

Tribal Probation Personnel: Turning Principles into Practice

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INTRODUCTION

There are 566 federally recognized tribes¹ in the United States today (Federal Register, 2012). Each of these tribes differs in their crime demographics and justice system response to crime; however, regardless of each tribe's diversity, each must have some kind of systemic response in place to address crime on the reservation. One piece of the justice system puzzle that tribes are recently focusing more attention on is the use of formalized probation to supervise individuals placed on community supervision. Tribal probation officers serve a dual purpose; they are responsible for assuring adherence to the orders of the court while also promoting behavior change in individuals placed under their supervision in order to increase the likelihood of compliance and reducing recidivism.

Screening/assessment should be used to inform the decision-making process from the time a person enters the system until they are, hopefully, successfully discharged from the system. Using tools based upon known risk factors and criminogenic needs takes the decisions made about supervision levels and interventions to a level beyond subjective judgment and intuition. This bulletin will provide a brief introduction to the risk, need, and responsivity principles espoused in the evidenced-based principles for community supervision. Further, guidance will be provided on how tribal probation officers can incorporate the premise behind each principle into everyday practice.

¹ You can find a listing of federally recognized tribes at <http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>.

THE SCREENING & ASSESSMENT PROCESS

Screening and assessment³ should be the beginning point for working with individuals placed on any type of community supervision (pretrial, pre-sentence, post-sentence). The information gleaned from screening and assessment tools provides a solid foundation upon which tribal probation officers can develop supervision plans utilizing individually-focused responses and interventions. The Risk-Need-Responsivity (RNR) model developed by Andrews and Bonta (2007) provides a roadmap for how screening and assessment instruments should be used to identify and respond to the individual risk and needs of those placed on community supervision.

THE TRIBAL JUSTICE PLAN

The Bureau of Justice Assistance (BJA), U.S. Department of Justice, in partnership with the Bureau of Indian Affairs (BIA), U.S. Department of Interior continues to respond to the requirements of the Tribal Law and Order Act (TLOA) of 2010, which seeks to enhance tribal justice systems across the United States and mandates coordination among federal agencies on public safety and offender accountability. Specifically, BJA and BIA coordinated outreach between federal agencies and Indian Country and Native Communities to implement recommendations and action steps of the Long Term Plan to Build and Enhance Tribal Justice Systems (Tribal Justice Plan). The Tribal Justice Plan www.justice.gov/tribal/docs/tloa-tsp-aug2011.pdf is a long-term detention, alternative to incarceration and offender reentry plan for American Indian adults and juveniles. The plan responds to sections 211, 241, and 244 of the TLOA.

In the Tribal Justice Plan, Chapter 2, the Alternatives to Incarceration section highlights how the Chippewa Cree Tribe experienced a significant reduction in recidivism in response to employing evidence-based principles. Over the past two years, the tribe implemented risk and needs assessment for both adult and juvenile offenders and began using assessment scores to target interventions toward higher risk individuals. Law enforcement also used a short, eight-question screening tool to identify an individual's risk of recidivism. Most low-risk persons were generally not detained and few, if any, interventions were employed. (p. 15)

² For more information on the screening and assessment process as well as a directory of screening and assessment tools, please refer to the Desktop Guide for Tribal Probation Personnel: The Screening and Assessment Process available on the APPA website at www-appa-net.org.

RISK PRINCIPLE

The Risk Principle tells you WHO to focus your time and resources on when deciding and planning supervision level, services and interventions. This principle states that the level of supervision and services provided to a defendant or probationer should match that individual's risk of re-offending. Conducting risk screening and assessment quantifies the level of risk for each individual on community supervision so that caseloads/workloads can be prioritized and managed more effectively while ensuring that community resources are used more prudently.

Risk scores are obtained by analyzing static factors (unchangeable or historic attributes such as age of first arrest and gender) and dynamic factors (changeable attributes such as substance abuse and anti-social attitudes). The risk principle states that those identified as high-risk should receive more intensive interventions and supervision, which might include electronic home monitoring, frequent urinalysis (UA), intensive counseling interventions and frequent office and field contacts. Further, there is also evidence to suggest that subjecting individuals who are determined to be low risk to highly structured and intensive services can actually result in increasing their chances of reoffending. They, however, may be in need of stabilizing services such as mental health treatment (Domurad & Carey 2009).

