

SEPTEMBER 2021

Federal PROBATION

*a journal of correctional
philosophy and practice*

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By Don Hummer, James Byrne

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An Exploratory Study of Self-Report Levels of Social Support in Two Justice-Involved Groups

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Criminal Justice Focus

By Alvin W. Cohn

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PUBLISHED BY

The Administrative Office of the U.S. Courts

Judge Roslynn R. Mauskopf, *Director*

John J. Fitzgerald, *Chief*
Probation and Pretrial Services Office

Federal Probation ISSN 0014-9128 is dedicated to informing its readers about current thought, research, and practice in criminal justice, community supervision, and corrections. The journal welcomes the contributions of persons who work with or study defendants and offenders and invites authors to submit articles describing experience or significant findings regarding the prevention and control of crime and delinquency. A style sheet is available from the editor.

Federal Probation is published three times yearly—in June, September, and December. Permission to quote is granted on the condition that appropriate credit is given the author and *Federal Probation*. For information about reprinting articles, please contact the editor.

Subscriptions to *Federal Probation* are available from the Superintendent of Documents of the Government Printing Office at an annual rate of \$16.50 (\$22.40 foreign). Please see the subscription order form on the last page of this issue for more information.

Federal Probation can also be accessed online at no charge at www.uscourts.gov.

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THIS ISSUE IN BRIEF

Editor's Note: "Juvenile Focus," compiled twice a year by Alvin W. Cohn, has been renamed "Criminal Justice Focus," and its reach has been expanded to include the gamut of criminal justice topics.

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The articles and reviews that appear in *Federal Probation* express the points of view of the persons who wrote them and not necessarily the points of view of the agencies and organizations with which these persons are affiliated. Moreover, *Federal Probation's* publication of the articles and reviews is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System.

Higher Education and the Recruitment, Training, and Retention of Community Corrections Personnel in the Coming Era of Criminal Justice Reform

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THE CALL FOR reform in the criminal justice system is now full-throated (e.g., Gentithes, 2021). Widely publicized incidents of the mistreatment of primarily nonwhite individuals have led to an overall skepticism, if not outright distrust, of the entire justice process, particularly by nonwhite Americans (Kochal, 2019). It is nearly impossible to ignore reports in the media of defunding the police, addressing systemic biases in the justice process toward nonwhites, and ending mass incarceration. The summer of 2020 saw nationwide protests about police misuse of force in the wake of George Floyd's death and other incidents involving unarmed African-Americans (Ralph, 2020). In addition, there has been a move to target practices that support bias further along in the justice process, such as excessive bail (Monaghan, van Holm, & Surprenant, 2020) and risk assessment instruments resulting in disparate results for nonwhites (Vincent & Viljoen, 2020). How criminal justice is administered in the United States will be debated and scrutinized in coming years, and it is likely that the justice system will need to evolve in response to calls for change. The question becomes: What will the next generation justice system look like and what are the skill sets needed to make it work as designed?

One aspect of reforming the justice system that receives little attention is community corrections. This is curious considering that reinvention of offender treatment and control

will require an expansion of community corrections structures and direction of greater resources toward this entity that oversees justice-involved persons for the longest duration. Similarly, *who* staffs these positions will be as important as *which* policies are implemented. While the greatest focus is (and is likely to remain) on recruiting and training peace officers, identifying probation and parole officers who are committed to a rehabilitative ideal and preventing reoffending are paramount. Fifteen years after a detailed analysis of community corrections staffing and culture at the turn of the 21st century (and recommendations for moving forward) was produced by the National Institute of Corrections (Stinchcomb, McCampbell, & Layman, 2006), the attempts at reform can be described succinctly; they feed appearance but starve reality. This article examines a number of the points made in that report to determine whether progress has been made, and which course corrections are appropriate now, within the current debate on criminal justice reform in the United States.

Recruiting the Next Generation of Community Corrections Professionals—Who Should They Be and What Is the Role of Higher Education?

White males historically populated community corrections work, as they did most

components of the American justice process (Rosich, 2007). Two decades into the 21st century, women comprise a greater proportion of probation officers than men, and a majority of all officers are bilingual (zippia.com, 2021). The percentage of nonwhite probation officers increased steadily throughout the 2000s and 2010s, so that by 2018, probation officers who identified as nonwhite had increased from approximately 36 percent at the beginning of the 21st century to more than 40 percent (zippia.com, 2021). Toward the later decades of the 20th century, the primary focus of community corrections shifted, via a reimagined set of strategies placed under the umbrella term “intermediate sanctions,” to supervision of offenders and ensuring “community safety” (Byrne, 2008; Byrne, Lurigio, & Petersilia, 1992; Wodahl & Garland, 2009). Within such a model, probation and parole officers were incentivized to uncover violations and to initiate revocations of release or terms of sanctions, if for no other reason than to reduce the size of their caseloads. Irrespective of the reasoning behind these revocations, available data from the Bureau of Justice Statistics (BJS) demonstrate the steep increase in the percentage of new admissions to prison due to probation and parole violations (Corbett Jr., 2015). In the late 1970s, this figure was approximately 16 percent, increasing to 36 percent by 2008, and settling at 28 percent by 2018 (Deng, 2020). These numbers do not

include the revocations of probation or parole for individuals being housed in local jails (Deng, 2020). Other estimates that include all forms of detention indicate the percentage of those behind bars for probation or parole violations at 45 percent in 2017 (The Council of State Governments Justice Center, 2019).

Shifts in national demographics along with deliberate changes in recruiting tactics will all but guarantee that the next generation of community corrections professionals will be the most diverse ever. Unfortunately, in human terms diversity equals staff with a lived experience of bias and discrimination. These individuals will come into the field with a lifetime of accrued evidence implicating the justice system as a biased set of component parts. From police misuse of force to the disproportionate mass incarceration of people of color, new justice system personnel will come into organizations that are perceived by staff as in need of reform or dismantling. The implications are profound. The idea that younger individuals' perceptions of the legitimacy of the law and its agents are influenced by a number of social entities, including parents, has been empirically established (e.g., Wolfe, McLean, & Pratt, 2017). Will these same attitudes hold relative to the dismantling of these institutions? If the idea is widely held that systemic bias renders these institutions illegitimate, it stands to reason that these ideas will be internalized by the newest generation of justice system personnel, and they will be the catalysts for systemic change. Alternatively, it is possible that some recruits will see calls for systemic change as unwarranted, and view the attention given to reform as "fake news." This situation could result in a volatile workplace.

There is evidence from the analyses of students majoring in criminal justice to suggest that the new generation of justice personnel, including those working in community corrections, will be the most diverse in terms of gender identity, race and ethnicity, sexual orientation, and political ideology (e.g., Cunningham Stringer & Murphy, 2020; Gabbidon, Penn, & Richards, 2003). Demographic information on college and university students majoring in criminal justice demonstrates this change (e.g., Collica-Cox & Furst, 2019). Evidence is also found in empirical assessments completed in decades past (Austin & Hummer, 1994; Tartaro & Krimmel, 2003). However, even if the new generation is different in terms of background characteristics, the question lingers: What changes are necessary in the organizational

culture, given fundamental differences in how the role of the justice system is perceived in larger society, and the philosophy of punishment held, particularly by those endeavoring to enter the community corrections field? Any discussion of recruiting community corrections personnel is rooted in larger discussions of the philosophy of punishment as it applies to community supervision. Without a coherent and widely understood organizational mission, community corrections agencies will continue to recruit and acculturate new personnel "as has always been done," meaning the organizational culture will define the employee, as opposed to the inverse. Prior research has shown that students majoring in criminal justice trend higher on assessments of punitiveness (e.g., Farnworth, Longmire, & West, 1998; Mackey & Courtright, 2000; Ridener & Kuehn, 2017), though there are elements of the higher education experience that may offset previously held views (e.g., Calaway, Callais, & Lightner, 2016; O'Connor Shelley, Waid, & Dobbs, 2011).¹

To an extent, students who come to the criminal justice major represent national perspectives on the operation of the justice system. There certainly are those who come to the field determined to effect change in a system that is seen to have issues of legitimacy, but a larger proportion choose the major based on their perceptions of the role the system plays in American society. Over time, criminal justice majors have reported fairly consistent rationales for choosing the justice professions, such as the perceived excitement of the work (Krimmel & Tartaro, 1999) or exposure to the field by family members (Cunningham Stringer & Murphy, 2020). An enduring characteristic of criminal justice majors is the draw toward law enforcement as a career aspiration within the justice system. The majority of criminal justice majors have reported a desire to enter law enforcement dating back to the first programs in police science and administration of justice, while those endeavoring toward community or institutional corrections remain fewer, though that gap may be narrowing (Cunningham Stringer & Murphy, 2020).

Recruiting efforts that target candidates from spheres other than criminal justice students, or other than higher education at all, will undoubtedly focus on diversifying the

existing community corrections workforce. Historically, the perceptions of corrections personnel in general have been monochrome in terms of institutional legitimacy and purpose; specifically, community corrections philosophy has been entwined with and has followed that of institutional corrections (Lutze, Johnson, Clear, Latessa, & Slate, 2012). This has resulted in community corrections focusing more on offender supervision and less on the rehabilitative aspects associated with alternative sanctions. However, as calls to dismantle the mass incarceration apparatus become louder, this may be the inflection point needed for community corrections to disentangle from serving as the entity for post-release supervision primarily, and become the means by which a more just philosophy of offender management takes hold.

It is evident that community corrections has made the move toward "knowledge workers" and that this trend will continue, with the need for personnel with solid critical thinking skills a desired commodity (Stinchcomb et al., 2006). Certainly there is no shortage of such individuals with aspirations toward a career in the justice field, but what are the best strategies for matching specific applicants to agencies? Down which avenues for recruiting should community corrections proceed in order to attract workers who best exemplify a more desistance-based and support-focused approach to offender management? There is little doubt that the field will face recruitment challenges similar to those experienced by law enforcement agencies, particularly large urban departments (e.g., Morrow, Vickovic, & Shjarback, 2021). The question is: What will they do about it?

Students from academic disciplines such as social work, psychology, sociology, human development and family studies, and education may be better equipped for positions within a reimagined community corrections system. Sometimes labeled the "helping professions," for years there has been considerable overlap and cooperation between, for example, those working in juvenile probation and child protective services when working specific cases. These social service agencies frequently deal with the same client bases, but, perhaps out of necessity, approach them from different philosophies (i.e., assistance vs. control/oversight). An explanation for this difference of perspective may be the role justice system personnel play (oversight/supervision), though other agencies also play an oversight role (children

¹ It is possible that criminal justice majors need to be parsed out by career choice, since the subgroup of majors going into community-based corrections is likely to hold less punitive attitudes.

and youth services). The primary influencer that remains is organizational culture (see Cochran, Corbett, & Byrne, 1986). As a reaction to decades of increasing caseloads throughout the latter part of the twentieth century, community corrections adopted a more authoritarian stance relative to offender management, and a *laissez-faire* approach to violations, understanding that those who defied the terms of their sanctions would invariably also be involved in committing new offenses that resulted in arrest (MacKenzie, Browning, Skroban, & Smith, 1999).

Higher Education and Training the Next Generation—What Should They Know, and How Should They Learn It?

Organizational learning is often a complicated process in justice agencies. It is common for disconnects to occur between policies made by upper management and the translation of such policies to practice by middle managers and line staff (Kras, Rudes, & Taxman, 2017). A common question in organizational psychology is whether the organization changes the individuals that come into it, or if those who enter the organization change the culture. There is some evidence indicating that the role orientation of line personnel (e.g., “rehabilitative” vs. “community protection”) guides how the officers approach different offender supervision scenarios (Ricks & Eno Loudon, 2015). Establishing a specific organizational culture, then, is likely equal parts management and recruiting, and culture change in corrections is a significant undertaking that often requires a multi-phase approach sustained over an extended period of time (e.g., Byrne, Hummer, & Taxman, 2008; Cochran et al., 1986; Rudes, Portillo, & Taxman, 2021). One way to bring about change is to look to different constituencies to bring into the organization. In the previous section, new employees’ educational and demographic characteristics were discussed as they pertained to a new era of community corrections. A concept such as educational background may be further refined in terms of the “type” of college graduate an organization wishes to pursue. For example, does an agency prefer the “well-rounded” liberal arts graduate who thinks holistically about problems and solutions, or does it desire a graduate well versed in the foundations and policy directives of corrections (Stinchcomb et al., 2006)? Apart from needed competencies or desired organizational culture, there

is no way to label one type of potential employee as “better”; instead each brings a specific set of learned skills and perspectives to the organization. Community corrections line staff are the critical link of the offender management chain who, on a daily basis, make a series of micro-level decisions in uncertain environments that can have significant ramifications for the organization (Kras, Magnuson, Portillo, & Taxman, 2019). If line staff lack confidence in management or the agency culture that develops operational strategies, there is a low probability of those line staff consistently making the most appropriate decision in any given offender management scenario.

Reading the 2006 NIC report, it becomes clear that the supervisory and public safety aspects of community corrections work were prioritized for organizational learning. In Pennsylvania, for example, when discussing the impending retirement of over 40 percent of parole agents and supervisors in the Commonwealth, a director at the Pennsylvania Board of Probation and Parole discussed the agency’s strategy for dealing with the high rate of turnover (Stinchcomb et al., 2006). Within that discussion, “supervision” of offenders and size of “caseloads” were mentioned twice, “public safety” once, and “training” was referenced three times (Stinchcomb et al., 2006). No mention was made of staunching the cycle of reoffending, providing services to offenders on caseloads, or lessening the impact of barriers to reentry, among other rehabilitative ideals. This demonstrates a fundamental blind spot in organizational focus that is prevalent nationwide. The overwhelming number of justice-involved adults and juveniles with criminogenic needs such as mental illness, substance abuse, and histories of abuse and neglect require community corrections personnel who are knowledgeable about how to assess these problems and about the impacts of these risk factors on subsequent behavior and rehabilitative strategies (Byrne & Miofsky, 2009).

Managing such client caseloads calls for a wide-ranging knowledge base regarding human development and behavior, as well as an inherent empathy to recognize the source of behaviors. Such officers will likely view those offenders with mental health issues with lower levels of stigma (Tomar, Ghezzi, Brinkley-Rubinstein, Blank Wilson, Van Deirse, Burgin, & Cuddeback, 2017). Further, some evidence has shown that probation officers who employ cognitive

intervention techniques with those on their caseloads have clients with lower rates of reoffending (Bourgon & Gutierrez, 2012; Taxman, Pattavina, Caudy, Byrne, & Durso, 2013).

The General Responsivity Principle of the Risk-Need-Responsivity Model (RNR) or the Effective Practices in Community Supervision (EPICS) strategy developed by the University of Cincinnati Corrections Institute (Smith, Schweitzer, Labrecque, & Latessa, 2012), as examples, can be incorporated into the training regimen for new officers. It is especially helpful if those entering community corrections already possess an understanding of cognitive behavioral interventions, criminogenic needs, and developmental psychology. These are concepts that may or may not be covered in criminal justice curricula. More recently, specific strategies have been developed for the supervision of sex offenders (Newstrom, Miner, Hofer, Hanson, & Robinson, 2019), those with personality disorders (Brown, Beeley, Patel, & Völlm, 2018), and learning disabilities (Townsend, Henry, & Holt, 2020).

Implementation of community corrections practices aimed at reducing rearrest for these specific populations take an agency-wide commitment to evidence-based practices in line with a Risk-Need-Responsivity model (Viglione, Alward, & Sheppard, 2020). The justice field is littered with well-intentioned efforts at strategic changes that are waylaid by actors within the organizational culture resistant to innovation (e.g., Byrne et al., 2008; Cochran et al., 1986; Cohen, 2017). Recognition of the obstacles to organizational innovation from outside actors is critical as well. Training of community corrections personnel must also account for attitudes and perspectives held by justice-involved individuals (e.g., Wright & Gifford, 2017) and the general public. Based on its legacy of systemic bias, many of those enmeshed in the system view the justice process with cynicism and afford it no legitimacy (e.g., Wesley & Miller, 2018). Thus, even strategies designed to benefit those in the system may be viewed skeptically by offenders, and fail to produce desired results. Overcoming these obstacles requires community corrections staff that recognize the complex set of factors that result in the commonly held beliefs of many offenders. An apropos analogy of this idea to current circumstances is the rationale behind the reluctance of some Americans to receive the COVID-19 vaccine, even though evidence demonstrates it to be safe; federal, state, and

local governments have encouraged vaccination; and the consequences for not getting vaccinated are potentially life-threatening² (Sallam, 2021).

Retaining the Best— Incentivizing a Career in Community Corrections and Making the Work Meaningful

It is important to consider that as core correctional institutions change their organizational focus from surveillance and control to support and assistance (see Byrne, Lurigio, & Baird, 1989), the types of individuals that will be attracted to working in the field will likely change as well (e.g., Hepburn, 1989). As discussed previously, examinations of corrections personnel with university degrees have shown some evidence of lower job satisfaction (e.g., Armstrong, Atkin-Plunk, & Wells, 2015; Jurik, Halemba, Musheno, & Boyle, 1987; Robinson, Porporino, & Simourd, 1997). This could be due to community corrections moving away from a rehabilitative ideal and focusing primarily on supervision, monitoring, and sanctioning violations of release. Further, there is the generally accepted claim that community corrections does a better job of preventing recidivism, and those that go into community corrections work may see this as a primary occupational goal. However, Cullen, Lero Jonson, & Mears (2017) contend that this claim is largely speculative, and the available evidence shows recidivism rates remaining fairly stable for decades; thus community corrections staff may experience frustration when they see that their work is not achieving imagined ends. If organizational goals are framed as reducing recidivism or reducing crime overall, line staff may feel as if their efforts are for naught, given the intractability of reoffending.³

Probation and parole agencies are typically

unable to offer financial incentives to employees to raise their job satisfaction levels, as salaries for probation and parole agents are typically higher than for other justice system actors, perhaps due to the higher likelihood that community corrections workers possess college degrees. These workers have a fundamental occupational role to match the right supervision and service to the right individuals at the right time, and endeavor to make a difference to those with whom they work and to society in general (Ziedenberg, 2014). The realities of community corrections work can sour these ideals, make employees feel that what they do has no tangible impact (particularly when the same offenders are under supervision repeatedly), and lead to occupational stress and burnout over a relatively short period of time (e.g., Rhineberger-Dunn & Mack, 2019). Specifically, job stress and employee disillusionment are likely to occur in human service fields that are unable to implement effective strategies and best practices because of ineffective leadership, limited resources, or a negative organizational culture (Toronjo, 2019). According to Stinchcomb et al.'s (2006) report, substantial differences exist between generations of community corrections personnel in terms of how they view their roles, how the justice system should operate, and what components of the job are most attractive and meaningful. Therefore, even if individual organizational cultures are intransigent, turnover in the community corrections workforce will demand a shift in focus if for no other reason than to retain employees. Agencies will need to adapt in order to replace the large number of current personnel who are approaching retirement age, and recognize that the next generation(s) of community corrections workers will view their work through a different lens than their predecessors. For example, Millennials may prioritize flexibility, purpose, and work/life balance over teamwork and job security (Stinchcomb et al., 2006).

Toronjo's (2019) work provides an example of how training new community corrections workers could inadvertently disillusion those entering the field with particular views of community corrections' purpose. Even within an RNR model, the rationale is often presented as crime prevention and recidivism reduction, which automatically creates a nebulous vision for the organization given the inherent difficulties in achieving either goal. Preventing crime is also a goal disconnected from the philosophy behind RNR models themselves (see

Maruna, 2017). Therefore, poorly conceptualized foundations for training are confounding good intentions before they have a chance to get underway. A disjunction between an agency's stated mission and goals and the reality of the work performed within that agency produces an environment in which it is difficult for managers to lead and motivate line staff (Kras et al., 2017).

This situation can potentially lead to a rift forming between supervisors and officers, particularly if older workers in management positions hold different views than those newly entering the organization. Such a disjunction between management and staff in corrections can easily lead to a dysfunctional organizational culture, which in turn has negative consequences for both employees and clients (see Byrne et al., 2008). Poor leadership in corrections, then, is a fundamental impediment to recruiting and retaining employees (McVey & McVey, 2005), particularly those that possess desired core competencies such as analytical and critical thinking skills, the ability to be flexible, and the ability to motivate offenders (Stinchcomb et al., 2006).

The immediate future portends a shortage of community corrections workers in the United States. The "graying" of the workforce, the increased use of community-based sanctioning, and the perception of corrections work as less desirable compared to law enforcement likely mean that agencies will face staffing issues, if they are not already. The problem will be exacerbated in the United States if the current net widening of community supervision continues via growth in private companies' share of the probation market (see Byrne, Kras, & Marmolejo, 2019). The use of the private sector to provide probation services in the United States, though not at the same levels yet, is trending toward those of the United Kingdom, where approximately 70 percent of its probation population was under private-sector management (Byrne et al., 2019), until the recent COVID-19 pandemic forced systemic change (Rapisarda & Byrne, 2020). These potentially dire issues have not received the appropriate scholarly attention, nor is there a holistic plan for addressing them from within the field. This is especially pertinent for recruiting and retaining nonwhite community corrections personnel, where available evidence suggests that these recruits are attracted by the notion that community corrections would take a culturally sensitive, restorative approach to offender management (e.g., Morven & Cunningham, 2019), and not

² In the United States, the Centers for Disease Control recently announced dramatic differences by age group in the rates of adults who have received at least one dose of a COVID-19 vaccination. Further, among younger adults, the least vaccinated are nonwhite. See Diesel, Sterrett, Dasgupta, Kriss, Barry, Vanden Esschert, Whiteman, Cadwell, Weller, Qualters, Harris, Bhatt, Williams, Fox, Meaney Delman, Black, & Barbour (2021).

³ It is important to note that role conflict is found in many occupations and is not necessarily detrimental, particularly in positive organizational cultures. Community corrections can function in a dynamic manner based on contingencies, with officers adopting a more "enforcement-oriented" stance or a "social work" orientation depending on individual circumstances. See Clear & Latessa (1993).

simply be a cog in a larger machine designed to process caseloads with the greatest efficiency or for the lowest dollar amounts.

Conclusion

Criminal justice agencies and programs of higher education need not respond to every potential trend in the discipline—to do so would mean revamping policies and curricula almost in perpetuity. However, the justice system in general, and community corrections specifically, are in the midst of a paradigm shift away from a carceral approach to offending and toward a rehabilitative/restorative perspective that will require personnel to approach their work differently. Regardless of the backgrounds of those coming into the field, they need to be open to an RNR-based approach to working with offenders in the community, and agencies must adapt to incorporate best practices based on empirical findings. Further, community corrections must hear and respond to calls from the public to be part of a more humane and unprejudiced justice system. In order to have the most diverse community corrections workforce, in terms of background characteristics and skill sets, preferred candidates must be convinced to apply. This problem has remained fundamentally unchanged since the publication of NIC's report (Stinchcomb et al., 2006), and is likely even more of an issue at present as criticisms of the justice system increase from all corners. This society-wide critical view of the justice process is likely to have significant ramifications for recruiting and retaining the most suitable applicants for community corrections work.

