists have found that the wording of communications, the type of message (e-mail, text, phone, mail) and the exterior of the message (envelope, subject line, etc.) make a difference in the response rate to those communications. In 2016, the Court of Common Pleas began work with Carnegie Mellon University behavioral economists to examine the relationship between the type and language of court communications and court appearance rates and compliance under supervision. This random control trial is designed to determine what works best at improving court appearance rates. Failing to appear at a court hearing results in a warrant being issued and may result in the person's being detained.

PROBLEM-SOLVING COURTS

In the Fifth Judicial District, there are five problem-solving courts and two specialized dockets (Domestic Violence Court and Sex Offender Court). The specialized dockets are not opt-in courts but instead monitor people convicted of specific crime types. The problem-solving courts, listed in the box at right, take a different approach to resolving cases. These courts seek to address offenders' underlying problems and use the 10 key components as standards of operations (see the Appendix for a list of the components). Within each problem-solving court, the judge works with a dedicated assistant district attorney,

public defender, behavioral health specialists (e.g., justice-related services), and specialized probation officers to develop a treatment and accountability plan to address the underlying causes of each case. To participate in the problem-solving courts and receive treatment, people are required to plead guilty. Participants meet with the judge and team at regularly scheduled intervals.

Studies indicate that these courts have positive outcomes for participants. Since 2005, 61 percent of participants (1,240) in a problem-solving court have graduated successfully.^A For these graduates, recidivism remains low as compared to their peers; only 8 percent were rearrested within one year and only 6 percent reoffended within that year.¹⁰

PRETRIAL SERVICES

Allegheny County Pretrial Services provides information to aid in the decision making of magisterial district judges. Pretrial Services assesses people's risk of failure to appear for their court dates and the likelihood that they will commit a new crime during the pretrial period and makes recommendations based on these assessments. Similar to adult probation, Pretrial Services supervises people who are released from jail while awaiting trial with conditions. This department tracks and reports on outcomes of the pretrial process. On December 31, 2015, there were 1,288 people on pretrial supervision.¹¹

ADULT PROBATION

Allegheny County Adult Probation Services provides evidence-based supervision of people for the Fifth Judicial District of Pennsylvania's probation, parole, and intermediate punishment programs. Adult Probation Services works to provide "effective community-based alternatives to incarceration, improving public safety, partnering with community and law enforcement resources, and promoting positive behavioral change from offenders."¹² In 2015, Adult Probation Services, in conjunction with Pretrial Services, worked to supervise or monitor 26,447 people.¹³ Seventy percent of those individuals were being supervised under a probation sentence.

The department classifies the people it supervises into three categories—low, medium, and high risk—based upon a validated risk and needs assessment tool that includes both static and dynamic risk and needs factors. The results of the assessment assist Adult Probation Services in making decisions about the person's level of supervision and in forming a case management plan of programs and services to help reduce recidivism as well as sanctions for violations of the conditions of supervision.¹⁴

^A Includes Drug, DUI, MHC, and Veterans court. There is limited data available on completions in PRIDE court.

Figure 2: Problem Solving Court Participants by Program (2015)

Number of Program Participants	
DUI Court	226
Drug Court	151
Prostitution (PRIDE)	48
Veterans Court	50
Mental Health Court	201
Domestic Violence Court	207
Sex Offender Court	238
Total	1,121

Source: Common Pleas Case Management System (CPCMS)

Figure 3: Supervised Offenders by Program

Offenders being supervised as of December 31, 2015	
Probation	18,518
Parole	1,137
Intermediate Punishment	950
Accelerated Rehabilitative Disposition (ARD)	4,158
Probation Without Verdict	396
Bail (Pretrial Supervision)	1,288
Total	26,447

Source: The Fifth Judicial District of Pennsylvania, 2015 Annual Report, County of Allegheny

INITIATIVES AND INNOVATIONS

Adult Probation Services has a dedicated reentry unit with five probation officers. These officers meet with people who are sentenced to the Allegheny County Jail while they are still in the jail to prepare them for release and create a seamless transition from the jail into the community. Although this program was created using a two-year federal Second Chance Act grant, its success has resulted in the permanent Allegheny County Jail Collaborative reentry program.¹⁵