How to act on the risk principle:

- Research, select, and acquire an appropriate (valid and reliable) risk screening or assessment instrument. For more information on issues to consider when choosing a tool, review information in the ***Desktop Guide for Tribal Probation Personnel: The Screening and Assessment Process***.
- Conduct risk screening/assessment as early in the justice process as possible. If your tribal court offers pretrial services, note that risk tools used at this stage focus primarily on (1) likelihood to reappear for court hearings and (2) likelihood to commit a new offense. The risk score obtained from pretrial risk tools should be used to differentiate between those that require confinement in a secure facility from those that can be safely supervised in the community.³
- If confinement is not necessary, conduct a more in-depth risk assessment than the one utilized at pretrial to determine the appropriate supervision level (e.g., low, medium, high, and intensive).

³ For more information on pretrial risk assessments, please refer to Clark, John. (2012). *Pretrial Risk Assessment 101: Science Provides Guidance on Managing Defendants*. The Pretrial Justice Institute; Washington, DC. Bureau of Justice Assistance, Office of Justice Programs. [http://www.pretrial.org/Featured%20Resources%20Documents/PJI%20Risk%20Assessment%20101%20\(2012\).pdf](http://www.pretrial.org/Featured%20Resources%20Documents/PJI%20Risk%20Assessment%20101%20(2012).pdf)

- Establish supervision requirements based on risk level. Individuals identified as low-risk will require less time/attention than those identified as medium-high risk. Focus the time spent during office and/or home visits to discuss issues related to their identified criminogenic needs. Remember, it is the quality of each contact, not just the number of contacts made that affects behavior change.
- Use the risk score to manage caseload/workload assignments. For example, those identified as medium-high risk can be assigned to an Intensive Supervision Program (ISP), which is overseen by one probation officer. Individuals assigned to ISP caseloads require more time of the officer; therefore, he/she would have a fewer number of individuals on his/her caseload.
- Consider the individual's risk level to determine if technology is needed to augment the supervision of an individual (such as electronic monitoring, GPS monitoring, etc.) and proceed to arrange for these services if required.

Strength-Based Assessments



In addition to conducting screening and assessment to identify risk and need factors, it is also beneficial to utilize strength-based assessments to gain a comprehensive understanding of the individual. The use of a strength-based assessment tool can assist in identifying an individual's attributes that can be used in the supervision plan to enable them to address their needs and ultimately successfully complete the terms and conditions of supervision. For example, if an individual is skilled at woodworking, that strength can be used to match them to a community service or employment placement. The likelihood that an individual will be successful increases if you are able to capitalize on his/her strengths and interests.

NEED PRINCIPLE

The Need Principle states that you should focus services and interventions on the identified criminogenic needs of each person on supervision. So, in general, the Need Principle helps you determine WHAT interventions and services you should provide and/or refer individuals to while under supervision. Criminogenic needs are dynamic (or changeable) factors that are proven, through research, to directly affect an individual's likelihood to re-offend. To date, there have been eight dynamic variables identified as having the highest correlation to recidivism (Andrews and Bonta, 2010). The first four have been shown to have the strongest correlation to recidivism risk. These are:

- Anti-social behavior: aggressiveness, defiance of authority, cruelty, rage, argumentativeness;
- Anti-social personality: impulsivity, excessive risk-taking, aggressive, disregard for others, lack of empathy, criminal identity;
- Anti-social cognition: faulty thought processes, such as rationalizing the crime, blaming the victim or the system; and
- Anti-social peers: prevalence of close associates who present anti-social beliefs and attitudes and/or engage in criminal behavior (family, friends): isolation from pro-social influences.

The next four, though important, have shown less correlation to recidivism risk than the first four. These are:

- Drugs and/or alcohol abuse;
- Family issues: including abuse and neglect histories and/or marital issues;
- Work or school issues: lack of education or chronic unemployment; and
- Leisure and/or recreational issues: lack of participation in non-criminal leisure activities.

While the above four criminogenic needs have been shown to have less correlation, they are still important to address with the individual while on supervision. These needs more often are contributing factors in an individual's criminal behavior. For example, an individual's drug/alcohol abuse may be contributing to their involvement with anti-social peers.

You may notice that general needs or factors that some of the individuals on supervision often have are not reflected in the list of criminogenic needs. These types of needs or factors (known as non-criminogenic needs) may include major mental health disorder and physical

health issues. You will still need to be aware of and address these types of needs during the supervision process, but the key is to not focus the majority of your time and resources on them since these factors have not been correlated with an individual's risk to re-offend. In some instances, these non-criminogenic needs may be impeding progress on interventions related to the criminogenic needs. In those cases, addressing these will become more important. Long-term public safety hinges on your ability to help individuals on supervision address and work on their criminogenic need areas.