Within higher education, this shift in perspective may require a difficult self-critique of curricula and educational strategies that have been practiced by criminal justice/criminology programs for decades. For example, most undergraduate programs approach criminological theory in a specific manner (e.g., from a chronological or "school"-based perspective) and detail the subfields of policing, courts, corrections, juvenile justice, etc. from a historical and systems perspective that is often abstracted from the prevalent attitudes of the time periods when the justice process was developing. Put simply, the criminology or criminal justice major has not been established as the most suitable preparation for a career in the justice field (e.g., Huey, Peladeau, & Kalyal, 2018). Criminology and criminal justice programs should look to the positive aspects of majors in other social service/

human service disciplines and amend content in their own coursework to incorporate aspects of university education that best prepare to work with the offending population.

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Reentry Challenges During a Pandemic: An Examination of NJ S2519 from the Perspectives of Community Organizers

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THE COVID-19 PANDEMIC has had significant effects on those incarcerated in U.S. prisons. Incarcerated people have more comorbidities and less access to healthcare compared to nonincarcerated people, making them particularly vulnerable to illness and death associated with the virus (Hawks et al., 2020). As the pandemic has progressed, people in U.S. prisons have found it difficult to effectively socially distance (Henry, 2020), increasing their risk of contracting COVID-19 in custody and making it more difficult to control the spread, leading to reported outbreaks in prisons and jails across the country (Hawks et al., 2020).

The disparate impact of COVID-19 on incarcerated populations has led many

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³ *Acknowledgements:* The authors would like to thank the interview participants for sharing their perspectives, as well as Todd Clear and Chase Montagnet for their invaluable input and comments on the final draft of this paper. The authors would also like to extend thanks to the New Jersey Department of Corrections, New Jersey State Parole Board, and Office of New Jersey Governor Philip Murphy for their comments, which were integrated into the writing of this manuscript. Finally, the authors would like to extend our deepest gratitude to Arnold Ventures for funding this research.

jurisdictions, including the state of New Jersey, to take unprecedented steps to reduce the number of those incarcerated in their prisons in an attempt to curb infection and fatality rates (Heiss et al., 2020). According to the office of New Jersey Governor Phillip Murphy, the COVID-19 death rate in New Jersey prisons was the highest in the country (State of New Jersey, 2020). In response, Governor Murphy signed bill NJ S2519 into law in October 2020, which has allowed certain individuals incarcerated in the New Jersey prison system to be released up to eight months early through “public health emergency credits.” The bill applies to anyone with one year or less on their sentence, including juveniles, but excluding people incarcerated on charges of murder, aggravated sexual assault, and repetitive compulsive sex offenders.

The first major release resulting from NJ S2519 was on November 4, 2020, when 2,088 individuals were immediately released from incarceration. Of the 2,088 released, 965 were discharged to parole. An additional 1,450 individuals were also discharged from parole. Representing one of the largest mass release events in U.S. history, thousands of people reentered New Jersey communities after years or even decades behind bars, encountering an unfamiliar world shaken by a global pandemic.

Even in pandemic-free times, reentry has traditionally posed significant logistical

challenges for releasees as they begin to navigate life outside prison (Petersilia, 2003). Prior research has found that they often face problems ranging from the immediate need to determine where to sleep on the night of release and how to access necessary medication and stay well despite heightened mortality rates in the first two weeks post-release, to such long-term needs as finding permanent housing and employment (e.g., Binswanger et al., 2007; La Vigne et al., 2008; Pager, 2003; Petersilia, 2003; Roman & Travis, 2006; Travis, 2005; Wilson, 2009). Challenges often stem from individuals’ struggles to gain access to services and essential tools to operate in society after release, such as not having a valid government-issued identification card or access to prescribed medications (Chang et al., 2016; La Vigne et al., 2008; Moschion & Johnson, 2019; Roman & Travis, 2004).

Preparation services inside prisons often assist with issues surrounding reentry (Pager, 2003; Petersilia, 2003). In the current context, correctional authorities in New Jersey have long recognized the importance of release preparation; over the years, they have developed a prerelease protocol that integrates the most pressing needs related to housing and health care, as well as providing basic documents required for entering the job market. The protocol, which involves coordinated efforts with state agencies external to the correctional system umbrella, begins as much

as six months prior to a scheduled release date. Experience has shown that a prerelease system, in order to be universal, must be flexible enough to deal with frequent changes in release dates and conditions that occur in a typical prerelease correctional population (for information on release preparation in New Jersey, see NJ DOC Office of Transitional Services, 2021).

Unsurprisingly, the pandemic put unprecedented pressure on the release systems developed by the state. Health care partners in New Jersey have been stretched thin by the demands of the pandemic. State offices handling routine services closed, and state employees stopped working from offices. Procedures that used to be regularized around a predictable schedule were disrupted by delays and reduced capacity. The pandemic proved a catastrophic challenge to correctional program resources already strained by the internal pressures caused by the pandemic. In New Jersey, already sorely stressed, a prerelease planning function used to release a few dozen people each week was overwhelmed by the impending release of more than 2,000 people on a single day. Correctional authorities employed unprecedented strategies to try to coordinate the multiple state agencies involved in release planning, but their ability to do so faced enormous constraints (for more information on COVID-19 and the Department of Corrections in New Jersey, see NJ DOC COVID-19, 2021).

When the state releases people from incarceration under such constraints, those that work at community organizations often step in to provide assistance as they reenter the community (Pager, 2005; Pager, 2003; Petersilia, 2003). Community organizers who provide reentry services can help releasees gain employment, obtain government identification, sign up for healthcare and benefits, and access housing (Victor et al., 2021; Visher et al., 2017). Community organizers are acutely aware of the pressing challenges of returning individuals because they work directly with them to address their needs; through their work, organizers are known to acquire nuanced knowledge of released individuals' priorities for release and the potential barriers they face in achieving these goals (Petersilia, 2003). Ultimately, community organizers are considered an immensely useful resource to better understand reentry issues and the needs of individuals returning from incarceration (Petersilia, 2003).

On the November 4 release day, community

organizers from around New Jersey collaborated to assist the 2,088 individuals reentering their communities from incarcerated settings. Given their roles as critical support mechanisms, these community organizers represent valuable sources of information about reentry challenges that presented on release day and beyond. The current study examines reentry under NJ S2519 from the perspectives of a sample of these New Jersey-based community organizers who met with and provided services to individuals during this mass release. Researchers conducted interviews with them to gain an understanding of how community organizations assisted those returning home from prison as a result of NJ S2519, as well as the types and nature of release day challenges and reentry issues that they encountered as part of reentry service provision.

This article is limited to community organizers' perspectives on needs of releasees, and therefore does not provide a comprehensive overview of the preparation efforts made by other system actors, including state agencies. Instead, these interviews highlight a series of "lessons learned" those being released under these circumstances to help inform future decisions about release planning and preparation.

Methodology and Analysis

Researchers conducted semi-structured interviews with 16 New Jersey-based community organizers affiliated with 9 organizations located geographically throughout the state. Some interviewees were reentry service providers, while others primarily advocated on behalf of incarcerated persons, but all interviewees provided services to releasees on the November 4 release day. After securing a list of community organizers who provided services on November 4, the research team emailed each organizer a request to take part in the study, resulting in a response rate of 100 percent. As incentive for participation, each community organizer was offered a \$25 gift card. Anecdotally, most interviewees noted that they intended to pass the gift card along to a recently released person or purchase items to support reentry work. Interviews took place in December 2020 and early January 2021.

Initial questions asked interviewees broadly about the services and supports that they provided to releasees on November 4. The interviews then became more targeted, with questions pertaining to challenges that released individuals faced on release day and how to best support those returning.

Researchers also asked community organizers about long-term reentry challenges that they have seen or foresee this population encountering, as well as their opinions of the NJ S2519 legislation.

Each interview was audio recorded, deidentified, saved on a secure server, and later examined using thematic analysis (Lofland et al., 2006). Once all interviews were completed, researchers reviewed each interview to identify emergent themes across interviews. Emergent themes included key reentry issues and release day challenges. To ensure inter-rater reliability and consistency in interpretation, researchers conferred using dialogic engagement as they reviewed the interviews (Guba, 1981). After researchers identified key issues and challenges, they reviewed their interviews as well as selected interviews that the other researcher had thematically analyzed to confirm the identified themes were representative across the interviews. Once emergent themes were confirmed, researchers used themes to frame study findings and returned to interviews to select quotations that identified each reentry issue or challenge.

Finally, we should note that the relationship between many community service providers who deal with people in reentry from prison and the state officials responsible for preparing them for release is not always a good one. Service providers typically tend to act as advocates for the formerly incarcerated, potentially seeing all the ways that state correctional officials fail to prioritize release readiness for their clients. State officials, for their part, might feel that the unceasing, day-to-day demands of running institutions are undervalued by those who do not share in that responsibility. Ultimately, our analysis is offered with that understandable tension as a backdrop, and with the recognition that what respondents conclude about the implementation of NJ S2519 is, in part, a product of their role in dealing with its consequences.

Results

Interviews began with community organizers describing the events of the November 4 release day and their interactions with releasees. From early morning until late evening, community organizers were stationed at transit centers and halfway houses to provide coffee and homemade masks. Volunteers also provided information about a reentry hotline that had been created to support individuals returning home. Some releasees needed additional assistance, and organizers provided specific

support, which included helping them find their destinations on unfamiliar transit systems and explaining how to operate a smartphone. Volunteers also helped releasees contact loved ones and answered their questions about the COVID-19 pandemic. In addition, community organizers helped reduce the fear and anxiety surrounding reentry and welcomed releasees home by celebrating their release and reassuring them that they have caring people “in their corner.” Overall, community organizers recounted that releasees expressed appreciation for the help and, perhaps more importantly, the human outreach.

In the interviews, community organizers described the issues that released individuals faced on November 4, how preparation could have alleviated those issues, and reentry needs that they expected would continue to pose challenges to those recently released. Five main issues emerged from the interview analysis: identification cards, prescription medications, housing, accessing services, and communication. The issues, as well as related successes, are detailed below. Several community organizers noted that these challenges were consistent with problems faced by those leaving prison at any given time and were not unique to the November 4 releasees. Community organizers stated that they hoped that this research will bring attention to long-standing reentry issues and create demand for them to be addressed, both during and outside of a pandemic.

Issue I: Identification Cards

Many of the community organizers expressed frustration that most November 4 releasees were released from prison without proper identification that is necessary for “life outside.” Several community organizers stated that government-issued, non-Department of Correction (DOC) identification (ID) cards were promised as a key part of the NJ S2519 release day planning, and a few hundred releasees were indeed provided with proper identification prior to release. The fact that some releasees received valid IDs was a marked improvement from the normal release protocol, in which releasees have only a DOC ID that is not considered valid or accepted in most settings. However, the majority of November 4 releasees left prison with only a DOC ID card. Community organizers commented about the serious problem the lack of correct identification can pose upon release.

Valid identification is necessary to obtain temporary and long-term housing, cash

a check, open a bank account, and prove employment eligibility; it also unlocks access to healthcare, health insurance, and other benefits. For example, with only a DOC identification, releasees are most often unable to access whatever little funds they have upon release. The remainder of releasees’ commissary balances were provided to them in the form of a check, but they were unable to cash the check at a bank without appropriate ID. Some people received their commissary balance in a prepaid debit card, which also proved difficult to use without proper ID. Some community organizers also noted that a DOC ID would necessarily announce one’s status as a formerly incarcerated person. As one community organizer stated: “It [the DOC ID] is like one of those scarlet letters.... It identifies for the social services people, you are working with someone who is coming out of prison, who has been convicted of a crime.... That identification card [the DOC ID] is worse than nothing.”

Finally, community organizers noted that the challenges associated with not having a government-issued, non-DOC identification card are likely underestimated by those on the outside who already possess necessary identification (a common refrain: “you need ID to get ID”). The difficulty of navigating bureaucratic requirements can be compounded when a pandemic slows government operations.

Recognizing these barriers, some interviewees expressed the opinion that they believed the state should have provided valid identification that can be used outside prison. The need to provide proper identification appeared to be a recognized concern of the state as well, since it had been promised as part of the planning process. Community organizers expressed frustration that valid identification cards were an “unkept promise,” leaving releasees to navigate procuring identification and to experience the difficulties of not having proper identification, all during a pandemic.

Issue II: Prescription Medications

Community organizers also expressed concerns about releasees’ access to prescription medications. Access to proper medication, especially for individuals managing chronic physical or mental health conditions, is a baseline need associated with successful reentry. According to community organizers, a one-month supply of prescription medications was promised to all releasees. In the end, however, many people reported that they were released

with only two weeks of their prescription medications, instead of the larger supply that they were expecting. Organizers thus noted that medication, like government-issued, non-DOC identification cards, was another case of a “promise not delivered.”

As is often the case upon release, it was not always clear to releasees how they would be able to secure prescription refills when their supply ran out. Community organizers emphasized that releasees have a higher risk of death during the first few weeks after release from prison compared to later on in their reentry trajectory, and therefore providing only a two-week supply may have disrupted releasees’ health and well-being at a crucial time.

Interviewees expressed frustration that an administrative oversight added to the reentry issues awaiting releasees and potentially compromised their physical and mental health. Continuity of medical care is a problem for recently released people, who may not be fully enrolled in Medicaid or other health insurance. In addition, a lack of proper identification can make enrolling in health insurance an uphill battle. Navigating reentry without identification and while balancing other priorities, such as food and shelter, may lead to weeks or months of delays in obtaining the documentation necessary to secure essential healthcare services, such as prescribed medications to manage chronic health issues. From the organizers’ point of view, the promised supply of prescription medications should have been relatively easy for the state to provide. As one community organizer stated, “The drivers’ licenses and the prescriptions are some of the ways that we could have made this mass release much less painful.”

Issue III: Housing

Community organizers also noted that released individuals often had difficulties securing both immediate short-term shelter and long-term permanent housing. Housing had been a concern for releasees long before their November 4 release date, but interviewees agreed it was not adequately addressed preceding the mass release. Almost all community organizers referenced this issue, stating that government actors did not adequately prepare for the housing needs of releasees.

A common sentiment was that government actors knew that housing was going to be a key concern, and took steps to provide temporary housing, but still neglected to acknowledge the full scope of the issue and

take action to alleviate the potential challenges that releasees might face. The lack of preparation to meet expected housing needs led to complications on release day and beyond. As one community organizer stated: “There were a couple individuals who had nowhere to go. They were like, I found out I was being released and they told me to pack my stuff and I’m just here now.”

Community organizers noted that the pandemic has made housing a more crucial need than before. Interviewees noted that housing is critical in reducing the spread of COVID-19, and that a reliance on shelters increased the risk of contracting COVID-19 among releasees, given the close quarters. In addition, organizers pointed out that shelters were operating at reduced capacity to conform with social distancing guidelines and did not have enough space for those in need. Unfortunately, the reduced capacity left releasees with fewer housing options.

To address the critical need for housing, the state provided temporary housing assistance, for example, paying for short-term hotel stays for some releasees. While transient housing may fill the need to find a place to sleep on the night of release or for a short time after, many organizers felt that it may have only prolonged the problem of securing more permanent housing. For example, one community organizer expressed frustration that paying for hotel rooms selectively would leave individuals unsheltered when rooms were no longer provided:

If you are going to buy a hotel room for 30 days, I think it would be better just to... put some money toward a first month's rent or security deposit or to show good faith to a family member that you have a starting place.... It's really hard for people to then transition from nothing to nothing.

Organizers noted that it might be better if the state instead applied funds to help releasees secure long-term permanent housing. Permanent addresses allow individuals to access services and to “start their lives on the outside.” Yet, they did appear cognizant that policymakers may be averse to providing cash assistance in good faith that it will be used to address housing needs, given the potential for releasees to use cash for other reasons (e.g., buying alcohol or personal goods) and logistical issues with providing checks (i.e., they are difficult to cash without valid identification).

Even still, organizers lamented that despite the advantage of purchasing hotel rooms—making it easier to ensure funds are used for housing—doing so leaves releasees without options when their hotel stay expires.

Issue IV: Accessing Services

In addition to accessing healthcare and housing services, community organizers noted that recently released individuals experienced difficulties accessing employment services, social services, and other programs. One major concern was the sheer number of releasees. To streamline a system to address releasees’ challenges, several organizations collaborated to create a “welcome home” reentry hotline. Upon arriving at the train station on release day, released individuals were given a flyer with the hotline number.

The hotline was a useful tool because releasees could access the hotline as needed to obtain information and connect to services. One community organizer noted that the hotline has been used quite frequently and has proved useful in getting releasees connected to resources, such as employment services. However, helping releasees acquire work proved difficult. Organizers noted that the massive influx of releasees needing employment services was a challenge not only because of their numbers but because the number of jobs available was far fewer than normal due to the negative economic impact of COVID-19. As one community organizer stated: “The most hard thing right now is employability... You have to come out and navigate a world where everything is shut down...how do you search for a job during a pandemic...where are the jobs?”

Due to the pandemic, many office locations, including social services and employment offices, had gone remote, become “by appointment only,” or were unavailable. One community organizer noted that many services were operating at reduced capacity, which delayed the distribution of services. As many released individuals rely on these critical services, delayed access exacerbated many of the issues they were already facing. Last, community organizers noted that recent releasees had difficulty trusting government and other service providers. Mistrust and reluctance to services may have been exacerbated by service delays.

During a pandemic and in an era of remote service provision, organizers stated that being at the train stations and providing in-person direct services was meaningful.

One community organizer noted that they provided homemade face masks, and another organizer said they provided cigarettes and coffee. Others described showing individuals who have been in prison for decades how to navigate a smartphone. Organizers described explaining the transit system and directing releasees to their destinations. Community organizers articulated that they served as essential tools in distributing information and sending people in the right direction to meet their loved ones or to catch the bus. In their eyes, the ability to disseminate information, provide support, and greet releasees with a smile was essential.

Issue V: Communication

One recurring theme expressed by community organizers in this study was communication difficulties that left service providers uninformed of some of the individuals being released. According to interviewees, DOC met with some community organizations, but not with all organizers who provided services on release day and who were interviewed for this study. Community organizers suggested that the DOC may have been more forthcoming with organizations with whom the agency had a more formal relationship; however, organizations unaffiliated with DOC had little to no contact from DOC, and organizers expressed the feeling that their efforts were not supported by the department.

Community organizers also felt that, prior to and on the day of release, the DOC did not provide enough information to families and communities, which created unnecessary emotional distress. Days before the release date, some families remained confused about whether their loved ones would be released. The lack of communication also made it difficult for community organizers to prepare for release day, leading to inefficient use of resources and exacerbating existing challenges for releasees, families, and organizers.

Community organizers found it difficult to get information about who would be released and where to show up on release day to best support them. Community organizers noted that they were prevented from connecting directly with releasees before release day and therefore unable to provide reentry preparation, even though they felt best positioned:

Giving advocacy groups like ours who are actually connected to the family members and who have a proven track record of grassroots...that is important if we stop

seeing this as an adversarial issue and we start seeing this as a community effort.... Most people who go into prison are coming back into our communities.

Ultimately, community organizers felt that release day was “unnecessarily unorganized,” and attributed the disorganization to a lack of communication and collaboration. As one community organizer stated, “They [DOC] were overwhelmed. They were swamped. But they [DOC] were only overwhelmed and swamped because they did not want to sit down and talk to people like us.... It was that lack of collaboration.”

Discussion

Capitalizing on community organizers’ unique proximity to the releasees, the current study explored reentry issues and release day challenges during a pandemic through interviews with organizers who provided much-needed support on the November 4 release day. Community organizations are known to be key support mechanisms during reentry and are well attuned to releasees’ needs and challenges (Victor et al., 2021). Consistent with the literature, community organizers provided essential services and supports to those individuals released from incarceration during the pandemic under NJ S2519.

While the legislation was successful at addressing prison overcrowding, it also highlighted many long-standing problems associated with reentry. Aligned with previous research, data indicate that identification cards, prescription medication, housing, and accessing services were top-of-mind for both community organizations and individuals leaving prison on November 4. Organizers also expressed that communication difficulties related to release day impeded effective reentry planning that might have addressed many of these other top-of-mind issues.

Overall, as release day challenges can exacerbate barriers and affect the capacity of released individuals to be successful in reentry (Petersilia, 2003), community organizers expressed concern that the immediate needs of releasees on day one of reentry were not addressed. Indeed, individuals with access to stable housing, healthcare, financial support, and family ties are more likely to be successful in reentry (Travis, 2005; Petersilia, 2003). As many individuals released on November 4 had no or little access to these support mechanisms, findings suggest that they may face an uphill battle to both short-term and long-term

successful reentry. These issues, as described by organizers, appear to be exacerbated by the pandemic and the issues it has caused across social services, health care, and other resources across New Jersey.

Released individuals might also be better equipped to enter a world that has likely substantially changed during their incarceration. Findings indicate that appropriate preparation might include training on use of smartphones, resources on navigating the transit system, and in the current world, preparation for unique challenges that they may encounter due to the pandemic. Further, in order to maximize success, releasees must have their basic needs met, as well as the identification and healthcare requirements necessary in order to “get by” in contemporary U.S. society. Finally, data also highlight that reentry planning in New Jersey fell short under NJ S2519 and, even when the health care emergency is declared over, that many of the problems experienced during reentry should be further explored and addressed.

Yet it is important to note the many successes that community organizers observed on release day as well. For example, small acts of assistance such as providing a smile, a coffee, and helping to navigate a smartphone appeared to make a significant difference to newly released individuals. To interviewees, welcoming the releasees home and providing human connection at a critical moment was an important role as well as a fulfilling experience. While they were happy that the release was happening and that they were able to provide support, organizers remained concerned about the unmet immediate needs and long-term well-being of releasees.

This study has limitations. Particularly, the data and views presented here are confined to the perspectives of community organizers. Other voices, including those of formerly incarcerated people released under the bill, will be essential to fully understanding the impact of legislation that results in mass releases. Future research aiming to evaluate the challenges and successes of legislation like NJ S2519 should incorporate perspectives from formerly incarcerated people released under the legislation, policy makers involved in the crafting of this legislation, and institutional actors involved in implementing such policy changes. Currently, funding sources are supporting such research aiming to incorporate these varied perspectives to better understand release issues and strategies to improve reentry outcomes in the long term.