In 2009, Adult Probation Services transitioned to a mobile workforce to more effectively supervise people in the community, closing its traditional brick-and-mortar offices. To support mobile officer supervision, Adult Probation Services operates three Community Resource Centers (CRC) located in the Pittsburgh neighborhoods of Arlington and East Liberty and in the city of McKeesport. These centers provide a one-stop shop for social services to address the needs of medium and high-risk people, providing employment assistance; education, including GED test preparation; drug and alcohol testing and assessment; cognitive behavioral therapy classes; batterers' intervention programs; and emergency housing assistance. This model has had great success in the county: Allegheny County found that people at high risk for reoffending who used a CRC had a new arrest under supervision only 7 percent of the time, compared to 29 percent for those of the same risk level who did not have access to a CRC.¹⁶ Similarly, medium-risk individuals who had access to a CRC had a new arrest rate of 12 percent, which was 10 percentage points lower than non-CRC participants.¹⁷

Recently, Adult Probation Services began a new process for reviewing probation detainees. Detainers are issued for new crimes and/or for technical violations of the terms of a person's supervision. Since September 2015, probation has worked closely with Court of Common Pleas Criminal Division judges to reduce unnecessary detention, resulting in a 17 percent decrease in the number of people detained.¹⁸ Adult Probation and the court also instructed a process to reassess inmates with detainers each month to release or divert them as needed.

In 2016, in partnership with the Urban Institute and Center for Court Innovation, Adult Probation designed and implemented an annual survey for people under supervision to solicit feedback and give them a voice. This information is designed to improve procedural justice for those under supervision in the county. It will be summarized and used by probation officers and management to improve operations and procedural justice in the department.

KEY LOCAL DATA

Question 1: How many cases are disposed of ("resolved") by the Court of Common Pleas each year? What are the outcomes?

Of the approximately 26,000 cases available for disposition by the Criminal Division of the Court of Common Pleas, more than 16,000 cases were disposed of in 2015.¹⁹

Figure 4: Cases Disposed by Model of Disposition (2015)

Model of Disposition	Cases Disposed
Convicted (Guilty, Guilty Plea, Nolo Contendere)	12,193
Diversionary Programs [Accelerated Rehabilitative Disposition (ARD), new cases only]	2,340
Dismissed, Withdrawn, Nolle Prossed, and Deceased Defendants	1,110
Other Trials (Not Guilty)	379
Satisfaction Agreements (Rule 586)	94
Transfers to Juvenile Court, Magisterial District Judge, Family Court, Administrative Closures, Consolidations, and Remands to Lower Court	49
Total Cases	16,165

Seventy three percent (11,820) of all cases disposed of in 2015 were guilty pleas. Source: (CPCMS)

Question 2: How many cases result in sentences to the county jail?

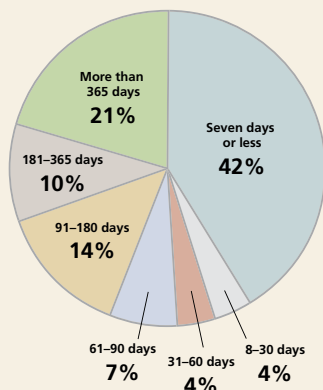
In 2015, 20 percent of cases (2,480) resulted in convictions resulting in a sentence to the Allegheny County Jail.²⁰ However, of these, almost half were sentenced to two months or less.²¹

Figure 5: Convictions by Type of Sentences Imposed (2015)

Sentence Imposed	Convicted (Guilty, Guilty Plea, Nolo contendere)	Percent of Total
State Prison Sentence	739	6%
County Jail Sentence	2,480	20%
Intermediate Punishment County Sentence	1,384	11%
County Probation Sentence	6,939	56.9%
Other State Sentence	102	1%
No Further Penalty	549	4.5%
Total Convicted Cases in 2015	12,193	100%

Source: CPCMS

Figure 6: Sentence Length of People Sentenced to the Allegheny County Jail, 2015



Source: CPCMS

Question 3: What is the average time to disposition of cases? How does this compare to national standards?

Allegheny County has significantly reduced the median days to disposition (the final resolution of a case). Today, most cases are resolved within one year.²² In 2015, the median days to disposition in Allegheny County was 130 (days).²³ Nevertheless,

Allegheny County can continue to improve, using the National Center for State Courts (NCSC) Model Time Standards as its yardstick. For example, NCSC recommends that 75 percent of felonies be disposed of within 90 days, 90 percent be disposed of within 180 days, and 98 percent be disposed of within 365 days.²⁴ In Allegheny County, only 29 percent of felonies are resolved within 90 days, 59 percent within 180 days, and 92 percent within 365 days.²⁵ The Model Time Standards for misdemeanors are that 75 percent be resolved within 60 days, 90 percent be resolved within 90 days, and 98 percent be disposed of within 180 days.²⁶ In Allegheny County, only 27 percent are resolved within 60 days, 47 percent within 90 days, and 72 percent within 180 days.²⁷ Speedier times to disposition are not only fairer, they also reduce the cost associated with incarceration.