How to Act on the Need Principle:

- Research, select, and acquire an appropriate risk/needs assessment instrument. For more information on issues to consider when choosing a tool, review information in the ***Desktop Guide for Tribal Probation Personnel: The Screening and Assessment Process***.
- Conduct a needs assessment as early in the justice process as possible to identify criminogenic needs that should be targeted for programming and intervention.
- Use information received from needs assessments to develop pre-sentence reports and sentencing recommendations to help inform the judge about supervision conditions and treatment referrals to be included in the terms and conditions of probation.
- Use data from the person's risk and needs assessment to incorporate programming and interventions designed to address his/her unique needs (e.g., referral to substance abuse treatment, referral to a cognitive behavioral intervention). The treatment principle, another principle discussed in the evidenced-based principles for community supervision, states that treatment goals should be included in the sentencing and sanctioning process. It is important to stress that probationers should not incur sanctions for treatment results; however, failure to comply with supervision goals related to treatment should be tied to appropriate responses (e.g., not attending required appointments as ordered by the court). Further, treatment providers may be able to provide insight into what sanctions/incentives may be meaningful for each individual probationer to build into the supervision plan. See the sidebar ***"How to Act on the Treatment Principle"*** for some tips on how to act on this principle when working with individuals on supervision.
- Prioritize programming and interventions starting with the highest identified need area. Make only one treatment referral at a time if there are co-occurring issues (e.g., substance abuse and mental health issues) unless your treatment provider recommends and offers a program designed to specifically address two issues concurrently.⁴ For example, if drug and alcohol use/abuse is the most urgent need,

⁴ For more information on integrated dual diagnosis treatment please refer to Osher, F, D'Amora, D., A., Plotkin, M., Jarrett, N., & Eggleston, A. (2012). Adults with Behavioral Health Needs under Correctional Supervision: A Shared Framework for Reducing Recidivism and Promoting Recovery. NY: Justice Center, the Council of State Governments. Retrieved from: http://consensusproject.org/documents/0000/1565/9.27.12_Behavioral_Framework_v6_full.pdf.

begin with a referral for treatment of that issue. You do not want to overwhelm the individual on supervision. Once an individual makes progress on or completes a component of their plan, begin targeting the next highest identified need throughout the period of supervision. It is likely you will not be able to address all of the needs he/she has, but by constantly re-visiting their supervision plan and updating their progress throughout the supervision period, you will likely have an impact on the most urgent identified needs, thus potentially impacting recidivism.

- Aggregate results from needs assessments to identify and justify needed resources in your community. For example, if a high percentage of individuals on supervision demonstrate a need for a methamphetamine-specific treatment program, you can approach your substance abuse treatment program about this need to discuss how to best address it or make plans to include programming needs, with data to support them, in future requests for funding.
- Be cognizant that although individuals identified as low-risk may have few criminogenic needs, there may still be issues that need to be addressed. Try to balance their need for necessary interventions with over-exposing them to unnecessary disruptions in their lives.

HOW TO ACT ON THE TREATMENT PRINCIPLE:

Investigate whether the service or intervention is knowledge-based only (lecture) or if it is a skill-building program. Programs that offer skill-building (such as giving teenagers tools to say no to using alcohol when confronted in certain situations) have proven to be more effective than those that only provide lectures.



Be sure that you are actively engaged with service providers to ensure that treatment goals are also built into the supervision plan as well as to be updated on how well the probationer is meeting his/her treatment goals. It is not necessary that the probation officer know the minute details of what is said during counseling, etc., but merely that the counselor or provider feels the probationer is meeting his/her goals, are actively engaged in the treatment process, etc.

RESPONSIVITY PRINCIPLE

The Responsivity Principle states that once risk and needs are identified, you should match individuals to services and interventions based on the individual's unique characteristics (i.e., responsivity factors) such as gender, age, ethnicity, learning style, motivation to change, cognitive abilities, mental health, culture, and strengths (Bogue, 2004). Therefore, the Responsivity Principle provides direction on HOW to choose services and interventions to increase the chance that a particular individual will succeed and have positive outcomes on supervision. When you match treatment, programming, and interventions based on an individual's responsivity factors, you increase his or her chances for success. For example, a low functioning individual should not be placed in a program requiring extensive journaling and insight-based therapy groups.