Ultimately, as individuals are released back into their communities, whether their needs are met makes a significant difference to their reintegration as well as to those living and working in the communities they reenter. This research suggests that coordination and policies to prepare individuals for release and meaningful support in reentry likely can maximize positive release outcomes and prevent future incarcerations, preventable deaths, and other adverse outcomes both during and outside of a pandemic setting.

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Four Thousand Voices: Self-Reported Barriers to Reentry

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IN 2005, A MAN addicted to cocaine walked into state prison, leaving behind a job, a family, and a less than ideal peer group. Fourteen years later, following completion of his sentence, he was released into a changed world and faced the fact that those released from custody recidivated 66 percent of the time (Langan & Levin, 2002). This high likelihood of a commission of a new crime is driven by several barriers that those reentering society face. Saddled with a felony conviction, a drug addiction, a lack of education, and a strained relationship with his family, this man struggled to find employment and reestablish positive relationships.

This man is not unique. Each day, hundreds of thousands reenter society across the country following a felony conviction (Hughes & Wilson, 2003). Each face their own set of challenges (Visher & Travis, 2011). Typically, on parole or probation, their worlds have changed dramatically as they struggle to successfully reestablish themselves in their communities (Travis, 2005; Iwamoto et al., 2012). The perceived and real obstacles they must overcome, as they assimilate back into society, are often daunting.

Five in six (83 percent) individuals who spend time in prison are arrested for a new crime at some point following their release from incarceration (Alper, Duruse, & Markman, 2018). Four in nine (44 percent) are arrested at least once within a year of release (Alper, Duruse, & Markman, 2018). These numbers are staggering and reflect

the extraordinary challenges individuals face when reentering society. They also account for a significant amount of the crime that communities experience (Hunt, Iaconetti, & Maass, 2019; Moffitt & Caspi, 2001; Stattin & Magnusson, 1989). As a result, society has a strong interest in helping these individuals succeed. To do that, those engaged in this effort must understand the actual and perceived challenges that reentrants face.

Drug addiction, antisocial peers, difficulty in obtaining employment, and a limited education have been identified as specific challenges faced upon release from incarceration (Travis, 2005; Mears & Barnes, 2010; Wilson & Petersilia, 2011; Delgado, 2012; Hinton, 2016). More specifically, upon reentry, many returning to the community are ready and willing to put in the work to obtain a reliable job (Cook et al., 2015). However, individuals often have trouble securing and maintaining employment, despite how important a job is to a successful transition back to the community (Travis et al., 2001). Limited prospects, due in part to perceptions and lack of trust of ex-felons by employers, await prisoners and convicted felons upon reentry (Oluwasegun & Ritter-Williams, 2019).

Compounding those barriers are often a lack of appropriate clothing and desired image (Smiley & Middlemass, 2016) and specialized training (Pati, 2009). Hindering their prospects further are the lack of resources they need to print resumes or search for an online job listing, or even the ability to travel to the

interview due to lack of transportation or bus fare (Wilson & Davis, 2006). These individuals often lack work experience prior to prison, and without job skills, while saddled with a new felony record, limited opportunities exist (Williams, 2007; Wilson & Davis, 2006). Yet, employment benefits reentrants in more ways than keeping the individual busy and financially sound: It builds confidence and connection within the community (Capece, 2020). Researchers have identified the correlation between employment and recidivism (Sampson & Laub, 2003; Petersilia, 2009; Delgado, 2012).

Individuals released from prison often face challenges associated with substance abuse (Mauer & Chesney-Lind, 2002). Studies have shown that almost 70 percent of individuals released from prison have drug or alcohol abuse problems (Taxman et al., 2013). Although some prisons attempt to address substance abuse problems for certain defendants while incarcerated, researchers have found that only about 13 percent participate in these programs (Taxman et al., 2014). Those with substance abuse problems are more likely to recidivate (Berg & Huebner, 2011; Baillargeon et al., 2009). In 2008, researchers conducted a meta-analysis and discovered that the odds of involvement in crime are close to three times higher for those dealing with substance abuse (Bennett, Holloway, & Farrington, 2008).

A lack of education is another barrier faced by individuals attempting to reintegrate

into society after incarceration. Reentrants are already at a disadvantage through possession of a criminal record, but, in many cases, they also lack marketable qualifications such as a high school diploma or college degree. Education is important not only for its own sake but for the expanded opportunities of employment it may provide (Rosenbaum, Kariya, Settersten, & Maier, 1990). Studies have shown that a focus on education while incarcerated can aid individuals upon release (Andrews & Bonta, 2006). A lack of education may limit job opportunities (Williams, 2007), and studies suggest that 95 percent of reentrants report needing additional education upon release from prison (Visher & Travis, 2011), although life skills education alone is not shown to help reduce recidivism (MacKenzie, 2006).

Researchers have stressed the importance of strong and prosocial networks (Mallik-Kane & Visher, 2008; Niebuhr & Orrick, 2020) and the difficulty in finding them (Leverentz, 2011; Cobbina, 2010). Developing prosocial bonds (Sampson & Laub, 1993) and avoiding enablers (Leverentz, 2006) of new criminal activity are essential in preventing a return to prison. Researchers have focused on the importance of family in grounding individuals in the community (Farrall, 2004). Both formal and informal support are needed (Vaux, 1988; Burnett, 2009; Griffiths et al., 2007), but many of the family members and friends the ex-felon returns to struggle with similar issues of addiction, unemployment, a poor support system, and limited education (Heidemann et al., 2014; Cobbina, 2010).

Perhaps as important as these actual barriers are the perceived barriers that reentrants encounter. Those obstacles that reentrants anticipate may cause them to alter behavior or succumb to challenges. The current study furthers the knowledge base with respect to reentry and recidivism by seeking to understand which barriers individuals perceive to be the most burdensome, using a comprehensive survey of over 4,000 respondents who had been convicted of a felony and are now starting on their road to reentry, while on parole or probation. Those surveyed lived in Dallas County, one of the most populous counties in the country. Their responses spanned one year. They were asked to identify the barriers they anticipated and to provide additional biographical information, such as the amount of time they spent incarcerated and their age.

Methods and Analysis

As part of the Dallas Project Safe Neighborhood efforts, the United States Attorney's Office for the Northern District of Texas created a program designed to reduce recidivism rates, and more specifically, violent recidivism. In designing the program, the USAO sought to respond to the high number of convicted state felons committing violent crimes after release from incarceration in the Dallas-Fort Worth (DFW) area. This program was offered once a month on a set day for consistency. Attendees for this program were parolees that have been released within 60 days from incarceration from the Texas Department of Criminal Justice (TDCJ) or those who had been recently placed on probation. On average, 386 individuals attend the program in Dallas each month. A total of 4,249 attended in 2019.

The program has four goals: (1) welcome offenders back into the community; (2) educate recently released probationers and parolees about the coordinated effort of federal, state, and local authorities to prosecute crimes to the fullest extent of the law; (3) educate offenders about the legal consequences of committing a crime as a convicted felon; and (4) inspire them to seek and use reentry services to better their lives.

Agency representation during this program included the local police department, the local Sheriff's Department, the District Attorney's Office, the state and federal probation office, the parole office, the U.S. Marshal, the FBI, the ATE, and social service providers. The presentation was designed to engage the partners by introducing their agencies on a positive note as well as educating them on the consequences of committing crimes as a convicted felon. This presentation was interspersed with video clips from formerly incarcerated individuals (who had attended this program in the past) with encouragement to seek services and become productive citizens. The social service providers discussed upcoming events such as job fairs and educational opportunities as well as how to access services that are available.

At the end of the program, attendees were asked to complete a bilingual survey (English or Spanish) created by the United States Attorney's Office that asked participants for their feedback on the program, their age, whether they were being released on parole or probation, their length of time incarcerated, if any, and their perception of the biggest barrier to success upon reentry. Options for the biggest barrier included: (1) lack of employment opportunities, (2) returning to the same peer

group, (3) drug addiction, and (4) level of education. Respondents were asked to select one barrier.

Surveys were completed on paper and turned in to program administrators as respondents left the room. Thus, a single survey exists for each respondent. Those surveys were then compiled, reviewed, and tabulated in order to review summary results.

The survey was designed and distributed prior to researcher involvement and the decision to use this data for analysis. Therefore, I had no input in creating the survey or suggesting questions. Respondents were not offered an opportunity to enter a barrier not listed and were not offered the opportunity to order the barriers in increasing or decreasing order. However, scholars can still significantly benefit from the self-reported results of over 4,000 individuals entering society on their perceived barriers to successful reentry.

Results

On average, 386 individuals attended the reentry program in Dallas each month. A total of 4,249 attended in the 12 months in this study ranging from January 2019–December 2019. (One month a year the reentry night is not held.) A total of 4,004 reentrants completed the survey. Of those that completed the survey, 1,716 (42.8 percent) reported being released on parole within the past 60 days and 2,288 (57.14 percent) reported being recently placed on probation. A total of 1,618 (40.4 percent) participants reported having spent no time in prison; 1,556 (38.8 percent) reported having spent less than 5 years; 513 (12.8 percent) reported having spent between 5-10 years in prison; and 317 (7.9 percent) reported having spent more than 10 years in prison. Of the 4,004 attendees who completed the survey, 845 (21.1 percent) reported currently being between 18-25 years in age; 1,456 (36.3 percent) reported being between 26-35 years in age; 920 (22.9 percent) reported being between 36-45 years in age; and 783 (19.5 percent) reported being over 45 years in age. Demographics of the responding population are presented in Table 1 (next page).

In response to the biggest barrier, 2,220 (55.4 percent) reported that they viewed "employment" as the biggest barrier to their successful entry/completion of parole/probation; 924 (23.0 percent) reported that returning to the same peer group was the biggest barrier to successful entry/completion of parole/probation; 494 (12.3 percent) reported that education is the biggest barrier to their

successful entry/completion of parole/probation and 366 (9.1 percent) reported that drug addiction was the biggest barrier to their successful entry/completion of parole/probation. Results are presented in Table/Figure 2.

Two by two chi-squares were run to determine statistical significance of age on the respondent's perception of the biggest barrier and again on the length of time in prison on their perceived biggest barrier. Both were related to the biggest barrier in a significant way using a $p < .05$ critical probability. Among those who served 10 years or more in prison, 62 percent (198/317) of them identified employment as their biggest barrier, compared to 52 percent (840/1618) of those who did not serve time in prison. Of those who served no time in prison, 8 percent (132/1618) said that drug addiction was their biggest barrier compared to 10 percent (161/1556) who served some but less than 5 years in prison. Results are presented in Table 3.

With regard to age, of those 18-25, 53 percent (449/845) found employment to be

the biggest barrier, and 59 percent (545/920) of those 36-45 reported the same. Over 23 percent of those aged 18-25 reported peer group as their biggest barrier, and 22 percent of those over 45 said the same. Over 16 percent (140/845) of those ages 18-25 reported education being the biggest barrier, while only 11 percent (167/1465) of those 26-35 and 11 percent (100/920) of those 36-45 reported the same. A little over 7 percent (63/845) of those 18-25 reported drug addiction as their biggest barrier where 10 percent (92/920) of those 36-45 and 11 percent (85/783) of those over 45 reported the same. See Table 4 for results.

Discussion

As an initial matter, the volume of respondents in this survey is by itself informative. Over 4,000 individuals facing reentry responded. These individuals were each facing the challenges associated with reentry following a criminal conviction. The responses were entered and obtained over a twelve-month period and all were residents of Dallas County—which represents the eighth largest county in the United States.

Each survey in this study was completed following an hour-long presentation in which eventual respondents were exposed to a discussion of the consequences related to their criminal conviction. This discussion included vignettes of individuals who also were reentering following a conviction, and what barriers they faced upon reentry. The training also included a discussion of relevant laws that might impact someone who had been convicted of a felony, and what individuals might

do to avoid recidivism. Interspersed in the training were motivational speeches by law enforcement professionals and individuals who work in the reentry field on a regular basis regarding what they had each observed about recidivism and successful reentry. Finally, the respondents were offered resources to overcome potential barriers. Only at the conclusion of each of these steps did the respondents complete the survey, asking them to identify the biggest barriers they might face in reentering society following a criminal conviction.

This process is notable for discussion because one might assume that such an hour-long training might provide respondents with the opportunity to soberly, and without distraction, reflect on their own individual situation. Thus, the responses may be deemed even more credible or accurate than if the survey was simply completed in some unrelated proceeding or in an attachment to a larger set of questions or issues. The focus and narrowed scope of the training and the subsequent responses adds to the likelihood that such responses are an accurate reflection of the perceived barriers of reentry.

With a few notable exceptions, the self-identified barriers to success seemed to vary little when compared to the amount of time an individual spent incarcerated or the age of the respondent. In largely similar proportions, respondents across the board (in terms of incarceration time and age) ranked the barriers in the following order: (1) employment, (2) peer group, (3) education, and (4) drug addiction. The last two factors were identified in roughly the same percentages and were

TABLE 1:
Survey Respondents'
Demographic Information

n=4,004		
Demographic	n	%
Age (years)		
18-25	845	21.1
26-35	1,456	36.3
36-45	920	22.9
Over 45	783	19.5
Years of Incarceration		
None	1,618	40.4
Less than 5 Years	1,556	38.8
5-10 Years	513	12.8
More than 10 Years	317	7.9

TABLE 2:
Most Significant Self-Identified
Barrier to Success Upon Reentry

Identified Barriers	n	%
Employment Opportunities	2,220	55.4%
Returning to the Same Peer Group	924	23.0%
Education	494	12.3%
Drug Addiction	366	9.1%

TABLE 3:
Relationship between Length of Prison Time and Biggest Self-Identified Barrier to Reentry

	No Time in Prison	Less than 5 Years	5-10 Years	More than 10 Years
Employment	52.0%	56.9%	57.6%	62.0%
Drug Addiction	8.0%	10.0%	8.9%	8.0%
Peer Group	23.5%	22.8%	23.0%	20.5%
Education	16.4%	9.8%	9.5%	8.5%

TABLE 4:
Relationship between Age and Biggest Self-Identified Barrier to Reentry

	18-25	26-35	36-45	Over 45
Employment	53.0%	54.0%	59.1%	56.0%
Drug Addiction	7.0%	9.0%	11.0%	11.0%
Peer Group	23.0%	25.5%	19.0%	22.0%
Education	16.0%	11.0%	10.9%	11.0%

transposed in certain situations.

The data reveal that obtaining “employment” or adequate “employment” is considered the biggest barrier to reentry success. This finding was consistent regardless of the amount of time that a respondent had spent in custody, although the percentages rise with the amount of time in prison. Those who served no time in prison identified this as the single biggest barrier to successful reentry in 52 percent of responses. That number rose, in steps, by a total of 10 percent, as the amount of time a respondent spent incarcerated increased. For example, individuals who had been incarcerated for more than 10 years identified “employment” as the biggest barrier in 62 percent of responses, whereas those who had not been imprisoned at all identified employment as the biggest barrier in 52 percent of responses. This result, in some ways, appears logical. A longer period of incarceration often suggests a more serious offense of conviction, which may provide concern to potential employers (Chiricos, Barrick, Bales, & Bontrager, 2007; Wilson & Davis, 2006; Travis et al., 2001; Cook et al., 2015).

Similarly, those who have been incarcerated for a longer period of time may have fewer contacts with potential employers, less relevant or recent experience, and fewer skills desired by potential employers (Cook et al., 2015; Pogorzelski, 2004; Hinton, 2016). In fact, perhaps the only surprising result of this portion of the survey is that the delta (10 percent) was so small between those who had not been incarcerated and those who had been incarcerated for more than 10 years.

Inversely, and again unsurprisingly, those respondents aged 18-25 identified “education” as the biggest barrier to reentry success in 16 percent of responses. This was higher than any other age group. This concern is well founded. As other scholars have studied, a felony conviction can impact access to education (Petersilia, 2005; Viser et al., 2008). Those in the other three age groups, (26-35, 36-45, and over 45) each identified “education” as the biggest barrier in only 11 percent of responses. “Estimates show that roughly one-third of 25-34-year-old male inmates in state prisons held a high school diploma compared to 90 percent of males of the same age in the general population” (Berg & Huebner, 2011: p. 388; Uggem, Wakefield, & Western, 2005).

Of those who were incarcerated more than 10 years, 8 percent (27/317) stated that “drug addiction” was their biggest barrier to reentry success. This finding might be surprising,

although investigative reports often find prisoners have access to illegal drugs while incarcerated (Snell, 2020; Browder, 2019). The fact that these re-entering individuals still view their drug addictions—which in most cases should not have been fed for at least a decade—as their biggest obstacle to success speaks volumes about the power of addiction and the recognition of that power by those who are so addicted.

The result may also be partially explained by the fact that drug crimes account for a significant, if not the most significant, number of sentences that are over 10 years. A Bureau of Justice report in 2017 showed that 21 percent of sentenced people in state prisons and local jails are incarcerated for crimes committed to obtain drugs or money for drugs (Bronson, Stropp, Zimmer, & Berzofsky, 2017). Nearly 40 percent of those incarcerated for property crimes and 14 percent of those locked up for violent crimes reported that they had committed their most serious offense as a result of drugs (Bronson et al., 2017). Through simple extrapolation, that equates to over 473,000 people who are incarcerated as a result of drug addiction. Similarly, drug addiction and incarceration are highly correlated. Fifty-eight percent of state prisoners and 63 percent of sentenced jail inmates met the criteria for drug dependence or abuse, while only 5 percent of the total general population over the age of 18 met that same definition (Bronson et al., 2017).

“Drug addiction” was identified as a more identified barrier of success by older respondents than younger respondents. Only 7 percent of those aged 18-25 identified “drug addiction” as the biggest barrier to reentry success compared to 11 percent of those aged 45 or older. This may be explained by the additional life experience or maturity of older respondents, but it does not appear to be explained by rates of addiction. As groups who focus on drug addiction report, roughly 7.3 percent of those aged 18-25 battle an illicit drug use disorder, whereas only 2 percent of those over 26 years old face a similar addiction (Bronson et al., 2017).

“Peer Group” was identified as the biggest barrier to reentry success in roughly the same percentages across all age groups. This result seems surprising, given that studies have shown that peers tend to have a greater influence on younger individuals than those of a more senior age (Shapiro & Schwartz, 2001). However, because some of the older individuals may have been in prison for an extended

time, their criminogenic peer group may be their only connection in the community.

The way to successfully address the issues these individuals are recognizing may be to bridge reentry programs from in prison and continue them on the outside. (Clear, Rose, & Ryder, 2001; Seiter & Kdela, 2003; Hunter et al., 2016). However, the survey results suggest it is worthwhile to talk with individuals years before they are released to address primary concerns and how they might meet them head on when they are released.

Conclusion and Limitations

Self-report studies in criminal justice have been used and relied upon since the 1930s (Junger-Tas & Marshall, 1999), but a fair criticism of the survey addressed here is that the design of the survey caused the results to be less instructive than they otherwise could be. The author was not consulted or involved in the design of the survey. Instead, the author became aware of the existence of the surveys and survey results after they were completed. Instead of simply identifying the single biggest barrier to reentry success, if respondents had been asked to rank those barriers, additional information and conclusions could have been gleaned.

Similarly, additional barriers could have been added as options, such as “housing” and “transportation.” The “employment” choice could have been expanded upon to allow respondents to respond with greater detail. Respondents could have identified whether obtaining any employment was the barrier or whether obtaining better employment posed a larger obstacle. Nevertheless, obtaining written responses from more than 4,000 individuals returning to the community after a felony conviction, either through probation or upon release from prison, is one way to better understand and inform research on the perceived struggles these individuals face in entering society.

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The Intuitive-Override Model: Nudging Judges Toward Pretrial Risk Assessment Instruments

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HOW DO JUDGES make pretrial release decisions? What influences judicial beliefs about risk and dangerousness? Judges regularly make difficult decisions about which individuals to release and which ones to detain during pretrial hearings. But how do they make these decisions? What information do they use? Judges essentially are making decisions about the probability of uncertain events—that is, the likelihood of an individual making it to court and staying out of legal trouble. Some judges review case files, assess criminal histories, and learn as much as possible about an individual prior to making their decision. However, pretrial release decisions are usually made quickly and with limited information, as judges make dozens of such decisions during a single court session.

To make these rapid decisions, judges are (often subconsciously) performing a series of intuitive calculations to predict the

probabilities of how an individual will behave in the community. As an example, consider the simplification in which a judge releases everyone, or, alternatively, another judge detains everyone by setting bail higher than one can afford. Releasing everyone eases the burden on jails, alleviates individual hardships associated with incarceration, and extends liberty. However, an unknown proportion of these individuals will not appear in court, some will be charged with a new crime, and a small subset will commit a new violent crime. Alternatively, detaining everyone increases jail costs and overcrowding, poses ethical issues, and exacerbates collateral consequences related to incarceration.

These decision-making examples demonstrate key concerns when predicting pretrial outcomes. Releasing everyone results in false negatives, as everyone is predicted to perform well, whereas detaining everyone increases

false positives,¹ as most individuals return to court and do not get arrested during the pretrial phase. All predictions, decisions, or assessments must balance these errors, but making so many rapid decisions with limited information requires a balance between intuitive and deliberative decisions. No doubt these decisions are rooted in judicial expertise gained from years of education and experience on the bench. Despite judges making decisions rooted in their experience and knowledge of each case, there is growing evidence that “even highly qualified judges inevitably rely on cognitive decision-making processes that can produce systematic errors in judgement” (Guthrie, Rachlinski, & Wistrich, 2007: 3).

Recently, there has been a push toward

¹ The false positives, of course, cannot be measured in the hypothetical situation of detaining everyone because they are detained and as such do not have the opportunity to not meet release conditions.

more structure in pretrial decision making by using risk assessment instruments, but this push comes with some controversy. A recent ProPublica article challenged the use of risk assessments for informing pretrial decisions by comparing error rates between predictions and outcomes among Black and white individuals using the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) risk assessment instrument. They claimed that the use of the COMPAS equated to “machine bias” that resulted in “significant racial disparities” (Angwin, Larson, Mattu, & Kirchner, 2016). Flores, Bechtel, and Lowenkamp (2016: 45) responded to the ProPublica article by analyzing a similar dataset using a different statistical method and came to a nearly opposite conclusion that there was “no evidence of racial bias.”² The studies frame the debate about predictive bias with pretrial risk assessments, but they do not investigate perceptions of efficacy, beliefs about exacerbating disparities, and conceptions of value among stakeholders responsible for using them (DeMichele & Baumgartner, 2021).