Question 4: What are the average costs, fees, fines, and restitution amounts for people in the criminal court system? How many people receive these costs?

Costs, fees, fines, and restitution can vary significantly based upon the nature of the case. Costs and fees were assessed in 12,193 cases. The median cost and fees assessed was \$1,778.²⁸ Only 24 percent of cases (2,953) where money was assessed had a fine, with a median fine amount of \$1,000.²⁹ The median amount of restitution assessed was \$708, assessed on 16 percent of cases (1,999).³⁰ Costs, fees, fines, and restitution were assessed on defendants without consideration of the defendant's ability to pay.³¹ (See Figure 7 on the next page.)

Question 5: How many people are supervised by Adult Probation and Parole and Pretrial Services in the county? How many are supervised for felonies?

In 2015, Adult Probation Services and Pretrial Services supervised 19,523 individuals; 6,819 of these people were supervised for felonies, including 4,718 individuals on probation.³² (See Figure 8 on the next page.)

Question 6: What types of offenses are people supervised for in the county?

Of the more than 19,000 people supervised by the county in 2015, 27 percent (5,271) were convicted of driving under the influence (DUI).³³ Allegheny County has the highest number of DUI offenses in the state.³⁴ Twelve percent of people (2,344) under supervision were convicted of violent offenses.³⁵ (See Figure 9 on page 8.)

Figure 7: Costs/Fees, Fines, and Restitution for People in the Criminal Court System

Cost Type	Total Convicted Cases in 2015 with Money Assessed		Median Amount	Average Amount	Minimum Amount	Maximum Amount
	Number of Cases	Percent of Total				
Costs/Fees	12,193	100%	\$1,778	\$2,108	\$6	\$25,513
Fines	2,953	24%	\$1,000	\$1,070	\$10	\$10,000
Restitution	1,999	16%	\$708	\$3,970	\$1	\$369,695
Total	12,193	100%	\$2,098	\$3,035	\$6	\$370,876

Costs, fees, fines, and restitution are assessed depending on the particulars of each case. Source: CPCMS

Figure 8: Type of Supervision by Type of Conviction

Total as of December 31, 2015	Misdemeanor	Felony	Other	Total	% Felonies
Probation	7,130	4,718	233	12,081	39%
Intermediate Punishment	540	268	76	884	30%
Parole	354	611	7	972	63%
Other Supervision					
Accelerated Rehabilitative Disposition (Deferred Prosecution Program)	3,299	395	300	3,994	10%
Probation Without Verdict (Deferred Prosecution Program)	295	9	0	304	3%
Bail (Pretrial supervision)	467	818	3	1,288	64%
Total People Supervised in Allegheny County*	12,085	6,819	619	19,523	35%

* This table does not include the 6,924 people sentenced by the Fifth Judicial District of Pennsylvania Court of Common Pleas who reside outside Allegheny County. These people are supervised by other jurisdictions but monitored by the Allegheny County Adult Probation Department for compliance with their sentence and court-ordered conditions. If they violate the terms of their supervision, they are sent to the Fifth Judicial District for resolution.
Source: Adult Probation Case Management System (APCMS)

Question 7: What is the average probationary period for misdemeanors and felonies in Allegheny County? How does this compare to the national average?

In Allegheny County, the average supervision length is 42 months (30 months for a misdemeanor and 60 months for felonies).³⁶ This includes all consecutive sentences of intermediate punishment and probation. In 2014, the national average was 22 months.³⁷

Question 8: How many people under supervision reoffend in Allegheny County? How many are rearrested?

Allegheny County uses multiple measures to examine supervision success, including measuring recidivism during supervision (rearrests, conviction of an attributable offense, and violation rates) and after supervision (rearrests and convictions within specified time frames).

From 2010 to 2015, there were more than 45,000 unique people supervised in Allegheny County. Of these, 5 percent reoffended within six months of the start of their supervision, 9 percent within one year and 20 percent within three years.³⁸ This rate differs by risk level. (See Figure 10 below.)