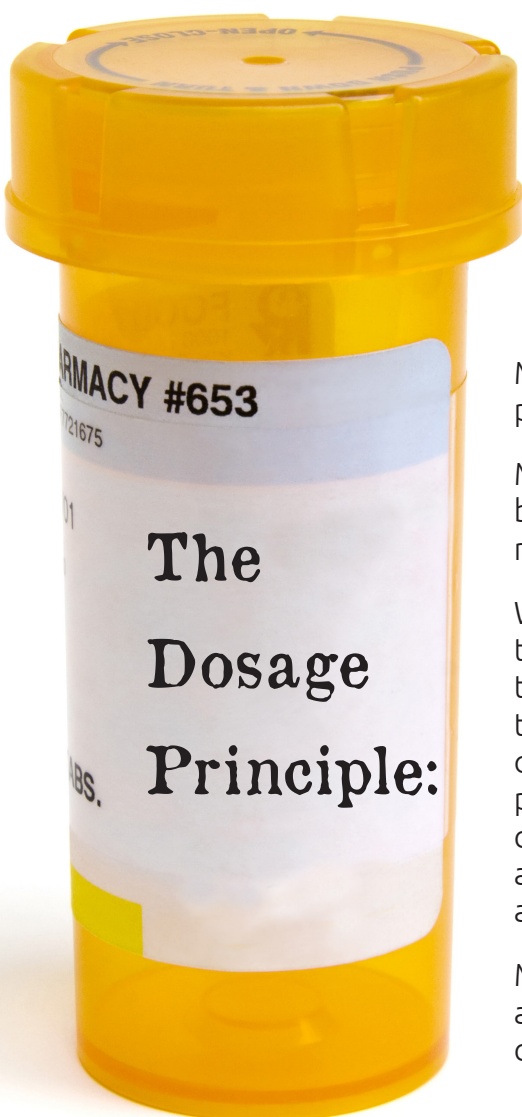
The relationship between the supervision officer and the individual on supervision is another key responsivity factor that plays a large role in influencing behavioral change. Research suggests that the working relationship between the officer and the individual on supervision actually accounts for 30% of the likelihood of a successful outcome of probation (Hubble, Duncan, and Miller, 1999). Moreover, you should coordinate with local treatment providers to adjust their service modality as best they can to be responsive to probationer's characteristics.

How to Act on the Responsivity Principle:

- Research and become knowledgeable about the programs to which you are sending individuals on supervision. Try to find programs that are basing their programming and services on evidence-based practices for risk reduction (e.g., cognitive behavioral interventions) and are using curriculum as intended (this refers to the Dosage Principle). If you find that treatment and service providers in your community are not reflecting evidence-based practices in their interventions, talk with them about how they might be able to adjust their programs.
- As you interact with the individuals on supervision, become aware of and make note of their unique responsivity factors (e.g., learning style, motivation, culture, cognitive abilities, and strengths).
- If possible, make referrals to programs and interventions that match individual responsivity factors. For example, if he/she has strong ties to and beliefs in his or her tribe's culture and practices, seek out and incorporate appropriate culturally-based programming into his or her supervision plan. If he/she is very shy and uncomfortable around other people, you may want to refer him/her to programs that are more individual-based as opposed to group-based. If an individual on supervision has strong

artistic skills, you may want to consider assigning him/her to an agency where s/he could use those skills for community service work hours.

- As a general rule, for most individuals on supervision, you should be as responsive as possible to individual responsivity factors. However, there are situations when best practices for certain offender types may need to be followed (Bumby, 2006). For example, group therapy over individual therapy is shown to be more effective with sex offenders. This is primarily due to the manipulative nature of these types of offenders.
- Be aware of non-criminogenic need factors that may impact responsivity to interventions. For example, individuals with diagnosed mental health issues may be less responsive to treatment interventions until the mental health issue is addressed (Osher, D'Amora, Plotkin, Jarrett, & Eggleston, 2012).



The Dosage Principle refers to how to strategically structure probationers' time and provide them with appropriate quantities of services. To be responsive to this principle as you address responsivity, pay attention to the following:

Be informed about the curriculum, intensity, specific services, and interventions of the program to which you are referring probationers. Conduct a site visit to the program and become familiar with the program's culture and staff.

Make certain the intensity and length of the program matches the probationer's level of risk and needs prior to making the referral.

Make certain that the curriculum being used by the program is being used as instructed (for example, not skipping or combining modules).