The development, implementation, and use of risk assessments are some of the most important issues facing criminal justice systems. There are important concerns related to disparate impacts based on sex, age, and race, and experts are having trouble agreeing on the empirical measurement of bias (see Berk, Heidari, Jabbari, Kearns, & Roth, 2017; Hannah-Moffat, 2013; Starr, 2014). Often forgotten in these debates is the voice of the individuals that make decisions using the risk instrument.³

Arnold Ventures (formerly the Laura and John Arnold Foundation) developed the

Public Safety Assessment (PSA), which has been adopted by dozens of jurisdictions and multiple state systems. We conducted interviews with judges using the PSA in a diverse set of courts to gain insight into how they define risk, assess risk, and perceive bias and disparate impacts for communities of color. The findings provide a glimpse into how judges think about pretrial risk assessment instruments.

The paper is arranged to first provide a thumbnail sketch of the use of risk assessment instruments within criminal justice systems. Next, we provide a brief discussion of the science of decision-making to demonstrate the potential for systematic errors, especially when making decisions quickly with limited information. We frame the current study with what is referred to as the *intuitive-override model* and suggest that risk assessment instruments can help judges engage both intuitive and deliberative models of decision making (Guthrie et al., 2007). This suggests that most decisions judges make—especially pretrial decisions—are intuitive, fast, and rooted in their prior experience, but these more spontaneous forms of decision-making can be balanced or *overridden* with more objective criteria. Third, we describe our study methods and procedures. Fourth, we present our findings that judges stressed the tension they face when reconciling the actuarial aspect of the PSA as they try to learn about defendants’ lives. The interviews showed that judges assess culpability and blameworthiness by reviewing criminal background and prior violence, and held mixed views on the potential for bias against people of color when using assessment instruments.

We conclude the article by reviewing the PSA through legal scholarship that challenges risk assessments on ethical and moral grounds (Tonry, 2014). There is general agreement that risk assessments need to meet both empirical and ethical standards, and ascribed characteristics such as race and gender are left out of most prediction models even though they might improve predictive validity (Corbett-Davies, Pierson, Feller et al., 2017; Monahan, Skeem, & Lowenkamp, 2017; Skeem & Lowenkamp, 2020; Tonry, 2014). Legal scholars have assessed the merits of risk assessments to make sentencing and parole decisions, with recent studies about the use of pretrial risk assessments (Cohen & Lowenkamp, 2019; DeMichele, Baumgartner, Wenger, et al., 2020; Lowder, Lawson, Grommon, & Ray, 2020). In the end, we recommend the creation

of researcher-judge feedback loops, and the need to increase the transparency of model development as key features to improve the potential accuracy, adoption, and understanding of risk assessments.

Criminal Justice Systems and Risk Assessment

Criminal justice and legal professionals assess certain definitions of “risk” on a regular basis.⁴ A police officer assesses risk when deciding to administer a citation instead of arresting someone. Parole board members assess risk when deciding to release someone. Judges, of course, assess risk when deciding whether to release someone pretrial—when they are still considered innocent—or to keep them in jail while awaiting trial. These professionals make such decisions many times throughout a given day. There are nearly 12 million jail admissions annually (Zeng & Minton, 2021) and the criminal justice system is set up to require professionals to make quick decisions despite the important ramifications these decisions have for each person’s life. Risk assessment instruments are a tool that can be used to inform pretrial release and supervision by making decisions more systematic, easier for practitioners, and more accurate in terms of outcomes such as appearing for court and not being arrested for a new crime.

Decisions about risk are based on clinical judgment or actuarial practice (Gottfredson & Moriarty, 2006). Clinical judgments are often referred to as first-generation assessments that are based on intuition, with assessment of risk based solely on subjectivity or “gut feelings” derived from education and experience (Bonta, 1996). The purely actuarial approach, or second-generation of risk assessments, rely on a more formal, statistical model of risk that should provide more consistency and uniformity in risk classification (Barbaree et al., 2006; Harris, Rice, Quinsey, Lalumière, Boer, & Lang, 2003). It is common for many criminal justice actuarial risk assessments to allow professionals to adjust scores based on first-generation assessments (Miller & Maloney, 2015; Viglione et al., 2013).

The use of risk assessment instruments in

² Statisticians generally use four types of assessments to test for bias in an algorithm – i.e., error rate balance, calibration, predictive parity, and statistical parity. Chouldechova (2017) provided a third analysis of the COMPAS data and showed that differences in failure base rates by race make it impossible for these data to satisfy all fairness assessments. The ProPublica analysis assessed error rate balance (i.e., equal false positive and false negative rates across races) and Flores et al. (2016) assessed calibration (i.e., does a score of x mean the same thing for white and black defendants).

³ Miller and Maloney (2013) used a national survey of community corrections staff and Viglione, Rudes, and Taxman (2015) used interviews and observational data to report that probation officers comply with requirements to complete risk assessments, but rarely used the assessment scores to make case management and supervision decisions. Our paper specifically focuses on interviews with judges.

⁴ Advocates of justice reform consistently point out that the standard conceptions of “risk” are rooted in structural racism and punitive traditions that ignore the health and well-being of communities of color and people living in poverty. The need to challenge and reframe definitions of risk is central to some arguments against the use of actuarial assessments (Benjamin, 2019; Gámez, 2021).

criminal justice settings is not new. Several sociologists assisted parole boards and prisons to develop predictive instruments starting in the 1920s. Burgess (1928) worked with the Illinois State Parole Board to develop a parole release instrument that relied on an additive binary assessment instrument of 21 factors to predict which people were most likely to succeed on parole. Numerous studies and meta-analyses have found that decisions guided by statistically derived tools provided a more accurate result than clinical assessment (Groves & Meehl, 1996; Groves, Zald, Lebow, Snitz, & Nelson, 2000). Groves & Meehl (1996, p. 293) stated that the “conclusion was clear that even a crude actuarial method...was superior to clinical judgment in accuracy of prediction.”

Risk assessment instruments are developed for specific jurisdictions and specific phases of the criminal justice system. As a warning, Skeem and Lowenkamp (2016) made clear that jurisdictions will face potentially large error rates and inconsistency when using assessments for a different phase than they were intended for. Pretrial risk assessments have been in use since the early 1960s, claiming to objectively assess the public safety and failure to appear (FTA) risks of releasing defendants from jail. The Pretrial Justice Institute (2015) estimated that about 10 percent of pretrial agencies use pretrial risk assessment instruments. This means that most pretrial release decisions are made without the guidance of an actuarial instrument.

In this article, we seek to contribute to understanding the judicial decision-making processes during the pretrial phase by examining judges' perspectives on and use of actuarial assessments. In the rest of the article, we lay the groundwork for how such assessments might fit into the framework of judicial decision making overall by discussing the intuitive and deliberative decision-making frameworks. Judges complete education and training in which they gain a fundamental knowledge about the law, procedural rules, and legal processes. Pretrial researchers have pointed to the difficulties involved with making release decisions due to the speed and volume in which these decisions are made (Sacks & Ackerman, 2014; Demuth, 2003). Research on human judgment and choice demonstrates that judges—similar to engineers, accountants, military leaders, and others—rely on several cognitive shortcuts to process information quickly when making decisions under uncertainty (Guthrie et al., 2001).

Judicial Decision Making

Nearly 90 years ago, the legal scholar Jerome Frank (1930) observed that judges base their decisions on hunches, and “whatever produces judges' hunches makes the law.” Frank recognized the importance of judicial subjectivity and intuition when making decisions. Much has been written about judicial decision-making, and the tensions between intuitive and deliberative decision-making. For the most part, legal scholars fit into one of two camps, with legal formalists suggesting that judges apply the legal rules in a logical, mechanical, and deliberative manner, while legal realists say that judges make decisions through intuition and only later rationalize with deliberative reasoning. We suggest that neither of these perspectives is entirely correct, with cognitive science showing that both operations are at work (Guthrie et al., 2007).

There is a large body of psychological and behavioral economic research showing that human decisions are made with dual processing mechanisms (e.g., Tversky & Kahneman, 1974; Kahneman & Tversky, 1979; Kahneman, 2011). Dual process models of cognition divide cognitive processes into two systems to differentiate between intuition and deliberative reasoning. There are several versions of dual process models, but each version distinguishes between the cognitive processes that are “quick and associative from others that are slow and rule-governed” (Kahneman & Frederick, 2002: 51). Stanovich and West (2002) labeled these System 1 and System 2 to differentiate cognitive operations by their speed, control, and information. To put it simply, dual process models suggest that human beings make decisions using automatic, intuitive, and non-reflective processes (i.e., System 1), and deliberate, thoughtful, and rational processes (i.e., System 2). These systems do not operate in isolation of one another, but rather new information is processed, stored, and remembered through System 2 learning processes. Complex information moves from System 2 to System 1 as individuals acquire a degree of proficiency and skill—essentially, experts rely on System 1 automatic processing as they gain pattern awareness (Kahneman & Frederick, 2002). There are numerous examples of how novel information becomes engrained and hard wired, as we rarely need to engage in much effort when driving a car, reading a book, or walking.

These cognitive processes are at work when judges make decisions. Judges learn through experience on the bench as they

interact with defendants and court staff as well as deliberative study of the law. A brand-new judge,⁵ for instance, will engage in deliberative and effortful cognitive processes to learn, remember, and apply knowledge of legal rules and courtroom cultural norms. Over time, a seasoned judge will have engrained this knowledge of the law and normative behavior to allow for most judicial decision making to move from System 2 to System 1. But, as we rely more on intuition for decision making, we run the risk of making errors, because these decisions are made quickly, with little reflection (Frederick, 2002). A large body of psychological research on heuristics and biases (Kahneman & Frederick, 2002) shows that people base decisions using mental shortcuts, cues, and stereotypes. This applies to judges, who may erroneously and unwittingly introduce bias through acquired stereotypes, such as coming to automatically associate being Black, male, or young with criminality and violence (Hoschild & Weaver, 2007). Papillon (2013) provided a thorough review showing the connection between cognitive science and legal decision making to demonstrate the different neurological processes at work that may result in some people associating being Black with fear, threat, and aversion.⁶

This line of inquiry has been applied to the legal field to study judicial decision making. Guthrie et al. (2007) adapted the dual process model to develop an intuitive-override model for judges. Through a series of cognitive experiments with trial judges, Guthrie et al. (2001, 2007) found that judges rely on similar cognitive heuristics (e.g., anchoring, statistical errors) that result in common decision errors (e.g., reliance on arbitrary references, ignoring trends). Additional experiments tested judges' reliance on intuitive versus deliberative decision making and found that judges are as reliant on intuition as other populations (e.g., physicians, engineers). The intuitive-override model starts from the assumption that judges (as all humans) generally engage in intuitive decision making, but their intuition can be disrupted to create an opportunity for judges to reflect on decisions as needed.

The essential argument of the

⁵ This description of a judge is only meant as an example, because judges very often will have been lawyers beforehand, attended law school, and have some general idea of how the law operates.

⁶ Neuroscience of course does not operate in a vacuum, and there are deeply rooted historical socio-structural factors that train the brain to make certain associations and not others (Kendi, 2016).

intuitive-override model is that “judges should use deliberation to check their intuition” (Guthrie et al., 2007: 5). This approach fits with other identifying techniques of legal scholars to combat implicit bias in the courtroom (Kang et al., 2012). We do not test Guthrie et al.’s intuitive-override model. Instead, we use this model as a framework to view and understand a series of judicial interviews about the use of a risk assessment instrument to make pretrial decisions and to offer recommendations more broadly about judicial use of pretrial risk assessments. The judiciary are equally susceptible to common psychological heuristics that can produce systematic errors in judgment that result in bias and disparate treatment. The PSA and risk assessments more broadly are a potential tool that judges can use to question their hunches.

Methods

The analyses are based on interviews conducted with judges in three geographically distinct jurisdictions in which judges were using the PSA. The interviews are part of a larger project to statistically validate the risk assessment instrument and understand its implementation and use. The purpose of the interviews was to better understand judges’ perceptions of the usefulness of the risk assessment instrument to make pretrial decisions.

Public Safety Assessment (PSA) Design and Use

Before detailing the interview procedures, we briefly describe how the PSA was developed⁷ and how it is used. The PSA was developed using nine datasets from seven states (Colorado, Connecticut, Florida, Kentucky, Ohio, Maine, and Virginia) and two datasets from the Federal Court System to calculate probabilities of failure to appear in court (FTA), new criminal activity (i.e., any new arrest), and new violent criminal activity (these definitions are developed to fit each specific

jurisdiction).⁸ Jurisdictions implementing the PSA received technical assistance and training to describe the research used to develop the instrument (provided by Luminosity or Justice System Partners), provide detailed instructions for completing the PSA, and offer ongoing support during implementation. The implementation team focused on providing jurisdictionally tailored training and technical assistance to ensure that the instrument could be successfully implemented in each jurisdiction. For example, the team would learn specific information about each jurisdiction’s capacity to collect the needed defendant information and identify appropriate communication procedures to share the results of the risk assessment with judges, defense attorneys, and prosecutors.

Pretrial officers complete the PSA prior to first appearance. Pretrial officers identify eligible defendants⁹ for the pretrial release instrument using administrative data and conduct a thorough review of criminal history records. The PSA includes eight criminal history/conduct factors and a categorical age factor. Below are the three outcomes and each of the factors:

- Failure to appear: pending charge at time of arrest, prior conviction, prior failure to appear within two years, and prior failure to appear longer than two years.
- New criminal activity: pending charge at time of arrest, prior misdemeanor conviction, prior felony conviction, prior violent conviction, prior failure to appear within two years, prior sentence to incarceration, young age at current arrest.
- New violent criminal activity: pending

⁸ The instrument development team processed these datasets to identify the predictors of each of the three outcome variables. They used a series of statistical techniques (e.g., logistic regression, contingency tables) that produced hundreds of effect sizes. The effect sizes were averaged and were restricted to variables that were at least one standard deviation above the mean effect size. Further analyses were conducted to identify the best effect sizes and operationalization in which each predictor variable had at least a 5 percent increase in likelihood of failure to appear or new criminal activity. The new violence criminal activity flag used a variable selection criterion of doubling the probability of failure when the item was included in a model (this paragraph is adapted from unpublished materials by Luminosity).

⁹ The implementation of the risk assessment instrument allows local jurisdictions to identify case types and charges that are of such a nature that the jurisdiction excludes them from the assessment. Outside of these few crime types, all individuals booked in jail on a new crime are scored with the PSA.

charge at the time of arrest, prior conviction, prior violent conviction, current offense violent, and current offense violent * young age at current arrest.

The factors are weighted and converted to separate FTA and new criminal activity scales that range from 1 to 6, and a new violent criminal activity flag (binary indicator of yes/no). The new violent criminal activity flag is used to recommend either release or more restrictive conditions including detention for the defendant.

The FTA and new criminal activity scale scores are converted into recommendations for each defendant that a judge may choose to follow (or not). The decision-making framework provides jurisdictionally based guidance on the recommended nature of release for an individual, which can range from release on own recognizance, various levels of supervision, and recommend detention.¹⁰ The decision-making framework is a key element of the risk assessment instrument to assist judicial decisions. The new violent criminal activity score produces a binary indicator as a violent “flag” to signal to judges that the defendant has a high potential for violence, and this case should be reviewed more carefully before making the release decision. The specific way the risk assessment instrument is completed varies to fit each jurisdiction’s standard operating practices and courtroom culture.

Site Visits

Sites visits were arranged through initial email inquiries to explain the purpose, goals, and procedures for the visits to determine interest and availability. Once agencies indicated interest, the research team arranged a phone conversation to discuss logistical details. The authors divided the three sites to have one senior researcher act as the main liaison for each site. Each visit lasted about two days, and included interviews with judges, public defenders, prosecutors, and pretrial officers responsible for completing the risk assessment instrument. During our site visits, the research team observed pretrial officers accessing a series of databases needed to complete the PSA, and we observed pretrial hearings in each jurisdiction.

¹⁰ The PSA guidelines have switched from a decision-making framework (DMF) to a release conditions matrix, with a central difference being the former included a recommendation for detention and the latter does not. At the time of our interviews, the DMF was the operating logic, so we maintain that language.

⁷ The authors of the current paper were not involved in the development and validation research used to develop the risk assessment instrument. We conducted a broader research and statistical validation project of the risk assessment instrument in which we analyzed available datasets used for development and validation by the risk assessment instrument development team. The current analyses do not assess the validity of the risk assessment tool or the procedures used to develop the instrument. Instead, we seek to understand judicial views about the use of the instrument.

Three sites were selected for visits because they were “early adopters” of the PSA. These sites included an East Coast city of about 1 million, a Midwestern city of about 500,000, and a West Coast city of about 250,000. Although we do not suggest that our methods provide us with a nationally representative sample, we do, nonetheless, find the interviews to provide a unique opportunity to consider the complicated nature of assessing risk and judicial decision making. Interviews were audio recorded, and recordings were subsequently listened to multiple times by multiple researchers, with extensive notes taken by an analyst. Notes were reviewed with the analyst and the interviewers, and in an iterative process, salient themes were identified through discussion, developed in writing, and then compared against the data and discussed further. The following sections describe findings on how judges deconstruct narrative, assess risk, and use their perceptions of criminogenic factors in the consideration of public safety.

Although our site visits included interviews with other court professionals (e.g., prosecutors, public defenders), we only report the findings from the judicial interviews. The purpose of these interviews was to assess the use of the instrument by judges to inform judicial decision making, because predictive tools are ineffective if the intended users do not understand them or use them. An alternative approach to understanding judicial use of the instrument is to compare concurrence rates to measure how often judges implemented the decision suggested by the instrument. These data did not exist in a consistent fashion in our sites, and with this portion of our study, we wanted to understand something more nuanced. That is, we wanted to address the gap in research about judicial perspectives about risk, assessments, and related biases. These are crucial phenomena to understand when it comes to judicial decision making.

The interviews were semi-structured to frame them around key themes, while allowing judges the freedom to expand as needed. The interviews were conducted by 1 to 2 interviewers and lasted between 45 minutes and 90 minutes. The main research questions guiding the interviews were:

- How do judges define risk?
- How do judges view the use of risk assessments to assess risk?
- What are judicial interpretations of racial and ethnic bias in risk assessments?

Findings

In this paper, we explore an inherent tension that emerged in the analysis between the “subjectivity” of judicial discretion (a story-based assessment) and the “objectivity” of the risk assessment instrument (a numbers-based assessment). Below we discuss our findings about the information that judges seek when considering a case, and how they interpret the information provided by a risk assessment tool as fitting within the broader landscape of judicial decision making. We then present judges’ perspectives on pretrial risk assessments and racial/ethnic disparities, highlighting the diversity of their opinions and approaches. We conclude with a discussion of the implications of this tension for judicial override of risk assessment recommendations and consider factors that judges highlight as important when being informed about, trained on, and supported in the use of a risk assessment.

Pretrial Risk Assessments within the Context of Judicial Discretion

Judges develop their own roster of information they seek when considering a case, and there is variability in the factors they value. When asked in interviews what elements were salient for them, judges described wanting information about a defendant’s criminal background and previous violent offenses, whether the current charges involved weapons or physical injuries, and statements from the victim. With public safety foremost in their minds, they were on the lookout for aggravating factors like repeated FTAs, increases on the violence scale, charges of attempted murder or assault with a deadly weapon, and whether someone was on felony probation and committed a new offense.

Judges also referred to factors based on their professional experience, including what they had seen in other cases, mistakes made, and lessons learned. As part of drawing on their experience, some judges referenced the importance of local culture, not only in understanding the issues that affect the population but also understanding the cultural values associated with a jurisdiction.

When weighing information and making decisions, judges indicated that they were interested in the ways that different factors compounded, corroborated, or cancelled out each other. For example, did someone with a high number of FTAs also have a history of substance addiction or mental health issues? Was someone repeatedly showing up in court

being charged with the same crime? Looking at the interactions of multiple factors to get a sense of an underlying story was important, especially when judges were determining whether to refer the defendant to a diversion program or pretrial release under conditions of supervision such as electronic monitoring or routine drug testing.

Unsurprisingly, judges’ perceptions of the utility of the risk assessment instrument were strongly shaped by the overlap between the information they considered valuable when exercising their decision-making and the information used to complete the risk assessment. Within the construction of juridical stories, all judges interviewed found value in the risk assessment instrument to some degree. Those who were most favorable viewed the risk assessment instrument as an expeditious means to synthesize the information that they felt was important, namely FTAs, charges involving violence, and recent convictions. For these judges, there was appeal in a tool that was “not based on subjectivity and sympathy” and that allowed them to quickly assess “on a busy calendar... [how] to zero-in on what can be done for each specific person.”

Notably, judges who were highly favorable of the assessment instrument concurred not just with the information that it took into account, but the recommendations that it provided. In this regard, these judges expressed that they thought the assessment instrument was a practical and useful tool for others, especially their younger and less experienced colleagues, but in their own use of it they tended to see it more as confirming the decision they had arrived at through their judicial discretion. As one judge stated,

For most judges who don't feel confident to go deeper, that [the assessment instrument] is fantastic. If we are talking about one size fits everybody, wow, this is great, right?

While speaking enthusiastically about the assessment instrument and expressing confidence in its reliability, this judge also indicated that he did not perceive a need to rely on the tool in his decision-making. In addition, he noted instances in which he would override the risk assessment recommendation, such as when the defendant had known mental health issues or there was a weapons charge, stating that the judiciary’s role was to “connect those dots that a pretrial services report does not understand.”

Judges who were more reticent about the risk assessment instrument tended to frame their perceptions of the tool in terms of the information it did and did not incorporate. One judge spoke broadly about the concept of risk, and in doing so listed three factors that are not addressed by the assessment instrument:

Risk has changed over time because personal experience and training has caused people to think about predicting risk—substance abuse, housing stability, connections to the community—and making recommendations for conditions of pretrial release.

Similarly, in jurisdictions where a different pretrial risk assessment instrument had been used previously, legal actors had become accustomed to associating certain factors with risk, and the removal of those factors felt disorienting and counterintuitive to judges, as if refuting years of prior practice. In these discussions, judges acknowledged the tension between the research validation of the new risk assessment instrument and their experience on the bench. As one judge commented:

It's hard to wrap your head around releasing someone with a felony II burglary, but all of the factors and data across a million cases say that this person isn't coming back with another burglary and there isn't a risk to public safety or court.

When considering the research, some judges raised questions as to whether the factors that were found to be predictive in one jurisdiction were accurate in predicting risk in other jurisdictions, again valuing their own expertise and local knowledge. As one judge remarked, “it is one thing to say that the research says that these things are predictive, and here's the tool [but] we need the validation process to use local data.”

In addition to concerns about the types of information used to generate the risk assessment instrument, which led to questions about what elements were missing, some judges also expressed skepticism about how the absence of information might obfuscate the underlying story that they were looking for in their decision-making process. One example that was brought up multiple times in interviews were the cases of defendants who cycle frequently through courts and have a

high probability of FTA. One judge explained that people charged with public nuisance often fit this category and were scored as very high risk and not recommended for release, which struck her as counterproductive. She was inclined to override these recommendations and stated that judges needed alternative resolutions at pretrial release.