Figure 9: Number of People under Supervision Type by Controlling Offense

Controlling Offense* (Total as of December 31, 2015)	Total Probation, Parole, or Intermediate Punishment	Total Deferred Prosecution	Total Pretrial Supervision	Total	% of Total
Violent Offense	1,939	135	270	2,344	12%
Sexual Offense	366	5	39	410	2%
Property Offense	3,183	395	304	3,882	20%
Drug Law Violation	2,491	309	252	3,052	16%
Driving Under the Influence	2,163	3,027	81	5,271	27%
Other Offenses	3,795	427	342	4,564	23%
Total	13,937	4,298	1,288	19,523	100%

* The controlling offense is the highest grade of offense the person is convicted of. Sources: APCMS, CPCMS

Figure 10: Percent of People Supervised Who Were Rearrested and/or Who Reoffended within Six Months, One Year and Three Years of the Start of Their Supervision (2010-15)

	Rearrested			Reoffended*		
	Six months	One year	Three years	Six months	One year	Three years
Low Risk (N=20,399)	6%	11%	22%	4%	8%	17%
Medium Risk (N=19,119)	12%	23%	38%	8%	14%	30%
High Risk (N=6,008)	23%	42%	63%	15%	26%	54%
Total (N=45,526)	8%	13%	26%	5%	9%	20%

* A person was convicted of an offense that occurred within the designated time frame. Sources: APCMS, MDJS, CPCMS

Question 9: How many people are detained by probation in the county jail?

On April 27, 2016, there were 887 people detained by probation in the Allegheny County Jail or alternative housing.³⁹ The Court of Common Pleas judges and probation have worked to reduce unnecessary detentions since September 2015. This focus has resulted in a 20 percent (227 people) decrease in the number of people detained.⁴⁰

Of the 887 people detained, 75 percent (664) were detained on new criminal charges. The remaining people were detained for technical violations.⁴¹

SYSTEM CHALLENGES

Although the Fifth Judicial District has developed programs that have reduced time to disposition, saved taxpayers money, and created better outcomes for people in the criminal justice system and their communities, there are additional opportunities to improve Allegheny County's court system.

FINES AND FEES WITHOUT REGARD TO ABILITY TO PAY

Violating the law often can result in significant fines and fees for individuals. Within Pennsylvania, for example, people can be charged for electronic monitoring (in some circumstances), probation supervision, public defender or legal costs, and room and board.⁴² For people with limited income, these fines and fees can be insurmountable and serve as a barrier to successful completion of their supervision. Most states, including Pennsylvania, do not adjust criminal justice debt based on the person's ability to pay. The inability to pay debt can have profound consequences for individuals, including additional fees and penalties for nontimely payments, further incarceration, license suspensions, and the inability to vote.⁴³

HIGH PROBATION CASELOADS

For many jurisdictions throughout the country, establishing manageable caseloads for probation officers is critical to effective supervision and rehabilitation of probationers. Many jurisdictions, like Allegheny County, use validated risk and needs assessments and other data-driven techniques to allocate limited time and resources to the people most at risk to reoffend. The American Probation and Parole Association (APPA) set out general guidelines for caseload ratios, though there is not agreement in the literature about the optimal caseload size to implement evidence-based practices in supervision. Nonetheless, caseloads in Allegheny County remain higher than APPA's guidelines, which recommend 20 high-risk people per officer, 50 moderate-to-high-risk people per officer, and

200 low-risk people per officer.⁴⁴ In Allegheny County, there are roughly 100 medium or high-risk people per officer and more than 1,000 low-risk people per officer.⁴⁵

LONG PROBATION SENTENCES

Probation length greatly affects the chances that people are returned to jail or face other sanctions because it increases the time frame within which even minor probation violations can have significant criminal justice consequences. Within Allegheny County, the probation terms are especially long when compared to the rest of the country. Nationally, probation terms are 22 months.⁴⁶ In Allegheny County, the average supervision length is 42 months (30 months for a misdemeanor and 60 months for felonies).⁴⁷

NATIONAL INNOVATIONS

COURT INNOVATIONS

MISDEMEANOR PROBATION (CALIFORNIA)⁴⁸

In California, the levels of probation vary depending on the level of crime committed by a person. For misdemeanor offenses by a person who does not pose a threat to the community, he or she is placed on misdemeanor probation. Misdemeanor probation (or summary probation, as it is sometimes referred to), differs from felony probation in that the person is placed under the supervision of the court and reports to the judge on his or her progress rather than a probation officer. Additionally, the judge, when imposing misdemeanor probation, is not required to request a "probation report" from the county probation department in order to determine probation terms.

SLIDING SCALE FEES (CALIFORNIA)

In order to alleviate the burden of court fees for people in or near poverty, it is possible to structure such fees to reflect a person's ability to pay. This thought has been used by different organizations and government agencies across the nation. For example, in San Francisco, Calif., there is a law office that offers legal representation to people in poverty and charges for it based on a person's ability to pay.⁴⁹ A form of this sliding scale also has been implemented in California in the form of an amnesty program for certain traffic violations.⁵⁰ However, the program has not been as effective as originally intended, as some courts have imposed restrictions and user fees that work to exclude the very people the program was designed to assist.