When making referrals to services and interventions, make sure the probationer will be on supervision long enough to complete the program OR establish plans for the probationer to continue the program via an aftercare plan. For example, if an individual is on probation for 12 months but the substance abuse treatment program you want to refer the individual to requires a 15-month commitment, you will either need to identify another program to allow for completion within the probation period or make other arrangements for him/her to complete the 15-month program.

Monitor probationers' compliance to determine whether they are engaging in the prescribed activities and attending and completing required treatment.

- Attempt to locate programs in your community that provide services reflective of common responsivity factors of individuals on your caseload (treatment providers that offer individual, group, and gender-specific programs, education-based and skill-based programs, programs that accommodate a variety of educational levels, etc.). Locating interventions that you can use to match to all individuals on your caseload, based on responsivity can be difficult, especially since few jurisdictions have access to an exhaustive menu of programs and resources available. However, it is still important to identify these factors so you can make the most appropriate referral based on the resources that you do have available.
- Be mindful of the respective characteristics of supervision staff and individuals on supervision when making caseload assignments. Where possible, try to match personality and communication styles. For example, someone that is timid may not do well if matched with an officer who has an assertive supervision style. If you work in a small agency with few staff, this type of matching may not be feasible. In those instances, to the extent possible, try to adapt your style of working to be responsive to different personalities.

CONCLUSION

This bulletin has provided a brief introduction to the concepts of risk, need, and responsivity. While it is important to understand the theoretical premise behind evidence-based practice for risk reduction, it is equally as important to know how to act on these principles in everyday practice. Many tribal probation officers are responsible for supervising large caseloads of individuals; therefore, it could be easy to follow a cookie-cutter approach to supervision where similar offender types receive the same conditions and interventions. However, evidence-based practice tells us that by identifying and prioritizing risk and need factors and being responsive to individual traits, we can have a greater impact on reducing the number of individuals who keep cycling through the system. It is important to understand that there is great variance in why someone offends. For example, the reason why one person may join a gang is likely very different from the reasons another person may join. One may join because his family has, generationally, belonged to the gang while for another, it may be a question of safety due to where they live or go to school. The use of evidence-based practice shows us how to respond to each individual based on these differences, so that as probation officers, we can have more successful probation outcomes and generate long-lasting impacts on the probationers with which we work.

To truly be effective, principles of evidence-based practice should be reflected in agency policy and procedure. Staff needs to be trained in the theory behind the principles and on the

specific process for how the principles can be applied within their work. Finally, staff needs to know their performance will be assessed based on their application of these principles. This bulletin is not meant to be an exhaustive discussion of the risk, need, and responsivity principles of evidence-based practice but rather a cursory overview of the topic and to provide some tips for how these principles may be applied within community supervision. Tribal justice agencies and tribal probation officers should review other resources on evidence-based practices in community corrections and determine the most appropriate and realistic ways to implement these practices within their individual agencies.

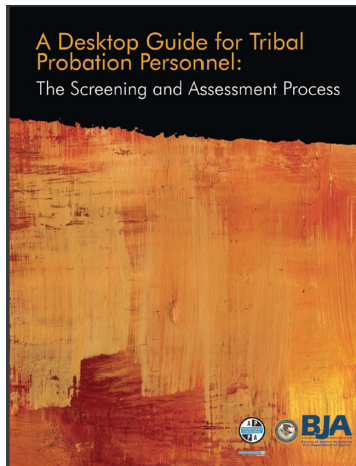
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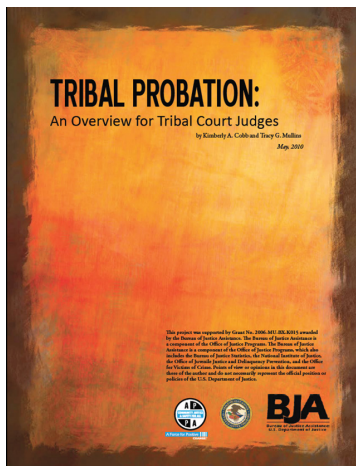
- Tribal Correctional Options Training & Technical Assistance Project
- Case Management Practices for Tribal Probation Personnel (*Motivational Interviewing, Engaging Families in the Supervision Process, and Case Planning*)
- Tribal Civil & Criminal Legal Assistance Training and Technical Assistance Project
- Tribal Capacity Building Training & Technical Assistance Project
- Tribal Probation Academy (*National Criminal Justice Training Center at Fox Valley Technical College*)

For information on these opportunities, contact Kim Cobb via phone at (859) 244-8015 or email at kcobb@csg.org.

ADDITIONAL RESOURCES FOR TRIBAL PROBATION PERSONNEL:



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