Several other judges raised the example of domestic violence cases, saying that when these cases came before them, they wanted more information than the risk assessment instrument provided, specifically violent criminal history, domestic violence history, police reports, victim's statements, and lethality assessments. In cases where the victim indicated being fearful of the defendant or there was complex information in the probable cause statement, judges consider overriding the risk assessment instrument's recommendation based on this information.

Among all the judges interviewed, there was a tendency to characterize the risk assessment instrument as “one tool among many.” Those who were highly favorable of the PSA were still inclined to consider recommendations in the context of their own judicial intuition and experience, and would request information that was not included in the risk assessment instrument when they deemed this to be necessary. As one judge remarked, “It's important to understand that it's just a tool and that judges are the definitive answer.” In his view, more work was needed to enforce that the evidence-based tool was intended to support judicial decision-making, and not to replace that process.

Racial and Ethnic Disparities: Differing Perspectives

Of the judges interviewed, there was general agreement that communities of color are disproportionately represented in the criminal justice system, and many judges acknowledged the potential for bias in judicial decision-making. One judge who identified himself as coming from a heavily policed community expressed that it was important to have judges from minoritized racial and ethnic groups and from low-income backgrounds to counteract bias:

How do we view people? Do you see kids walking down the street and go for the automatic door lock?

This judge also thought that a more representational judiciary would help to build the

credibility of the justice system, noting that it was difficult to ask people to “have faith” in the courts when the judges “look nothing like them.”

Judges overwhelmingly supported risk assessment tools for providing a means of making release decisions in a way that was separated from knowledge of defendants' physical characteristics, seeing this as “a benefit to a tool like this because people are not always aware of their prejudices.” Indeed, when asked about how the risk assessment instrument might help reduce disparities, most judges stated that because the tool takes only specific factors into consideration and does not include race or ethnicity, it would either minimize disparities or have no influence on them. Among people holding these views, the risk assessment instrument was seen as useful in reducing bias in the criminal justice system. One judge suggested that bias is not an issue in his jurisdiction nor does the risk assessment instrument create any disparities. He stated:

I do not think that disparities are a concern in pretrial release. The racial or sexual element is not an issue because it's an objective system. I've never given it any thought. In [jurisdiction name], I don't think it's an issue. I don't think the PSA makes any kind of distinction that would lend itself to creating disparities.

Another judge emphasized that when considering the potential biases from an instrument, it is important to realize that prior judicial decision-making criteria might have generated disadvantage for communities of color and the poor. She suggested that prior decision-making included factors related to socioeconomic status in which the poor, unemployed, and homeless were less likely to be released:

The tool (PSA) does not have a slant or bias in the recommendations... [Before the PSA] We used to assess ties to the community and where people work but we don't do that anymore. They have 2,500 homeless people in [jurisdiction name].

The essence of this judge's comments was to point out that in this jurisdiction they are moving away from using criteria such as homelessness to keep people in jail pretrial. The adoption of the risk assessment

instrument, although not the only reason, has contributed to lessening attention to variables such as housing stability and employment status directly influencing release decisions.

The judges varied on their perspectives about racial/ethnic bias within their jurisdiction and related to the risk assessment instrument. One judge pointed out that even supposedly “objective” factors contain a subjective context and that people’s criminal records are the result of socioeconomic, racial/ethnic, and gender dynamics that affect the likelihood of an individual being arrested, prosecuted, convicted, and detained. In her view, quantifying risk factors such as “prior conviction” is of concern, given that communities of color are frequently heavily policed and “men of color are more likely to be arrested, stopped, searched, and charged for even minor drug-related offenses, [and therefore] they are more likely to have that risk factor on a subsequent offense.” Another judge suggested that their decisions need to consider more nuanced perspectives because:

It’s important to humanize defendants and that should be the role of the judicial team. It’s important to educate judicial officials about the prevalence of low-risk people in jails and in pretrial. This requires education around disproportionality and how certain practices target people of color.

These judges used the logic described above of trying to construct a story beneath the risk factors, noting that a judicial decision could take into account that white people and African Americans have been found to use drugs and commit other infractions at similar rates, and therefore an African American person’s conviction history might reflect more about bias than about criminal behavior. Likewise, this judge noted that the intersection of race/ethnicity and low economic status could produce scores that reflected lack of access to resources (e.g., transportation to the courthouse, resulting in an FTA) rather than risk to public safety.

Obviously, the judicial interviews demonstrate variation in perspectives about bias in the criminal justice system and whether risk assessment instruments contribute to any bias. Regardless of this variation, we did learn that these judges, for the most part, recognize the need to stem potential bias and they want to learn more about how risk prediction can contribute to their decision-making.

How Do Judges Understand Prediction?

Our findings indicate that the limited understanding among judges about risk assessment tools is not due to a lack of institutional trust. Rather, there is a need for continuous education and learning to understand what the risk assessment instrument can provide, including a realistic contextualization of the likelihood of errors. One judge framed the nature of the likelihood for errors in both judicial intuition and the risk assessment by stating that “judges are right 50 percent of the time and the tool is right like 60 percent of the time, and the tool and judicial discretion is right about 80 percent of the time.” Although we did not assess the changes in prediction errors when using the instrument, another judge described her desire to understand the nature of the research by stating that it would be helpful to see probabilities of positive outcomes:

It would not be helpful for judges to see actual probabilities of people for an FTA or a new crime. People with these characteristics have a certain percentage for a FTA. I would rather see people with this X risk score succeed in appearing in court a certain percentage of the time, just to reinforce the predictive relationship.

Judges stressed the importance of presentations to new users and the substantive value in learning more about the PSA. The judges expressed a need to develop a knowledge base about what goes into developing a risk assessment tool. Unique to jurisdictions implementing data-driven research is the collaboration and coordination among probation, pretrial services, and judges through statewide meetings to reinforce the importance of the tools, particularly for new judges cycling through first-appearance court. Meetings have contributed to judges feeling more equipped to receive guidance from the tool without the tool representing a threat to exercising judicial discretion. One judge described his experience:

... probation continues to [make] constant refinements [to the use of the PSA that] are helpful. It’s important to have meetings and show stakeholders what’s going on, there is a lot of buy-in. It’s more difficult when people are saying that they don’t know...when they do not go to meetings.

The point this judge was expressing is that judges (and other courtroom professionals) need to participate in trainings about pretrial risk assessments. Without these trainings, judges will be unaware of the potential for these tools, and they will not understand how to interpret and apply the recommendations from the decision-making framework.

Members of the judiciary need a realistic understanding of the predictive ability of the PSA and to know exactly what is being predicted. It was suggested that intentionally targeting presiding judges in first appearance court is critical to keep individuals abreast of research, the tool itself, predictive factors, validation from jurisdictions, the value of objective criteria versus subjective criteria, education on disproportionality and implicit bias, and an institutional approach to the risk assessment instrument. Moreover, judges expressed an interest in seeing how predictive the instrument is by using local data to show the results from the instrument and the recommendations—e.g., how accurate is judicial intuition and the instrument? Another judge summarized the way he perceives the use of pretrial risk assessment instruments:

It’s important to understand that it’s just a tool and remember that judges are the definitive answer, and not to overly rely on a piece of paper. I’m glad that there is a tool that has evidence-based research.

In general, these interviews demonstrate that judges understand that risk assessment instruments can support, clarify, and assist in judicial decision-making. But, they want more (continual) information to demonstrate the accuracy or improvement in outcomes.

Discussion

The PSA was intended to offer judges standardized and objective information to inform judicial decision making. The PSA was not to replace judicial decision making, but rather offer recommendations using criteria related to pretrial outcomes. On their face, pretrial risk assessments fit with Guthrie et al.’s intuitive override model to intervene in (System 1) automatic cognitive processes. However, the PSA and risk assessments more generally need to meet certain ethical criteria. Risk assessments need to identify factors that are both highly predictive of the outcomes and do not increase likelihood for disparate

treatment (Mayson, 2018).¹¹ Some judges articulated grappling with the potential for bias in the criminal justice system, identified the potential for biased intuitive judgments, and viewed the PSA as a way to challenge those biases. The ProPublica and Flores et al. (2016) debate highlights the gap in understanding and consideration about bias and disparate treatment stemming from pretrial risk assessment (DeMichele & Baumgartner, 2021).

The bulk of the concerns about disparate impact stemming from risk assessments are related to ascribed statuses of age, gender, and race. The PSA includes a risk factor for young age at time of the arrest (for NCA), and whether the person was young and the current offense is violent. Tonry (2014) identified age as a counterproductive risk factor because it seeks to harshly punish young people as they are continuing to develop socially and cognitively. Monahan, Skeem, and Lowenkamp (2017) found that including age in the federal Post-Conviction Risk Assessment (PCRA) overestimated the arrest rates for older individuals and underestimated arrest rates for young individuals. Parsing the inclusion of age in the PSA is difficult, because younger individuals have higher criminal propensity, but aging is known to promote desistance. Tonry (2014: 171, italics added) is unwavering in saying that “Ascribed characteristics for which *individuals bear no responsibility*, such as race, ethnicity, gender, and age, should not be included.” Monahan et al. (2017: 200) point to some of the complexity around age as a risk factor because “Youth...both “diminish[es] culpability” for past crimes (*Roper v. Simmons*, 2005) and enhances risk for future crime.” There is a lack of clarity on setting standards about the inclusion of age on risk assessments, especially during the pretrial or sentencing phases. However, recent legislation such as California’s SB 823, which requires the state’s youth prisons to be shut down by July 2023, could indicate that rather than having age count against them, young people need new systems and processes that take their developmental stages into account.

¹¹ There is also a robust literature on the design of fair algorithms mostly outside of criminological and criminal justice fields. Data scientists and statisticians (e.g., Chouldocova, 2017) have shown the inherent tension between maximizing predictive validity and equality across subgroups. The quantitative literature demonstrates mathematical realities that there are tradeoffs that are “matters of values and law...not matters of science” (Berk et al., 2017: 34).

Besides age, the PSA includes several criminal history factors, prior failure to appear, and whether the current charge is for a violent offense. These risk factors are commonly used in pretrial assessments and similar instruments to input factors used to develop sentencing guidelines (e.g., Minnesota, Pennsylvania) related to prior criminal record and offense gravity scores (e.g., severity of the charged offense). Harcourt (2010) takes a strong stance against using criminal history as a risk factor because communities of color are over policed, charged, and sentenced relative to white neighborhoods. In one of the most comprehensive analyses of criminal history and sentencing, Frase, Roberts, Hester, & Mitchell (2015) note that some legal theorists suggest that prior criminal activity does not make one more culpable for the current offense (Hessick & Hessick, 2011), while more retributive theorists view repeat offending deserving of harsher punishments (Mahon, 2012). Frase et al. (2015) described the use of criminal history scores to make sentencing decisions, but there is a lack of guidance about the ethical implications of using prior convictions to make pretrial decisions.

The pretrial phase operates according to different legal rules than sentencing; in *United States v. Salerno*, the U.S. Supreme Court upheld the use of dangerousness and flight risk as appropriate factors to consider when making pretrial detention decisions.¹² In her 2016 legal review, Gouldin traced the historical trajectory of pretrial rules, bail reforms, and pretrial risk assessments to show how dangerousness is poorly defined and often conflated with flight risk. The PSA is unique because it uses three risk scales to assess the likelihood of failure to appear in court, an arrest for a new crime, and an arrest for a new violent crime, and combines this information to create recommendations based on local practices. Unraveling the distinction between dangerousness and failure to appear is complicated, as someone with several failures to appear because the person lacks transportation, has a drug addiction, or simply forgot about the court date poses very different concerns than someone who fails to appear because of leaving the jurisdiction or otherwise intentionally evading the court (Kohler-Hausmann, 2020).

¹² Although Salerno allowed for pretrial detention decisions to include concerns of dangerousness or flight, there are several variations across the states, with New York and New Jersey not allowing for detention based on dangerousness (see Baradaran & McIntyre, 2012).

Conclusion

Every day judges make thousands of pretrial release decisions about the millions of individuals booked into jails each year. Most pretrial detention decisions are made without the aid of a risk assessment instrument. Instead, the bulk of these decisions are made relying on judicial intuition, legal knowledge, courtroom norms, and local cultural determinants (DeMichele, Baumgartner, Barrick, et al., 2019). These decisions are aided by heuristics or mental schemas that ease cognitive operations involved in decision making. We briefly sketched out how humans come to rely on automatic cognitive processes when making most decisions, but these automatic assessments can be wrong, as they draw on potentially faulty associations, imprecise pattern recognition, and stereotypes. These cognitive errors have major implications for pretrial decision making, especially regarding race, gender, and class, with judges potentially associating Blackness, maleness, and poverty with aggression, aversion, and hostility (Papillon, 2013). If judges—as do the rest of us—have the potential to draw erroneous associations with various ascribed statuses, can risk assessments override or provide a cognitive speed bump, if you will, to these automatic processes (Guthrie et al., 2007)?

The current article reveals at least three central findings from the judicial interviews. First, judges struggle to balance the importance of subjective (extra-legal factors) and objective criteria provided in the PSA, as they want to know more about the story behind the defendant. Second, judges want (and need) to know more about the PSA (or other risk assessments being used) to understand how the PSA was developed, how the recommendations came about, and to learn more about accuracy and errors related to the PSA.

Third, judges have mixed perspectives on racial bias during the pretrial phase and the role of the PSA. Some judges expressed that pretrial is an objective system devoid of bias, and they are not conscious of race, gender, or other ascribed statuses when making decisions. However, given the findings from cognitive science and unconscious bias, one is left to wonder how such over-reliance on the objectiveness of the system might inadvertently contribute to bias. Other judges were more aware of the subtleties of bias and were appreciative that the PSA does not include irrelevant factors such as homelessness, but instead focused on current and past behaviors. Still others challenged the reliance on

criminal history items due to structural racism and differential enforcement, prosecution, and sentencing. The nuanced views about racial disparity hopefully signal a willingness from the judiciary to be reflective about the potential for disparities on both conscious and unconscious levels.

There is a national debate about whether pretrial risk assessments exacerbate bias. Outside of the methodologically questionable ProPublica study, however, there has yet to be a study showing that pretrial assessments exacerbate bias in pretrial systems (Desmarais, Zottola, Clarke, & Lowder, 2021). There is substantial evidence that unstructured human judgment is flawed and routinely results in “inconsistent assessment of base rates, poor understanding of probabilities of outcomes, and little understanding of the influence of irrelevant information” (DeMichele & Baumgartner, 2021: 17). Pretrial system reformers are arguing about the merits of assessment instead of focusing on how to use assessments to contribute to improvements in decision making structures. Something that we did not focus on in this paper is that judges do not make release decisions on their own. Rather, they are positioned within a rigid bail system. In fact, when looking at released populations, one finds that pretrial release looks somewhat random according to a risk distribution (Kleinberg, Lakkaraju, Leskovec, Ludwig, & Mullainathan, 2018). There are many low-risk individuals detained and many higher risk individuals released. This is because pretrial release (often) is determined by one’s ability to post bail. Money is a major problem with pretrial detention and release decisions, not risk assessments. Access to money is not spread evenly across the population, and as such societies’ most vulnerable—not the most dangerous, blame-worthy, or culpable—will be detained.

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Developing a Trauma-Informed Wellness Program

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WORK IS A CENTRAL aspect of most lives. When asked what is most important for a person to live a fruitful life, Freud reportedly responded, “To love and to work.” The guiding principle of the Rule of Saint Benedict governing monasteries is “Ora et labora,” to work and to pray. Yet, these simple statements belie a most complex phenomenon: How do we balance our work life with the many other demands upon us? How difficult is it for us to strike a healthy balance between our work and our personal lives? It is only human for each of us to have a personal life influenced by our professional life and vice versa. Hopefully, one will enhance the other, but the reverse is also possible—where one may contaminate the other. This is particularly true when one’s work includes being regularly exposed to traumatic events.

A traumatic life event can be described as an incident that causes physical, emotional, spiritual, or psychological harm. Terr (1991) described two types of trauma. Type I trauma was described as single incident events such as a car crash, rape, witnessing a murder, death of a loved one, or natural disaster. Type II trauma was characterized as recurrent events, such as repeated childhood physical or sexual abuse, combat, or community violence. Regarding Type II trauma she stated, “The subsequent unfolding of horror creates a sense of anticipation. Massive attempts to protect the psyche and preserve the self are put into gear” (Terr, 1991, p.15).

Trauma exposure is ubiquitous and affects almost all of us. For example, the Adverse Childhood Events (ACES) population study showed 61 percent of the U.S. population experiences an Adverse Childhood Event such as experiencing or witnessing abuse or neglect or having a close relative commit suicide (CDC, 2021). While these statistics may be disheartening, it should be noted that on the positive side the research of George Bonanno (2005) indicates that most people are resilient, having an inherent ability to manage stress. He identifies the processes of *flexible adaptation* and *pragmatic coping* as those which help individuals to be resilient to a potentially traumatic event (PTE). According to Mancini and Bonanno (2011), *pragmatic coping* is defined as “A purely *pragmatic* or ‘whatever it takes’ approach that is focused on getting through the adversity and the situational demands it imposes” and *flexible adaptation* is described as a range of “characteristics that promote behavioral elasticity or *flexible adaptation* to the challenges of a PTE” (Mancini & Bonanno, 2011, p. 9).

Exposure to traumatic events is more prevalent in some professions than in others. A police officer or EMT is more likely to be exposed to gun violence or fatal accidents than others. A child advocate or a social worker is more likely to be exposed to childhood physical and sexual abuse or neglect than others. A sex offender therapist is more likely to be

exposed to childhood or other sexual abuse than others. Probation, parole, and other court officials are more likely to be exposed to a range of traumatic events than the general population.

A variety of terms have been used, frequently interchangeably, to describe the impact of being exposed to trauma through work and its likely sequelae. These terms generally include secondary trauma, vicarious trauma, post-traumatic stress disorder (PTSD), compassion fatigue and burnout. An additional term not seen in the work stress or work trauma exposure literature, which we nonetheless consider important, is complex post-traumatic stress disorder (C-PTSD). While often used interchangeably, these terms represent distinct psychological phenomena, and we propose they fall into three distinct groupings: indirect trauma exposure (secondary trauma & vicarious trauma), direct trauma exposure (PTSD & C-PTSD), and outcomes (compassion fatigue & burnout). It is important to note that although we perceive three distinct groupings, an individual can experience traumatic exposures from multiple domains simultaneously. Maslach and Leiter (2016) refer to these phenomena as “occupationally-specific dysphoria.”

Indirect Trauma Exposure. We define indirect trauma exposure as being exposed to a traumatic event via the experience of another. Examples of indirect trauma exposure may

include relief workers assisting persons after a hurricane, tornado, or other natural disaster, a rape counselor seeing a client, or a social worker conducting a home study.

In order to be an effective counselor or emergency worker, forming an empathic bond with one's clients is an essential step. Yet, it is that very empathic bond which can have such a deep impact on the counselor through beginning to absorb and be impacted by the experience of the other. It is a negative, but often unavoidable, aspect of the work. To be most effective, one must remain empathic. Yet to remain empathic may mean absorbing such a degree of dysphoria that it may begin to negatively impact one's own psyche and functioning.

Both vicarious trauma and secondary trauma refer to the professional developing similar symptoms to the clients. These symptoms are generally those related to PTSD. Specifically, the professional may be having intrusive thoughts related to the client's experience, an avoidance or numbing of affect, and/or irritability. Most descriptions of secondary trauma stress the professional mirroring the client's PTSD symptoms. The vicarious trauma literature often notes enduring changes in the professional's cognitive or affective state. Both types of trauma stem from the cumulative indirect exposure to traumatic materials, but secondary trauma focuses on observable behavioral reactions, whereas vicarious trauma emphasizes changes in one's internal cognitive schema. They strongly overlap, which is why many view the differences as semantic rather than actual.

An additional concept that is at times linked to secondary trauma and vicarious trauma is countertransference. Countertransference generally refers to the thoughts and feelings evoked by a client in the therapist. Unlike secondary trauma and vicarious trauma, there are no detrimental factors associated with countertransference. It is an expected and normal phenomenon in the therapeutic process. One may argue that vicarious trauma and secondary trauma are also normal phenomena, with which we agree. Their major difference from countertransference is that by definition they interfere to some extent with the professional's functioning.

Direct Trauma Exposure. We define direct trauma exposure as those experiences where one is exposed to potentially traumatic events through one's work. If a parole or probation officer is preparing a presentencing report on a child sex offender, the officer may be required to view the evidence against

the offender. Hearing someone describe the rape the person experienced as a child is vastly different than viewing a ten-minute video of a child being raped or viewing two or ten or twenty such videos. A police officer may hear colleagues discuss fatal accidents they responded to, but that same officer may have to respond to another fatal accident or multiple fatal accidents or shootings in a year. The hearing of the accident, as the hearing of a child rape, is categorically different from attending to such incidents. The responding to such accidents or the viewing of child rape videos are direct exposures to potentially traumatic events.

Post-traumatic stress disorder is a cluster of symptoms that result from being exposed to a potentially traumatic event. PTSD requires an individual to be exposed to a significant PTE, such as viewing a rape video or responding to a fatal accident. The person would then have unwanted or intrusive thoughts of the PTE, and attempt to avoid stimuli associated with the intrusive thoughts. Alterations in cognition and mood (e.g., negative thoughts and affect, isolation) as well as alterations of arousal and reactivity (e.g., hypervigilant, anger, sleep and concentration difficulty) would also be present. Many of the symptoms associated with exposure to a PTE are normal and expected. However, when such symptoms develop a life of their own and interfere with a person's ability to function in a normal manner in relation to family, friends, and colleagues, they become problematic.

Complex post-traumatic stress disorder refers to repeated exposures to multiple PTEs. In the example previously described where a parole or probation officer is preparing a presentencing report on a child sex offender, the exposure can be to multiple rape videos and images. This can be complicated by having to monitor a parolee's computer remotely and potentially being exposed to additional multiple disturbing videos or images. The recurrent aspect of the trauma exposure contributes to what Terr described as when "Massive attempts to protect the psyche and preserve the self are put into gear" (Terr, 1991, p. 15). Unfortunately, attempts to preserve the psyche do not always work when there are repeated exposures, leading to many of the PTSD symptoms frequently complicated by relationship difficulties, a sense of worthlessness, physical symptoms (headaches & intestinal problems) and suicidal thoughts. Due to their job responsibilities, many law enforcement professionals experience repeated and

unavoidable PTE exposures, thus making C-PTSD an important consideration.