PROCEDURAL FAIRNESS (UTAH)

Although Allegheny County has begun an examination of implementing procedural fairness principles into its processes, there are several jurisdictions across the country that have already successfully implemented this process. For example, all judges in Utah are required to participate in procedural fairness training. Additionally, all judges are reviewed by the state's independent Judicial Performance Evaluation Commission based upon their use of procedural fairness principles. These evaluations are publicly available in time for judicial elections. As a result of its work, Utah has experienced an increase in satisfaction by criminal justice participants.⁵¹

"NEIGHBORHOOD COURTS" (SAN FRANCISCO, CALIF.)

In an effort to divert people out of the local jail and relieve pressure on the court docket, the San Francisco District Attorney's Office created the "neighborhood courts" program.⁵² In this initiative, community members serve as volunteer adjudicators in the resolution of nonviolent criminal cases. Volunteer adjudicators are able to impose restorative justice sanctions such as restitution and community service.

SUPERVISION INNOVATIONS

IMPLEMENTATION OF EVIDENCE-BASED PRACTICES WITH FIDELITY (WASHINGTON)

The Adult Probation Department in Allegheny County has implemented evidence-based practices in its supervision, including the use of a risk/needs assessment and incorporation of core correctional practices.⁵³ Evidence-based practices in supervision are programs, policies, and practices that have been demonstrated through scientific research to have a measurable impact on reducing recidivism for individuals under supervision. However, an effective method for encouraging behavioral change is the use of swift and certain sanctions. These types of sanctions require that every violation has a quick, proportionate response and graduated sanctions that increase with repeated violations.⁵⁴ These have not yet been fully implemented in Allegheny County.

In 2012, the Washington State Department of Corrections implemented a swift and certain supervision model. Washington's program includes matching supervision to a person's risk level, employing evidence-based treatment, and implementing swift and certain sanctions. The purpose of this policy was to reduce the confinement time for sanctions and correctional costs related to short-term confinement following a violation.⁵⁵ As a result of the program, the chances of confinement were reduced

by 20 percent and the duration of confinement was reduced by an average of 16 days.⁵⁶ The program also resulted in a cost savings for the state of \$16 for every \$1 invested.⁵⁷

EARLY TERMINATIONS

Courts have the ability to end probation terms early through the process of early termination, which is offered to those under supervision who have followed the terms of their supervision and for whom release from probation would be in the interest of justice. A 2013 study found that people under supervision who were "granted early termination posed no greater danger to the community than offenders who serve a full term of supervision."⁵⁸ People granted early termination from supervision also had lower recidivism rates (10.2 percent) over three years for major and minor offenses than their full-term counterparts (19.2 percent).⁵⁹

DOSAGE PROBATION (MILWAUKEE COUNTY, WIS.)⁶⁰

The concept of dosage probation is based around the idea that supervision length and intensity should be based on reducing the risk of the person to reoffend, not just the passage of a particular amount of time. The dosage probation model bases treatment and supervision hours on risk and needs and is designed for people to receive more hours in the early stages of their supervision and fewer as time progresses. Over time, the supervision and treatment level off as the individual's risk is successfully reduced. Milwaukee County recently began the implementation of a dosage probation program. Individuals on probation have the opportunity to qualify for early termination from probation once they complete a number of risk-reducing goals.

PARTNERSHIPS WITH LAW ENFORCEMENT AND COMMUNITY (CINCINNATI, OHIO)

Many jurisdictions across the country have embraced enhanced partnerships among probation services, law enforcement, and community organizations to lower recidivism rates and improve integration for individuals under supervision. These partnerships can build agency capacity, improve service delivery of community organizations, and reduce long-term crime.⁶¹

For example, the Cincinnati Initiative to Reduce Violence (CIRV) is a close partnership among police, probation/parole, and community organizations. CIRV is designed to quickly and dramatically reduce gun violence and associated homicides by establishing a clear message to violent groups to stop the violence. This message is delivered through media outlets and also takes the form of direct contact with those groups by advocates, probation offices, community outreach and the police. Studies have found a 40 percent reduction in group member involved homicides in Cincinnati following implementation of CIRV.⁶² ■



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APPENDIX

APPENDIX A: TEN KEY COMPONENTS OF TREATMENT COURTS⁶³

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

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