Outcomes. We view compassion fatigue and burnout as outcomes of stress related to direct and indirect trauma exposures. While the terms are occasionally used interchangeably, there are distinct features that differentiate one from the other. Figley (1995) describes compassion fatigue as "the cost of caring." The onsets of compassion fatigue and burnout differ, with burnout being viewed as taking place gradually and having a tendency to be more enduring. Both can lead to greater frustration with work, poorer performance, and an inability to find meaning in one's work. Figley speculated that they could be protective coping mechanisms we use to deal with the emotional costs of working in difficult situations. To individuals who view their work as pointless and futile, it really doesn't make any difference how much effort they put into the job—the offender will reoffend; the abuse victim will go right back to the abusing situation, so what difference does it make?

To be an effective empathetic caregiver (be it in law enforcement, probation and parole, mental health, or other helping professions), secondary trauma, vicarious trauma, PTSD, C-PTSD, compassion fatigue, and burnout are all potential occupational hazards. Yet these outcomes may be avoided when appropriate employee supports are in place on the personal, professional, and systemic levels.

The Job Demands–Resources Model

Stress is present in all jobs. A job by its very nature means that there is some degree of responsibility. There are performance expectations on all employees, and hopefully there are also resources available for the employee to meet those expectations. It is a delicate balance that is not always in synch—at times the demands may be too high and the resources too low or vice versa.

The Job Demands–Resources (JD-R) model suggests that all professions have demands which can become risk factors, leading to job stress or strain, as well as resources which can become protective factors, mitigating against such stress. Job demands may be broadly viewed as "The physical, psychological, social, and organizational aspects of a job that requires sustained physical, cognitive, and emotional effort and skill" (Bakker & Demerouti, 2007, p. 312). These demands can be viewed as a positive challenge or a negative hindrance. Challenge demands

can lead to increased job satisfaction and a sense of personal efficacy, whereas hindrance demands can convert into job stressors when attempting to meet those demands (Meijman & Mulder, 1998).

Job resources are those “physical, psychological, social and organizational aspects of the job that are either/or: functional in achieving work goals; reduce job demands and the associated physiological and psychological costs; stimulate personal growth, learning, and development” (Bakker & Demerouti, 2007, p. 312). Job resources are considered to have a buffering effect in lowering the potentially toxic effects of demands.

Research documents how imbalances in the job demand-resources equation can have detrimental effects on employees both on and off the job. Negative effects may include poor performance, the inability to meet deadlines, absenteeism, high turnover, cynicism, and other negative attitudes. These negative effects not only affect the individual experiencing them, but they can also impact work groups, leadership, and the entire organization. In a worst-case scenario, a toxic workplace environment can develop, negatively affecting all employees, undermining the organization’s mission, and alienating consumers. Fortunately, with a commitment from both the individual employee and leadership, a healthy balance can be restored.

Various resources can be marshalled to promote a healthy workplace. These resources can be found at the task level, the organizational level, or social level to develop intrinsic or extrinsic motivation for the employee. Intrinsic motivation refers to factors within the individual, such as a sense of control over their work experience. Extrinsic motivation refers to factors fostered by the organization, such as positive leadership and supervision of employees. Resources that are supportive, provide autonomy, and offer feedback to employees have the potential to decrease the wear of the job demands on an employee. Maintaining the proper balance between job demands and resources must be regularly monitored. Feedback loops help ensure that balance is maintained, thus avoiding excessive demands coupled with low resources that can give rise to employee exhaustion and cynicism.

When the equilibrium between job demands and resources is so disturbed, the related stress or strain can become overwhelming, resulting in burnout. Common demands that can contribute to such stress

are excessive workload and pressure, role ambiguity, lack of social support, and lack of autonomy. These demands conspire to undermine an employee’s sense of purpose and commitment to the organization’s mission. The resources that counter the negative impact of such job demands are the inverse to those demands: a sense of autonomy and control over one’s work, achievable work goals, positive supervision and leadership, a clear and shared sense of organizational mission.

One area the JD-R model does not take into consideration relates to the individual personality characteristics of employees. It is reasonable to assume that an individual’s developmental history and genetic predisposition contribute to how that individual evaluates and manages stress. For example, some people are more able to “roll with the punches,” so to speak, than others. Nonetheless, research has documented that there are particular job resources that can be cultivated to buffer the impact of job demands, foster a stable work environment, be beneficial to the organization, benefit employees as a whole, and reduce the risk of burnout. Those most often noted are:

- **Social Support:** The relationship between social support and job stress has been well studied. In a negative manner it can be a factor that increases stress, as can be seen in the “gallows humor” or shared cynicism that may develop in a work site. In a positive manner social support in the shared mission and goals of an organization can mitigate against stress.
- **Clear Job Roles:** Job descriptions that outline responsibilities and chains of command help reduce job role ambiguity, reducing the “finger pointing” phenomenon when problems arise.
- **Supervision:** Regular supportive supervision that is honest in pointing out perceived deficits and provides remediation and training plans to address issues when they arise is critical in reducing the “I’m in this alone” feeling among employees.
- **Mission:** A shared and well-understood mission among all employees from leadership to line staff fosters a “we’re in this together” attitude among all.

It is important to note that these buffering resources are all related to *on-the-job* factors, yet all employees also have lives beyond work. In the same way that one’s work experiences affect one’s personal life, stresses within one’s personal life may spill over into one’s professional life. The work-home interface is not always the smoothest. *On-the-job* and home

interventions that can reduce job stress will both be discussed further in the trauma-informed wellness interventions segment of this article.

Trauma Exposure and the Job Demands–Resources Model

As noted earlier, we propose that job-related trauma exposure falls into two groups: indirect exposure (e.g., listening to clients’ accounts of traumatic events) and direct exposure (e.g., watching child rape videos, responding to a fatal accident). We consider work-related trauma exposure to be different from other types of trauma exposures in that it may be part of a job demand. It would be impossible for a police officer to not respond to a serious car accident or shooting while on patrol, nor could a probation or parole officer refuse to monitor the internet usage of a pedophile sex offender on the officer’s caseload. Additionally, there is a random quality to the exposures that law enforcement professionals experience, which would tend to increase the anticipatory anxiety that such an event may take place. Such work-related trauma exposure is complicated by the fact that law enforcement officers are often on call 24/7, making it a job that feels like it can *never* be turned off.

The stress of such intense, direct, unpredictable trauma exposures takes a toll. Nearly twice as many police officers die by suicide annually than are killed in the line of duty, and PTSD rates among police officers range from 7 percent to 35 percent (Lilly & Curry, 2020). While suicide rates are not available for federal probation and parole officers, the suicide rate among federal employees has doubled in the past 10 years, with over 90 percent of such suicides being of federal law enforcement employees (Fedagent, 2020). Direct trauma exposure is a job demand for law enforcement employees, and that direct exposure takes a grim toll.

Trauma-Informed Wellness Interventions

Wellness interventions fall into two broad overlapping categories: those that can take place after work hours and those that can be structured into the job. Interventions that take place after work time are generally personal in nature. Those that take place during work hours tend to be more structural, being designed into an organization in a manner that can positively impact the personal and professional health of the employees and create a health-promoting work environment.

When employees are exposed to direct and indirect psychologically traumatic materials, both types of interventions should have a trauma-informed aspect to them. We will first discuss after-work wellness interventions and then structural interventions.

Off-Work Interventions. Job stressors (e.g., time pressures, high workloads, conflicts with co-workers) do not end at the completion of each workday. The work-home interface is highly permeable, with one's work life deeply affecting one's home life and vice versa. This becomes more acute when the workers see themselves as having little control over their work experience—being a cog in a wheel or a pawn in a game that they have minimal control over. Sonnentag and Zijlstra (2006) note that such stress can lead to fatigue, which is “the state that results from being active in order to deal with work demands.” Recovery from such fatigue “is the process of replenishing depleted resources or rebalancing suboptimal systems.” (Sonnentag & Zijlstra, 2006, p. 331). Ideally, that rebalancing takes place during off-work hours in the evenings, weekends, or during vacations. Sonnentag and Fritz (2007) describe four types of off-hours recovery experiences that assist in the rebalancing:

- **Psychological Detachment:** Psychological detachment refers to the ability not only to be physically away from one's work, but to “turn off the switch” to deactivate the thoughts of job-related issues. This process is difficult, as many technological advances have shackled workers to their jobs seven days a week via “on-call” responsibilities, cell phones, and email.
- **Relaxation:** Ideally, relaxation combines both a reduced activation and an increase in positive emotions. Without the need for focused attention on stress-related material, a person can more easily enjoy a walk in the woods, a movie, or a casual dinner with friends.
- **Mastery Experiences:** Mastery experiences refer to challenging off-work activities that allow a person to achieve success in a non-work-related area, such as learning a new language, writing, woodworking, embroidery, or a host of other activities.
- **Control During Leisure Time:** This refers to a person's ability to freely choose among a variety of options the activity they prefer to engage in—to have personal agency in determining what they would like to do.

Leisure time interests vary from person to person and may overlap with a number of the recovery activities listed above. No one would

doubt that Franklin Delano Roosevelt's job as President of the United States was stressful as he led the United States through the Great Depression and World War II. Amidst the multiple stresses he was under, he steadfastly maintained a great interest in stamp collecting, stating, “I owe my life to my hobbies—especially stamp collecting” (Gantz). This hobby allowed him to turn off the switch and psychologically detach by relaxing in an activity he had mastered and continued to learn about until his death.

Leisure time activities are divided into those that are positive or negative. President Roosevelt's philatelic interest would represent a positive leisure time activity, allowing him to relax and detach from his job demands in an activity that gave him great satisfaction. Examples of negative activities would include excessive alcohol or drug use, holding onto resentments, various addictions, or excessive isolation that complicate rather than reduce job-related stress. Wellness programs that focus on after-work interventions frequently train people in stress-reducing interventions such as mindfulness and foster the development of positive coping skills or activities that can balance out job stress.

During Work Interventions. We believe the Job Demands-Resources model is the best framework to use in considering ways in which a job site may be designed to be highly productive while simultaneously promoting employee health. As noted, the balance between job demands and job resources is dynamic—that is, in a constant state of flux. The challenge for leaders is to maintain that balance in such a manner that it promotes the personal and professional growth of employees while fulfilling the mission of the organization. This is not an easy task, and it becomes significantly more complicated when employees are directly or indirectly exposed to psychologically traumatic material.

Professions that entail the direct and indirect exposure of their employees to potentially traumatic events must have wellness interventions that are trauma-informed. As discussed earlier, professions that include frequent indirect exposures to traumatic material (e.g., child protective worker & rape counselor) can lead to vicarious and secondary trauma among employees, and those professions that include frequent direct exposure to traumatic material (e.g., police, EMT, & probation and parole officers) can lead to post-traumatic stress disorder and complex post-traumatic stress disorder. Both types of exposures can

directly contribute to burnout or compassion fatigue among employees. It goes without saying that an employee suffering from burnout is not an effective employee. Additionally, an employee suffering from burnout represents a failure of the organization to provide the employee with the proper resources to avoid such an outcome.

We should again stress that it is normal and expected for an employee to be deeply impacted by exposure to psychologically traumatic material. In some respects, burnout is a normal outcome of exposure to repeated traumatic events. It can be a self-protective mechanism that helps a person manage the occupational hazards of traumatic exposures. The problem is that it is not the best alternative or coping mechanism.

The JD-R model calls for the constant assessment of the job demands that may lead to employee stress and resources that can mitigate such stress. It is not a simple cookbook approach where certain ingredients or interventions can be applied across different organizations to create positive work environments. There is a creative, improvisational aspect to the JD-R model, particularly in respect to interventions that support a positive work environment. The same interventions that may work in one environment may not work as well in the next. The first step in any intervention is an accurate assessment of the demands and related stressors on the individual as well as at the supervisory and leadership levels. There are a number of assessment tools that measure a worksite's atmosphere and employee burnout risk. Assessment tools combined with staff focus groups at the employee and leadership levels will provide a good assessment of a worksite's job demands and resources.

Forewarned is forearmed. While interventions for individuals and organizations that include employees being exposed to multiple potentially traumatic events must be individualized, their first step post-assessment is always the same: psychoeducation regarding psychological trauma, its frequency, and its impact. One characteristic often seen in individuals impacted by trauma or staff experiencing burnout is that they feel isolated. They often believe they are the only ones experiencing such feelings or emotions. Psychoeducation has a normalizing and leveling impact, letting people know their experience is not abnormal and that they are not alone. This, in and of itself, is a highly significant intervention. Social support is a major resource that can

counter the stress of job demands. A burden shared often is in fact a burden halved. When individuals understand their experience is normal and they are indeed not alone, their experience becomes more manageable. The works of Bonanno (2005) and Mancini and Bonanno (2011) document that resiliency is more the norm after trauma exposure than dysfunction. Bonanno identified *flexible adaptation* and *pragmatic coping* as the two mechanisms that help individuals be resilient to a potentially traumatic event. Providing individuals with an understanding of trauma and its related consequences is the initial step in assisting a person develop *flexible adaptation* and *pragmatic coping*.

As noted, some occupations, particularly those in law enforcement, involve being *repeatedly* exposed to psychologically traumatic material. The trauma exposure is not a one and done experience. This raises systemic and organizational questions related to how to provide employees with the proper resources to buffer such exposures. As mentioned, psychoeducation about the impact of trauma is an essential initial step, but more is needed. On the individual level, staff can be assisted with developing plans for positive career-sustaining behaviors. These plans will vary from individual to individual and should be supported by the organization. The leadership of the organization must also examine how to organize resources to help sustain a healthy work environment. Training opportunities, clear ladders for career advancement, and fair compensation packages and benefits all help, but consideration of ways to mitigate the impact of the repeated trauma exposures must also be evaluated. This may include rotating on-call schedules and responsibilities, social support built into the job, giving employees a sense of control and autonomy

over completing their responsibilities, and other resources that have been shown to help mitigate the trauma impact.

Each individual and organization is unique. Striking the right balance between job demands and job resources is a frequently shifting target. A point of equilibrium may be found one day and lost the next. The critical part is the shared commitment to engage in the process. Trust is one of the first casualties experienced by persons with a history of trauma. They don't believe others, particularly authority figures, can be trusted. A trusting relationship between leadership and employees is a required foundation to build upon. Without it, all the training in the world will be for naught!

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Probation Officer Attitudes Towards Staff Training Aimed at Reducing Rearrest

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FOR THE LAST several decades, researchers have strived to identify “what works” in reducing offender recidivism. As a result, the principles of effective intervention (PEI) were developed to help shift community corrections from a control-oriented approach towards a more evidence-based rehabilitative paradigm (Cullen & Gendreau, 2000; Gendreau, 1996). The PEI are based on the General Personality and Cognitive Social Learning (GPCSL) perspective on criminal behavior, which emphasizes the role that cognitive processes (e.g., thinking) play in both the development of the person’s personality and their engagement in anti-social behaviors (Bonta & Andrews, 2017). Correctional scholars have identified 15 of these principles, including those related to strategies and tools that correctional practitioners can implement including targeted interventions, enhancement of offender motivation, and balancing rewards and sanctions (Andrews & Dowden, 2006; Gendreau et al., 2010). Undisputedly, the most notable of the PEI are the principles of risk, need, and responsivity (or RNR). These three principles outline the importance of using a validated risk assessment instrument to identify one’s risk for recidivism and then targeting the individual criminogenic needs (e.g., antisocial attitude, personality, peers)

of higher risk offenders with cognitive-behavioral interventions (Bonta & Andrews, 2017). Thousands of primary studies and several meta-analyses now provide support for the PEI, which has demonstrated that greater adherence to its principles is associated with larger reductions in offender recidivism (Bonta & Andrews, 2017; Koehler et al., 2013).

Despite the appeal and promise of the PEI, researchers have often noted challenges associated with translating these principles into real-world practice (Bonta et al., 2008; Miller & Maloney, 2013; Viglione et al., 2015; Viglione, 2019). For example, research on the implementation of risk assessments has generally found that probation officers (POs) often did not consider the assessment results when making case management decisions, because they did not trust them (Krysiak & LeCroy, 2002; Viglione et al., 2015), did not understand them, or did not see how they added value to their work (Viglione et al., 2015; Viglione, 2017). Prior research has also identified several organizational factors that appear to facilitate or hinder the successful implementation of evidence-based practices (EBPs). For example, this scholarship has indicated that organizations engaging in transformational leadership (e.g., motivation and inspiration),

promoting a positive climate with low conflict, and providing clear goals and missions can influence staff perceptions and attitudes towards EBPs (Aarons, 2006; Friedmann et al., 2007). Organizations providing support to staff and encouraging greater knowledge development opportunities were also more likely to witness successful EBP implementation efforts (Friedmann et al., 2007). When staff did not believe change efforts (e.g., new skills trainings) would be successful, however, they were less likely to be receptive towards them (Farrell et al., 2011; Tesluk et al., 1995).

Core Correctional Practices and Correctional Training Programs

Considering implementation challenges, experts have developed a set of core correctional practices (CCPs) that are designed to increase the effectiveness of correctional programs (Dowden & Andrews, 2004). Based on the GPCSL perspective, CCPs include eight empirically validated intervention strategies to promote positive client behavioral change. These strategies include: (1) effective use of authority, (2) anticriminal modeling, (3) effective reinforcement, (4) effective disapproval, (5) structured learning, (6) problem solving, (7) cognitive restructuring, and (8) relationship skills (Gendreau et al., 2010).

Research has found that greater adherence to the CCPs is associated with improved community supervision outcomes (e.g., reduced rates of recidivism) (Dowden & Andrews, 2004; Farringer et al., 2019; Lowenkamp et al., 2006). To assist agencies in translating the CCP research into practice, several community supervision training programs have been developed. These include the Effective Practices in Community Supervision (EPICS) (Smith et al., 2012), Staff Training Aimed at Reducing Recidivism (STARR) (Robinson et al., 2011), and the Strategic Training in Community Supervision (STICS) (Bourgon et al., 2010). Consistent across these community supervision training programs, officers are educated in the PEI and taught how to incorporate the CCPs into their routine interactions with offenders. In addition, these training programs include a coaching component, where newly trained officers are paired with a coach to provide ongoing training and support as officers attempt to implement newly learned skills in their everyday routine.

Prior evaluations have found that training in these programs has resulted in increased officer adherence to PEI and improved supervision outcomes (e.g., recidivism). Trained officers have been found to spend more time addressing offenders' criminogenic needs (Labrecque et al., 2013), were more likely to use CCPs (Labrecque & Smith, 2017; Smith et al., 2012), and supervised offenders with lower recidivism rates relative to untrained officers (Bonta et al., 2011, 2019; Hicks et al., 2020; Robinson et al., 2011; 2012). Furthermore, prior research has revealed greater recidivism reductions among officers who used CCPs with greater fidelity (Latessa et al., 2013). Chadwick and colleagues (2015) conducted a meta-analysis on supervision training programs and concluded that officer training accounted for about a 14 percent reduction in offender recidivism. While this literature base has indicated the importance for training officers in the use of CCPs, this research often fails to consider staff perceptions and experiences, which can affect the success or failure of these training programs.

The few studies that have examined the experiences of officers who participated in correctional training programs report that those who engaged in training and coaching sessions often felt more confident in their understanding of the PEI and their ability to use trained skills with the offenders

on their caseload (Bourgon et al., 2011; Lowenkamp et al., 2012; 2013). Lowenkamp and colleagues (2012) found officers trained in STARR had positive perceptions of the peer coaching experience and reported both an increased understanding of how to use STARR skills and likelihood they would use the skills following coaching sessions. Lowenkamp and colleagues (2013) conducted a pre/post assessment of POs who participated in a three-day training program. This study found that officers who participated in training reported decreased feelings of complacency and an increased desire to learn more (Lowenkamp et al., 2013).

This preliminary evidence suggests that participation in training programs may help improve officer perceptions and attitudes towards reform. This research, however, is also limited and there have been few investigations into staff perceptions of and attitudes towards specific community supervision officer training programs, coaches, and agency support. This line of inquiry is especially critical as POs serve as front-line policy implementers (Lipsky, 1980), and their attitudes and how they interpret policy can directly support or impede change efforts (e.g., Fulton et al., 1997; Steiner et al., 2011; Viglione, 2017). The goal of the current study was to examine the attitudes and experiences of federal probation officers trained in STARR, including PO attitudes and experience with STARR, STARR training, coaching, and perceptions of agency support.

Method

Study Site

This study took place in the United States Probation Office for the Middle District of Florida (MDFL). This district covers 35 counties across five divisional offices and two satellite offices. The district first began implementing STARR across its offices in 2017, starting with several supervisors and POs. Since then, STARR training progressed in a cohort model, with probation staff sent to training in small groups on a voluntary basis or based on recommendations from supervisors or other staff. Trained staff completed an initial three-and-a-half-day training. Following the successful completion of initial training, staff were assigned a peer coach (an advanced STARR user who completed coach-specific training) to whom they submitted monthly audiotapes of skill use for feedback and were required to attend one booster session every other month.

Data Collection

The research team developed a survey that was distributed electronically to all POs¹ ($N = 96$) in MDFL in November 2018 via Qualtrics (Snow & Mann, 2013). The goal of this survey was to assess staff experiences with and attitudes towards STARR, use of CCPs and evidence-based practices (EBPs), and attitudes towards the organization (e.g., climate, cynicism, leadership). The survey included both validated survey measures and measures developed by the research team to specifically measure attitudes towards STARR. The survey took approximately 20 minutes to complete. Officers were given five weeks to complete the survey, with reminders weekly for non-respondents. Of the 96 staff members who received the survey, 90 percent completed the survey ($N = 86$).

Sample

Of the 86 staff who completed the survey, 60 percent ($n = 52$) were POs while 40 percent ($n = 34$) were supervisors (see Table 1). The majority were male (58 percent), white (69 percent), held a master's degree or higher (59 percent), and worked for MDFL for approximately 10 years. Of those who supervised an active caseload ($n = 73$), the average caseload size was 54. Approximately 53 percent ($n = 46$) of the sample had received STARR training at the time of the survey. Of those trained in STARR, 59 percent ($n = 27$) were trained users while 41 percent ($n = 19$) were trained coaches. (See Table 1, next page.)

Measures

Attitudes towards training. Officers who reported receiving STARR training were asked to report on three items measuring their satisfaction with STARR, measured on a 5-point Likert scale (1 = strongly disagree to 5 = strongly agree). Items included "STARR training was easy to comprehend," "I value the skills learned in STARR training," and "I felt motivated after attending STARR training." Next, respondents were asked to report their overall satisfaction with the STARR training and booster sessions. These items were both measured on the same 5-point Likert scale. We report both mean scores on these items as well as a calculation of *satisfaction*, which was created through the sum of responses coded as "agree" and "strongly agree."

¹ Only post-release supervision officers were included in this study.

Attitudes towards coaches. For trained officers who reported currently having an assigned coach, we asked a series of seven questions regarding their perceptions of and experiences with their coach (1 = strongly disagree to 5 = strongly agree). These items included “My coach is available when I need help,” “My coach helped me improve my use of STARR,” “My coach provides valuable feedback,” “I do not trust my coach’s feedback,” “I am comfortable asking my coach a question,” and “My coach provides feedback in a timely manner.”

Agency support. All trained officers were asked whether they believed MDFL had policies in place to support their use of STARR (1 = no, 2 = somewhat, 3 = yes).

Overall experience. All officers trained in STARR were asked to report their overall experience. This item was measured on a 5-point Likert scale (1 = very poor to 5 = very good).

Qualitative assessment of STARR perceptions. Last, we asked both trained and untrained officers an open-ended question regarding their perceptions of STARR. We separated data based on training status, reporting qualitative perceptions of STARR for trained versus untrained officers.

Analytic Plan

Data was exported from Qualtrics and into SPSS version 26 (2019). A series of descriptive analyses were conducted to examine staff attitudes and experiences with STARR. The qualitative data was uploaded in Atlas.ti for qualitative data management and analysis (Muhr, 1991). In Atlas.it, the first two authors coded the data using a line-by-line coding strategy, followed by iterative thematic coding to develop and identify common themes across officer perceptions of STARR (Rudes & Portillo, 2012).

Results

Overall, trained officers reported positive perceptions regarding STARR training (see Table 2). Approximately 83 percent of the sample reported that STARR training was easy to comprehend and 72 percent reported they valued the skills they learned in training. Less than half of officers reported they felt more motivated at work after receiving STARR training. With regards to overall perceptions of STARR training, approximately 74 percent of trained officers were satisfied, while about 64 percent were satisfied with booster trainings. However, less

TABLE 1
Survey Sample Characteristics (N = 86)

Variable	% (n)	M	SD	Min	Max
Position					
USPO	60.4% (52)				
Supervisor (Sr. USPO)	39.5% (34)				
STARR					
Trained PO	53.4% (46)				
Untrained PO	46.5% (40)				
STARR Role					
User	31.4% (27)				
Coach	22.1% (19)				
Gender					
Male	58.1% (50)				
Female	41.9% (36)				
Race/Ethnicity					
White	68.6% (59)				
Nonwhite	25.6% (22)				
Education					
Bachelor’s degree	39.5% (34)				
Master’s degree or above	58.5% (48)				
Caseload		54.3	54.3	30.0	350
Age		41.5	7.6	29.0	56
Tenure		9.9	7.4	0.3	27

Note: PO = Probation Officer

TABLE 2.
Trained Officer Perceptions of STARR Training, Coaches, and Agency Support

Item	M	SD	Min	Max	% Satisfied (n)
Training (n=42)					
STARR training was easy to comprehend	4.1	1.5	0	5	83.4% (35)
I value the skills I learned in STARR training	3.8	1.5	0	5	71.5% (30)
I need more STARR booster trainings	2.4	1.5	0	5	23.8% (10)
After STARR training, I felt more motivated at work	3.1	1.4	0	5	37.5% (15)
I am satisfied with STARR training	3.9	1.5	0	5	73.8% (31)
I am satisfied with STARR booster training	3.6	1.6	0	5	64.3% (27)
Coach (n=40)					
My coach provides helpful feedback	3.9	1.6	0	5	71.8% (28)
My coach provides feedback in a timely manner	3.5	1.7	0	5	57.5% (23)
I feel comfortable asking my coach a question about STARR	4.0	1.6	0	5	75.0% (30)
I do not trust the feedback provided by my coach	1.3	1.0	0	5	5.0% (2)
The feedback my coach provides is valuable	4.0	1.5	0	5	77.5% (31)
My coach helped me improve my use of STARR skills	3.9	1.3	0	5	68.5% (26)
My coach is available to assist me when I need help	4.0	1.3	0	5	62.8% (26)
Agency Support (n=37)	2.6	0.6	1	3	91.9% (34)
Overall experience with STARR (n=42)	3.5	1.3	0	5	64.3% (27)

than one-quarter reported they needed more booster training sessions.

Attitudes towards coaches were similarly positive. Of those officers with an assigned coach at the time of the survey, more than three quarters reported their coach's feedback was valuable and the vast majority were comfortable asking their coach a STARR-related question, felt their coach provided helpful feedback, and believed their coach helped them improve their use of STARR. Only 5 percent of respondents reported they did not trust the feedback their coach provided. Most officers reported that their coach was available to assist them when they needed help and felt their coach provided feedback in a timely manner.

Trained officers largely felt MDFL had policies in place to support their use of STARR. Approximately 92 percent reported the agency either had policies in place or "somewhat" had policies in place to support STARR. About 64 percent of trained officers reported being satisfied with their overall experience with STARR.

Four main themes emerged during analysis of the qualitative survey data relating to both facilitators and potential barriers to STARR implementation.

Benefits of STARR. First, trained officers ($n = 52$) perceived several benefits of STARR. These officers tended to share the belief that STARR was a great training program for newly hired officers and for those who were not yet comfortable having meaningful conversations with offenders on supervision. Trained officers discussed how use of STARR skills impacted their caseloads in positive ways. More specifically, they noted the STARR training program provided guidance for purposeful, intentional contacts. That is, they felt more prepared to discuss specific ways offenders on their caseloads may change the way they think and behave, and it helped to keep them on track to address the issues most important for individual success. Officers also mentioned the use of skills helped them to avoid long debates and aimless conversations. PO Donaldson² explained, "I think STARR is excellent for new officers and officers who are not comfortable in meaningful conversations with persons under supervision." PO Eaton shared a similar perception:

STARR makes my job more fulfilling regardless of what the actual outcomes may be because it has allowed me to create better relationships and more trust with those I supervise, as well as their families. This alone may help in the reduction of recidivism, as people are more likely to be forthcoming about issues or problems they are having.

Barriers to Implementation. Trained officers also noted several potential barriers to successful implementation. First, trained officers argued that STARR was not a "new" program. They perceived it to be similar to other cognitive-based trainings they had received in the past, just with a different name. Many felt the STARR skills were no different than the ones they already possessed and that those officers who communicated well have always been doing STARR, it just now has a label. Some officers reported that those who need STARR training to teach them how to communicate should likely not be a PO at all. Alternatively, there were several officers who believed STARR would not be a lasting program or expectation across the district. These officers argued that new initiatives were introduced frequently, and they did not believe this program would be maintained long-term. The following fieldnotes highlight these findings:

Before learning STARR, I had several other cognitive based trainings in how to effectively engage with offenders (BITS [Brief Intervention Tools], MRT [Moral Reconciliation Therapy]). STARR is the same thing, with a different name.

* * * * *

I believe that I have been using forms of STARR throughout my career, so my motivation has remained the same before and after. STARR is just an easier way to plan and deliver information in a measurable way.

* * * * *

I have not seen the buy-in from other officers, and since no more officers are being sent for training, most of the ones who have been trained are starting to think that STARR is on its way out.

Some officers questioned the scientific

evidence surrounding STARR and were concerned that the use of STARR would not result in recidivism reductions. These individuals noted that either they had personally not seen any change in the behaviors or thinking of offenders they have attempted STARR with, or they had not read any research that reported successful outcomes. Additionally, they noted that STARR may be beneficial in addressing specific situations (e.g., noncompliance), but ultimately, they did not believe it would result in reduced reoffending. There was an additional concern that some of the STARR skills were more effective than others and that not all offenders on their caseload would respond to STARR skills positively. An additional noted challenge was a lack of comfort using STARR skills. Several officers argued the program was too structured and scripted and they felt unnatural and robotic when they attempted the skills. Other officers reported they were not comfortable using the skills with higher risk offenders, as these individuals were often less open to engaging in these types of interactions and their lower risk and moderate risk cases were often more open to change. This finding is illustrated below:

STARR provides some tools to address certain situations and it takes away any personal tone. However, I don't believe that it [STARR] will actually reduce recidivism.

* * * * *

STARR is a very structured, scripted approach to supervision, and many officers are not comfortable with it. The offenders I have used skills on to address noncompliance have all ended up in court, so I have not seen any changes in their behavior or thinking. I'm not really sure if it's helping or not.

* * * * *

I understand that STARR should be utilized more on the higher risk cases but in my experience, the higher risk cases are less open to participation in the skill. I have found it more useful with the low/moderate and moderate cases, of which are more open to change or are teetering on the edge of antisocial behavior.

² All names are pseudonyms to protect participant confidentiality.

Implementation Challenges. Trained officers reported several specific implementation challenges. First, several officers noted the challenge of coordinating with their assigned coach (or user) when they were located within a different office. This made coordinating schedules more challenging and removed the ability to meet face to face to discuss feedback or problem-solve in real-time situations. Officers also argued there was a lack of accountability. For example, some respondents described that users would not always provide audio recorded skills for coaches to review, and coaches would not always provide feedback in a timely manner. Officer Jacobsen described this challenge:

Many officers do not follow all of the STARR protocols. This is a function of them not doing what they are supposed to do, for example users not providing recordings to their coach for feedback and coaches not providing feedback to users. Accountability has been very frustrating. This sends the wrong message to those who are trained and do what they are supposed to do and those who are not trained yet.

Other respondents echoed this challenge, noting that there was no process in place to encourage or even require officers to engage in these key components of the STARR process (submission of audiotapes and provision of feedback).

Perceptions of Untrained Officers. Untrained officers shared some similar positive perceptions of STARR. The main perceived benefit was that STARR provided officers with a tool to communicate with offenders more effectively. They believed that use of skills could help make supervision a positive experience as it teaches officers to communicate in a non-confrontational manner. Untrained officers also argued STARR provided multiple avenues for officers to intervene in attempts to reduce client recidivism. Additionally, untrained officers argued that STARR was beneficial for offenders on supervision. They believed it encouraged officers to focus on each offender's specific needs while also encouraging them to recognize and think about their behaviors.

STARR is a way to communicate more effectively with those on supervision to discuss items that can make the term of supervision a positive experience.

STARR is an additional tool used to assist with client's success. It provides additional avenues of approach and response for the officer to use in assisting clients and reduce their recidivism.

* * * * *

I like that STARR provides guidance for purposeful driven contacts with the persons under supervision. I believe having intentional contact with our cases is vital to helping them try to succeed and change the way they think and behave.

Untrained officers also reported several negative perceptions of STARR. First, they reported hesitations about audio recording their interactions with clients. They believed this would be counterproductive to building rapport. Untrained officers also shared the belief that use of STARR would not result in recidivism reductions, believing that those who are trained in STARR have seen little difference in their violation rates and that it may be a waste of their time. Additionally, untrained officers argued that STARR was "no different than motivational interviewing" and did not perceive it as a new program. They also worried that use of the skills would be awkward, unnatural, and too scripted. Lastly, untrained officers believed that participating in STARR would require a great deal of time commitment. They argued that they already had difficulty completing their required tasks, and worried about adding additional responsibilities on their plate. The following excerpts from fieldnotes demonstrate these findings.

I have heard that the communication techniques utilized are effective and can enhance an officer's skill. However, most people I have spoken with do not agree with the practice of video/audio recordings with persons on supervision. As an experienced officer it feels counterproductive in building good rapport with individuals to ask to record conversations for training purposes.

* * * * *

The skills supported by the STARR training are useful but due to the overly regimented time commitment the

officers/users are having difficulty completing the required tasks.

These examples highlight that although untrained officers appear to view the potential of STARR to improve communication with clients, several barriers exist that might impede their ability to use STARR skills according to practice. Officers perceived similarity of STARR training with other agency efforts and training might present an especially difficult challenge for correctional agencies to manage during implementation efforts.

Discussion

The current study examined PO attitudes toward and perceptions of the STARR community supervision officer training program. Overall, survey results suggested that trained POs reported positive perceptions of STARR training. A majority of trained officers perceived STARR skills as useful in managing their caseloads. They also recognized the important role coaches played in providing feedback and helping support fellow officers in their understanding and application of skills. However, our analyses also indicated that among trained officers, less than half reported they felt more motivated at work after participating in the training.

Qualitative data offer insight into officer attitudes towards the implementation process, highlighting several barriers and potential explanations for why officers in this study might have felt less motivated after participating in STARR training. Consistent with survey findings, trained and untrained officers perceived STARR as a beneficial skillset that helped guide and structure conversations with the individuals they supervised. Officers believed STARR provided a navigational road map to engage in more positive interactions and meaningful conversations with offenders on their caseload. This is a positive finding, given that prior research has illustrated a major goal of officer training programs is to encourage POs to take on the role of a "change agent" (Bourgon et al., 2012). Furthermore, it supports prior research that officers who engage in training might be likely to focus on rehabilitative efforts and goals (Fulton et al., 1997).

However, both trained and untrained officers were doubtful about the effectiveness of STARR in reducing offender recidivism. In fact, analyses suggested that some officers viewed STARR as no different than any other

cognitive-based training they previously received. These findings are consistent with prior literature demonstrating that organizational reform can be challenging and even impeded if staff are less likely to believe in the success of the change effort (Farrell et al., 2011; Tesluk et al., 1995). If POs do not see the value that STARR adds, then achieving officer buy-in might be especially challenging for supervision agencies and can potentially hinder overall effectiveness of the training programs. Additional results suggest this might be compounded by challenges in meeting with coaches, receiving feedback about skill use, or accountability of trained officers.

Additionally, trained POs identified hesitancy in using STARR skills with higher risk offenders, noting these individuals may be resistant to the application of the skills and to change more generally. While this is not surprising given previous work in this area (e.g., Viglione, 2017), these findings reiterate the need to further develop trainings and opportunities to practice skills for particularly challenging situations.

Policy Implications

Findings from the current study can inform several strategies to help support implementation efforts moving forward. First, supervision agencies should develop specific strategies to incorporate mid-level managers into the implementation and change process (Kras et al., 2017). This would take the stress of accountability away from coaches and onto supervisors, who can then work in conjunction with users and coaches to support STARR skill use. Previous research has consistently highlighted the key role leadership plays in supporting change efforts (Aarons, 2006; Friedmann et al., 2007). Ensuring that mid-level managers are well-versed in STARR can set them up to communicate positively about the training program and its value while empowering them to play an active role in the reinforcement and accountability process.

Second, this study identified several areas that should be addressed in training efforts, including an emphasis on the scientific evidence supporting the use of STARR and similar training programs. Agencies must make the value added by the program very clear (Lin, 2000), especially given the time requirements associated with participation. Agencies should also emphasize a discussion of reasonable expectations. That is, even when officers implement best practices and

STARR skills, they will still experience failures (Butts, 2012). Openly communicating about reasonable expectations may help officers reconcile their use of STARR skills and their experiences. Additionally, officers may need to be given more opportunities to practice and role-play particularly challenging situations. Agencies may consider asking trained officers about their most difficult cases when they would be reluctant to use a STARR skill in order to develop training exercises.

Limitations

While the current study provides several key data regarding staff perceptions and attitudes towards STARR training, implementation processes, and perceptions of agency support, it is not without limitations. First, this study relied on data from a single federal probation district located in one state. Thus, the findings presented here may not generalize to other federal probation agencies located in different jurisdictions or having a different organizational structure. Nonetheless, study findings are consistent with implementation research concerning the challenges that supervision agencies and line-level officers experience when using and translating PEI into practice. Second, this study assessed POs' attitudinal evaluations towards STARR training and implementation processes. Future research should seek to examine how and to what extent officers' perceptions of STARR and of training curriculums more generally influence their use of STARR skills and the effects on supervision outcomes (e.g., recidivism). In part, it is important to understand whether officers with negative perceptions towards STARR are less likely to use skills with fidelity, and what impact their skill usage may have on recidivism.

Conclusion

The current study provided an examination of attitudes and perceptions of federal POs towards STARR training and implementation processes. The findings of this study identified several important barriers that might prevent officers from adhering to the PEI or using the CCPs with the offenders they supervise. This study suggests the majority of officers hold positive perceptions of STARR, which is an encouraging finding given the proliferation of this training model across the federal system. While we also identified implementation challenges, these provide a starting point for updating implementation efforts. By identifying possible barriers to reform, agencies can

then implement practices to help officers in their training and continued use of best practices. In the case of the district studied here, the MDPL was able to use the results from the current study to inform their implementation planning for the next three to five years. This type of data-driven approach is encouraged as it sets agencies up to better support their staff during implementation efforts and succeed overall.

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An Exploratory Study of Self-Report Levels of Social Support in Two Justice-Involved Groups

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SOCIAL SUPPORT IS often defined as the number of individuals in a person's network who could offer assistance (Lindsey, Norbeck, Carrieri, & Perry, 1981). From another standpoint, social support is viewed from an individual's perception of how adequate and beneficial the support is (Goodenow, Reisine, & Grady, 1990). Social support may act as an insulating factor against such negative life events as health ailments, financial struggles, relationship problems, and other unwanted social issues. More recently, social support has been said to act as an insulating factor against crime involvement (Colvin, Cullen, & Vander Ven, 2002; Cullen, 1994; Andrews, Bonta, & Wormith, 2006). This is, of course, provided the support is positive, whereas negative social support, or coercion into antisocial behaviors, may drive individuals towards crime (Colvin, 2000). Social support is an often overlooked area in criminological literature, despite many risk/needs assessments considering its impact. Success for individuals on community supervision is at least partly reliant on social support. Practitioners have long recognized this, and more research to contribute to evidence-based practices in this area is needed. In this research, we hope to better understand how some justice-involved individuals self-report support from family in their lives prior to offending. This may also allow for an understanding of how differing levels of social support contribute to or take away from success on supervision.

Capturing social support pre-offending may also allow for a better understanding of how differing levels of support contribute to crime involvement in general. The goal then would be to increase areas where support is lacking to create future protective barriers against adversity, of which crime is one example. Finally, we are especially interested in the role of family social support, as it is particularly salient throughout life.

Background

Researchers have applied the concept of social support to a variety of consequences: stress (Cobb, 1976); mental health (Dressler, 1985; Lakey & Orehek, 2011); physical health (Hale, Hannum, & Espelage, 2005; Uchino, 2009; Wallston, Alagna, DeVellis, & DeVellis, 1983); physical activity (Beets et al., 2010; Duncan, Duncan, & Strycker, 2005); and, more recently, crime (Colvin, Cullen, & Vander Ven, 2002; Cullen, 1994). Suffice to say, social support is an interdisciplinary theoretical concept. Further, social support is posited as an insulating factor in a variety of negative life experiences: health ailments (Berkman & Syme, 1979), mental health episodes (Cohen & Willis, 1985), sexual victimization (Kimerling & Calhoun, 1994), and physical abuse (Carlson, McNutt, Choi, & Rose, 2002). White, Bruce, Farrell, and Klierer (1998) describe social support as any influence that either directly helps to adjust or reduces the effect of stress from negative stimuli. Vaux

(1988) refers to social support as information that leads people to believe they are offered care and value and belong to a network of individuals who will provide these. Support can come from a variety of sources such as family, friends, co-workers, and classmates. Social support is also understood as a stress-buffer that can help facilitate adaptation in the face of crises (Cobb, 1976).

Social support allows people to navigate through life feeling a connection. Lin (1986) states it is both social ties (bonds) and social position (access to support) that make up this conception of social support. When experiencing challenges with health, relationships, and other unwanted social issues, support is important. One of these social issues is involvement in crime. Crime involvement generates a number of consequences, not too dissimilar from other negative life events. Of importance is understanding what helps people to cope with these consequences. This is where social support plays a role. Bazemore (2001) writes that social support is a direct reflection of the connections individuals develop through socialization. As Vaux (1988) indicates, infants establish an attachment to a primary caregiver at a very early age. The strength of these relationships may vary, but some sort of social support is established.

Zimet, Dahlem, Zimet, and Farley (1988) report that social support was conceived in response to a need for a buffer between negative life events and the unwanted and negative

symptoms they produce. Procidano and Heller (1983) state that this buffering of social support protects against distress, negative moods, and other mental health disorders. It is also possible that social support may have some effect on behavioral outcomes as well. For example, in work surrounding social support and mortality, Berkman and Syme (1979) find participants with greater social networks live longer. This may be attributable to exercise and diet, or just overall health, but it shows the impact of social support on a behavioral outcome.

There have been challenges in trying to define exactly what is social support. The term is both interdisciplinary and broad. Attempts not only to define but also to measure social support have been met by researchers and scholars continuously refining language and developing additional tools in an attempt to best capture its essence. In early studies (pre-1980), one could come across as many as 50 different instruments (Vaux, 1988) in sociology alone. This has led to a lack of uniform evaluation in the field. Some of these ways of capturing social support include reporting the frequency of support over a given time period, the number of supportive behaviors provided in a given situation, and rating quality of support (Cohen, Underwood, & Gottlieb, 2000). Because of this variation, social support research has received considerable criticism. One main critique is there is no generally agreed upon "best practices" approach for how to measure social support.

Family support is important as these influences help shape behavior, both positively and negatively. While social support can come from a variety of sources (such as peers, co-workers, classmates, and teammates), that which comes from the family is salient throughout life. Patterson and colleagues (1982) spent a great deal of time researching the relationship between family social support and behavioral outcomes of children. One of the most important findings from years of their research is that positive parenting practices, a form of family social support, can dramatically reduce the deviance rates in children.

As previously stated, social support takes many forms, including family, friends/peers, coworkers/classmates, teammates, and others. Similar to other coping strategies to deal with stress, social support does not necessarily prevent a negative outcome. Rather, it may mitigate the chances of future involvement in crime, for example, or soften the effect of criminal behavior.

Social support largely exists in four domains: instrumental, expressive, received, and perceived (Lin & Dumin, 1986; Hochstetler et al., 2010). Instrumental support consists of tangible or material items such as financial help, transportation assistance to school/work, and childcare, to name a few. Instrumental support is resource-based and is important for meeting daily needs in an individual's life. Expressive support (also referred to as emotional support) involves having someone to talk with about problems or praise for successes, as examples. This form of support is not necessarily tangible but is important for positive coping nevertheless. Expressive support focuses on connections between people. It is the idea that an individual has somewhere to turn when struggling with any number of challenges. Anecdotally, justice-involved individuals may struggle to receive this type of support due to broken relationships with family members, family trauma, or pervasive emotional emptiness due to years of social isolation and discrimination in family members. Received support seeks to quantify the number of people available for an individual to count on in times of need. This taps into the idea of having a social network and support system, or what may be referred to as social capital. Received support also considers the availability of help in times of need. Just because someone has support does not necessarily mean they receive it when requested. It also considers support at "face value" versus support that is meaningful. There are many instances where people say they will help, but stop short of actually offering support. Finally, perceived support seeks to better understand the quality of the support received as it may vary in importance from one person to the next based on how it is valued. Other ways of considering this are the impact, helpfulness, or effect that support has on someone. It is

entirely possible to have a brief conversation with someone and leave feeling fulfilled, as opposed to having an hours-long discussion where the person seeking support is left empty. Figure 1 provides further clarification on these four types of support.

The current empirical literature exploring social support and the criminal justice system is limited. The theoretical relationship between the two was proposed over 25 years ago by Cullen (1994) and has received an underwhelming amount of attention since then. We believe it is important to better understand how justice-involved groups self-report social support prior to their crime involvement, but this still leaves several questions unanswered. For example, what is the relationship between the two if someone is on community supervision? This study sets out to begin exploring this question.

To accomplish this, we investigate the relationship between social support and the justice-involved for each of the four dimensions among two different groups of individuals. In exploring this question, we developed a working hypothesis for this research:

H1: Respondents will self-report *instrumental* support as the subscale where they receive the most support.

Methods

Study Site

The current study analyzes social support data collected from a survey with individuals who were justice-involved with the Ramsey County (MN) Adult Probation Department.

In 2018, the Ramsey Co. (MN) Adult Probation Department in St. Paul, MN served a population of 18,460 individuals who were justice-involved in some capacity. In this sense, justice-involved refers to individuals who are on some form of community supervision such as "traditional" probation, pretrial diversion,

FIGURE 1.
Conceptualizations and Types of Family Social Support

Conceptualization/Type	Definition	Example
Instrumental	Tangible support including items such as financial aid and childcare help.	Providing transportation assistance to an individual for work/school purposes.
Expressive	Support that comes in the form of listening to an individual's problems and providing possible solutions.	Making eye contact with a person while they are sharing a story and other forms of engaging behavior.
Perceived	An individual's opinion on the <u>quality</u> of support being offered.	While only spending a small amount of time with a spouse, it is an enriching experience.
Received	An individual's opinion on the <u>quantity</u> of support they get.	An individual is able to count on 5 family members for support.

or other suspended sentence. The department also has high-risk units that supervise specialized caseloads for sex crimes and other violent offenses, which were not part of this study. All participants in this study fit into the category of being on a traditional probation caseload.

The Probation Services Center (PSC) is a low contact, high volume unit within the Ramsey Co. Adult Probation Department. The staff use technology to assist them in case management. In keeping with Risk-Need-Responsivity principles, because clients are low- to medium-risk, those who are compliant with the terms and conditions of their probation have little correctional involvement. That is, they are required to report in person to begin their sentence and then mostly report by phone moving forward. At the PSC, clients have minimal in-person contact with an officer unless they enter into noncompliance status. Clients are still required to check in as they are assessed, based on risk level, and report any changes of address, phone number, employment, etc. Otherwise, clients who are having difficulty complying with their conditions have their supervision level increased and are then required to report to an officer until they again become compliant.

The PSC services clients who are assessed as low- to medium-risk on the LS/CMI case management assessment, as well as clients who are assigned to the unit based on type of offense (such as DUI, theft, and drug possession). These offense types are non-violent in nature and may be the only conviction for an individual on an otherwise clean criminal history. Individuals who are supervised at the PSC are required to make monthly calls to their officer and report any changes of address, phone number, work status, and contact with law enforcement. Call-in days are determined by the last name of the client (alphabetical) and remain the same each month. These monthly call-ins continue as the style of supervision unless an individual is determined to be out of compliance. Noncompliance may be due to violating any number of conditions of supervision, including failing to call in. Failing to call in may result in an individual having to physically report to the probation department and call the officer from the phone in the lobby until a time at which the client again comes into compliance.

Data Collection

Researchers collected data from two groups of clients assigned to the PSC. The first group were clients reporting to the PSC for their

initial contact with the department, the PSC Orientation Group. These clients viewed a PowerPoint presentation that provides general information about the PSC and the expectations of supervision. They then meet individually with an officer to enroll in the technology-based reporting program, which allows them to maintain contact and provide updated information. At that time, their conditions of probation are reviewed and services ordered by the court are brokered. The second group included clients who were non-compliant with the terms and/or conditions of their supervision. The nature of their non-compliance varied greatly. Some clients had simply failed to maintain contact and some had serious pending charges that the court had ordered no action on, pending resolution.

On 10 occasions, from March – May, 2019, researchers recruited individuals assigned to report to the Ramsey County, MN, PSC for survey participation. Respondents were recruited for participation with an announcement which was made prior to the clients' meeting with their officer. This took place in a lobby setting of the probation department approximately 10 minutes before they met with their officer. This process applied to both groups of individuals, those appearing for orientation as well as those reporting due to noncompliance. The researchers came to the PSC on specific days/times when both the orientation was being offered and noncompliant clients were reporting. In the lobby setting, a researcher would state before the participation announcement was made that those reporting for either orientation or noncompliance were eligible to participate. In this way, clients did not have to indicate out loud their reason for reporting. Additionally, this sampling methodology was very much one of convenience. Finally, the announcement included a disclaimer that participation was voluntary and participants were free to stop at any point. Those who expressed interest in participating by raising their hands were then provided with a copy of the informed consent document. Individuals were required to sign the informed consent before participating in the survey. Researchers were available during the entire time of survey collection to answer any questions about either the informed consent document or the survey itself. It should be noted that participants were not compensated for participation in the survey, and this was made explicit in the informed consent document. Respondents filled out the pencil and paper surveys in the lobby before proceeding

with their appointment. Participants were told this survey would not interfere with their meeting and they could stop if it was their turn to meet with an officer. Participants were also told that this survey, and their subsequent willingness to participate, would in no way (either positively or negatively) affect their period of supervision. Researchers entered surveys into the statistical package SPSS for analysis. Project approval was obtained from both the sponsoring university institutional review board and the data collection site.

Instrument

The Family Social Support Scale was developed by the researchers and is grounded in social support theory. The survey asked respondents to think back 30 days prior to the offense for which they are currently justice-involved and respond by either disagreeing or agreeing to each of 28 items (0=disagree, 1=agree). It was very important to consider social support pre-offense so the effect of committing a crime did not influence how support was captured. The survey asks respondents to consider social support from "family." There is a supporting paragraph at the beginning of the survey that describes family as, "those who are immediate members such as parents, siblings, grandparents, significant others, and children. If desirable, you may also consider secondary members such as aunts/uncles, cousins, in-laws, and nieces/nephews." While this may be somewhat limiting, the researchers felt it was important to make a decision as to what constitutes family and also be as inclusive as possible. Again, it was important to capture social support prior to offending, because it may allow for a more complete picture of what led someone to come into contact with the criminal justice system in this instance. As a criminogenic factor, better understanding social support during this pre-offense period may help to create a baseline prior to offending and develop a case plan for community corrections practitioners regarding how to increase areas of support that may be lacking.

Scale items seek to measure social support across the four different domains (instrumental, expressive, received, and perceived). Each domain, or subscale as they are referred to in the study, includes seven items, except the Received Subscale, which has six items. There is one item in the Received Subscale which asked respondents to provide a number of individuals in their social network they can count on for support. A sample item from each subscale can be found in Figure 2.

Each subscale mean was created by summing the items in that subscale and dividing by the numbers of respondents. The values in these subscales range from 0-7, where higher scores represent more support and lower scores less support. The Received Support Subscale only has 6 items and ranges from 0-6 as one of the questions asked for the number of persons who may offer support and was not a yes/no response. The scores presented in the descriptive statistics represent means on each subscale for the 80 respondents. Nine of the items in the instrument were reverse coded during analysis to represent the presence of

positive support, similar to the other items.¹

Results

Demographics

In total, 80 individuals completed the Family Social Support Scale. A response rate is not available, as recruitment involved a convenience sample of those individuals in the probation department lobby during data collection. The results present information about the sample and the mean responses to the

¹ For a copy of the full Family Social Support Scale, and the items which were reverse coded, please contact the researchers.

Family Support Scale. First, Table 1 displays a comparison of selected demographic variables between the study sample and that of the Ramsey County, MN, Adult Probation population. Overall, our study sample demographic variables generally reflects the population of Ramsey Co. Adult Probation along age and gender lines. One noteworthy difference emerges regarding the racial makeup of the sample. There is an underrepresentation of African Americans in our study (21 percent) in comparison with the overall population of the clients in the probation department (32 percent). The majority (55 percent) of the respondents in our study identify as Caucasian, whereas only 34 percent of those in the entire county probation population identify as such. Regarding age, 47 percent of the study sample falls within the range 25-34 (majority) and the Ramsey Co. Adult Probation population also sees this as the majority age category at 35 percent. Finally, the majority of respondents in the study sample identify as male at 64 percent and 79 percent of the overall clients in the probation population identifies as this gender. (See Table 1.)

Social Support Subscales

The sections below present our findings based on each of the four subscales.

Instrumental Support

Overall, respondents rate instrumental support at 4.36 (out of 7). Males rate instrumental support greater than females at 5.26 to 4.87. It is possible these results are a product of sampling from a justice-involved population, where tangible support is lacking for any number of reasons (lack of resources, strained relationships, etc.).

Expressive Support

Results overall indicate that respondents self-report expressive support as 6.44 (out of 7). This is important as expressive support may have as great an impact as providing tangible support, and may even have a greater impact. Females rate expressive support greater than males at 5.8 to 5.73. This may be a reflection of females perceiving relationships as more important than any instrumental/tangible support they may receive.

Perceived Support

The Perceived Support Subscale falls in the middle of the four dimension ratings with an overall mean self-report value of 4.58 (out of 7), indicating that justice-involved individuals

FIGURE 2.
The Family Support Scale Sample Item

Subscales from The Family Support Scale with sample items

Subscale	Sample Item
Instrumental Support	I believed family members would provide whatever they could tangibly (i.e., money) to support me.
Expressive Support	A family member acknowledged my problems.
Received Support	I don't believe that my family gave me enough support.*
Perceived Support	I wish family members would be more engaged while offering me support.*

*Note: These items were reverse coded in the dataset to reflect an accurate report of social support.

TABLE 1.
Select Study Demographic Statistics

Selected Study & Demographic Variables, Ramsey Co. (MN) Adult Probation

Variable	Social Support Study*	Ramsey Co. Adult Prob.**
Race/Ethnicity (%)		
African American	21%	32%
Caucasian	55%	34%
Asian	14%	7%
Hispanic	6%	8%
Other	4%	18%
Age (%)		
18-24	18%	16%
25-34	47%	35%
35-44	16%	23%
45-54	11%	16%
55+	8%	10%
Gender (%)		
Male	64%	79%
Female	36%	21%

Notes: *The Social Support Study reflects data collected between March – May, 2019 with a sample size of 80 (n=80).

**The Ramsey Co. data comes from 2018 and reflects a population of 18,460 (N=18,460).

have moderate feelings towards this type of family social support. Caucasian respondents report greater amounts of perceived support than African Americans, at 5.91 to 4.94, respectively. This is nearly a full point difference and may be a reflection of social networks from which respondents are able to draw. That is, if someone reports fewer supports in their network, their perception of those numbers may be lower as well. Males also perceive, over females, greater amounts of social support at 5.61 to 5.16, again, respectively. These results are close in comparison and may reflect only slight differences in how support is perceived.

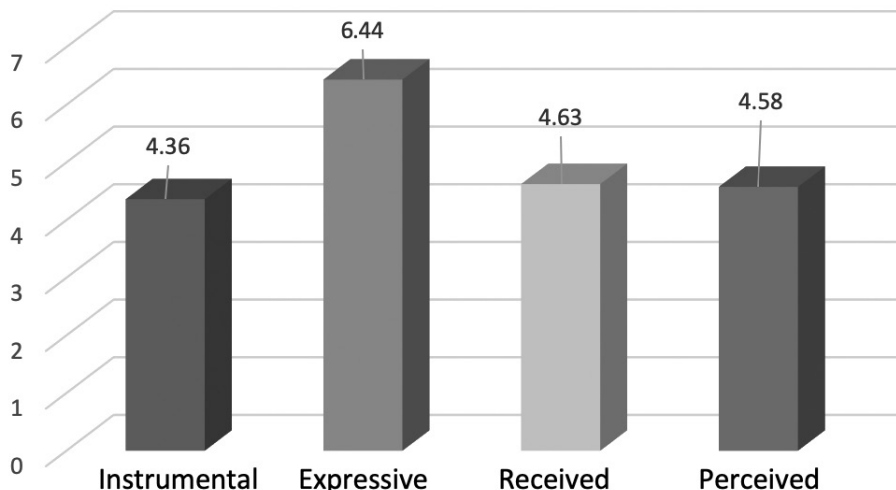
Received Support

Respondents rate overall received support at a mean of 4.63 (out of 6). Again, these results represent moderate feelings towards the amount of support respondents receive. The following results also are found in this subscale: Caucasian respondents report greater amounts of support over African Americans, at 5.09 to 4.61 (respectively), and females report greater amounts of support over males, at 5.0 to 4.8 (respectively). The mean number of social supports in respondents' lives is approximately 4 ($M = 4.15$). As a point of comparison, individuals in a prison setting report a similar number of supports, characterized as visitors, at 4.28 (Bales & Mears, 2008). Figures 3, 4, and 5 below display the average response scores for each social support subscale and comparisons between the different subscales.

Discussion

Our working hypothesis posited that instrumental or tangible/material support would be rated by participants as the greatest type of social support in their lives. This stems from the idea that such support as receiving money from family, a ride to school/work, and someone to watch their children is necessary to function on a daily basis, and thus would be perceived as most important. However, while this type of support may be desired, respondents actually report receiving greater amounts of expressive or emotional support. Expressive support such as having someone to listen to problems and receiving advice is important in and of itself, but also may lead to instrumental support in the future. It may be through building relationships (expressive support) that tangible support emanates. Results from the study overall may point to social support systems as a possible

FIGURE 3.
Social Support Subscales



Notes: These figures represent averages in each subscale for the 80 participants. For the Received Subscale, there were only 6 items whereas all others had 7.

FIGURE 4.
Received vs. Perceived Support

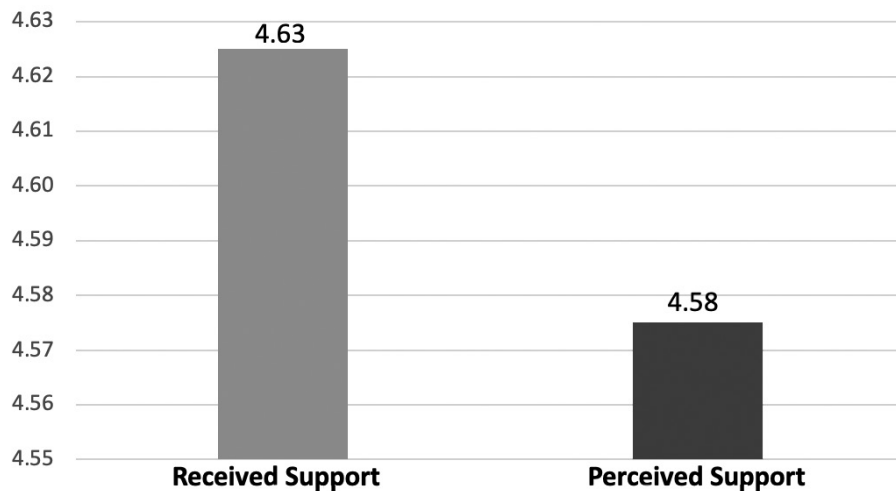
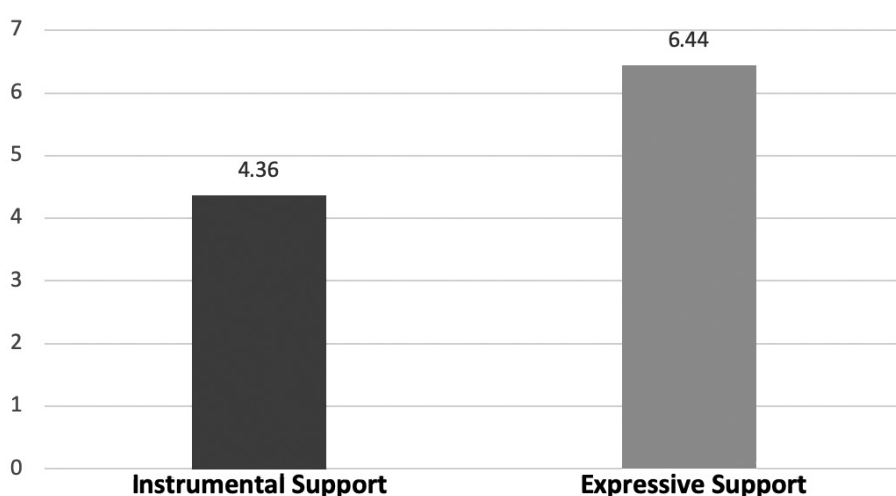


FIGURE 5.
Instrumental vs. Expressive Support



criminogenic protective factor that needs to be further explored. One important finding here is capturing social support pre-crime, which may allow community corrections officers (CCOs) and clients the ability to build a case management plan for both improving and enhancing social support for the future.

CCOs and clients can work towards improving and enhancing expressive support, as this may help build networks for the future. These discussions, which can occur during regularly scheduled contacts such as office visits, could be a focus of the ongoing case management plan and even a way for CCOs to empower clients from the beginning of supervision. Most risk/need tools in community corrections touch on social support in some way. However, social support should be viewed as a dynamic variable, as it is fluid, and CCOs should spend more time addressing this area with clients. It may be helpful to ask clients how they feel expressive support can be improved. This approach would assist clients in thinking about support systems in their lives and how they may be enhanced.

Regarding instrumental support specifically, it may be that some of the respondents are newly introduced to the criminal justice system and have remained fairly independent in life. That is, they have not relied on as much support as those who possibly have been justice-involved previously. This may indicate that those who have been justice-involved for some time have larger social pools to draw from than those just placed on a period of community supervision. It may also be that individuals who are previously justice-involved are "rallied behind" by family.

Regarding perceived support, it is possible this group places an emphasis on relationship value through expressive support instead of an available pool. This could be part of a larger discussion surrounding quality versus quantity of support. For example, what is the perception of spending five minutes in a conversation with a family member versus one hour, if that hour is not productive? That is, there is importance in discussing quality of social support. Quality support may be characterized by active listening, making eye contact during conversation, and being able to recount a conversation. There is also importance in having a social network, no matter the size, that provides rich and substantive support.

Community corrections officers may wish to use some of this as a building block in their work with clients and help them to enhance

support in their lives. It may be worthwhile for officers to focus on these supports as potential protective factors which may insulate clients from future crime involvement. In case management, CCOs could emphasize the importance of clients leaning on these support systems as they navigate their supervision and other life challenges.

Limitations/Future Research

As with all social science research, this study is not without its limitations. First, future research should consider sampling from a medium- to high-risk justice-involved population to compare social support across different risk categories. Because this study comes from a non-probability convenience sample, the results are not generalizable. Future research would benefit from a random design such as stratified random sampling. It would also be worthwhile to conduct a longitudinal study in future research. Collecting data over multiple time points, as opposed to once or cross sectional in nature, is beneficial for several reasons. In this case, it would allow for a better understanding of if/how social support changes over time in a justice-involved individual. Researchers may wish to collect data at "baseline," or prior to offending, and then follow a group that become justice-involved over several points in time. One possibility would be to collect data at baseline and then again after reaching a milestone such as completing a condition of probation. It would also be interesting to conduct a comparison between two groups that are matched along similar demographic variables, with one group being justice-involved and the other not involved with the criminal justice system.

In the race/ethnicity demographic category, one limitation is the option of selecting only one race/ethnicity. Respondents were asked to select the racial/ethnic group they most identify with. While this allows for only one selection, and is certainly a limitation of the study, it is a flaw that the researchers are working to correct in future research opportunities. Understandably, many individuals identify with more than one race/ethnicity, and we seek to accurately represent our samples.

Conclusions/Practical Implications

This study has several practical implications for community corrections. CCOs recognize the importance of social support in the evidence-based world we occupy. To that

end, community corrections agencies should consider employing programs that emphasize building support between justice-involved individuals and their family members. This is a challenging task, as CCOs wear many "hats" and are already spread quite thin. Spending additional time contacting families of clients may prove to be just another one of those hats to wear. Community corrections agencies may wish to designate certain officers for additional training on enhancing family support. This could work similar to other programs such as "Thinking for a Change," where there are designated "trainers." This approach may also signal a culture change in some organizations, which may currently be mostly concerned with enforcement, and instead require a shift toward a more client-centered approach to supervision for the future, particularly for those clients struggling to acquire adequate support.

It would also be advantageous to tailor any programs to the four specific domains of social support to maximize the effectiveness of change: that is, to enhance the support which is already present to best serve these individuals. It may be necessary to educate clients about the importance of support, or having a network to lean on. This may take the form of support groups for clients and their families which are peer lead. Additionally, CCOs can tailor a specific case management plan to enhance the areas of social support that are important to their success. Similar to other criminogenic protective variables, social support is dynamic and does not mean the same for everyone. There is not a "one-size fits all" approach to improving the social support in a person's life. To increase instrumental support, community corrections may wish to partner with social service agencies that can provide such assistance to families as transportation, food, clothing, and childcare. Improving expressive support may best be accomplished by providing programs such as family counseling where communication skills such as active listening and providing constructive feedback are taught. Other topics of importance may include teaching empathy, the effects of enabling, and mitigating the use of co-dependency.

Enhancing received and perceived social support may prove more of a challenge. To increase received support, CCOs may wish to continue encouraging justice-involved individuals to join and participate in such prosocial groups as clubs, athletic teams, faith-based organizations, etc. Many of these

recommendations are already being made based on results of risk-needs assessments, and community corrections officers can continue to emphasize their importance. This would certainly help to increase the numbers in an individual's support system. Finally, perceived social support may be increased by teaching individuals positive coping skills so they may interact constructively with family members when asking for help.

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CRIMINAL JUSTICE FOCUS

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Jail Population

Local jails in the United States experienced a large decline (down 185,400 inmates) in their inmate populations from June 30, 2019, to June 30, 2020, which can be attributed mainly to the COVID-19 pandemic, according to the Bureau of Justice Statistics. At mid-year 2020, jails held 549,100 inmates, down from 734,500 at midyear 2019.

Criminal Justice Reform

Formerly incarcerated activists, lawmakers, and advocates achieved important changes in criminal justice policy last year to reduce mass incarceration, expand voting rights and advance racial justice. "Top Trends in Criminal Justice Reform, 2020," by Nicole D. Porter, describes these key changes. Highlights include:

- **Pandemic Prison Releases:** A new law designed to preempt the spread of COVID-19 in New Jersey prisons resulted in the early release of a reported 2,258 persons when the law went into effect.
- **Sentencing:** Washington, DC authorized individuals who committed an offense before age 25 and who have served 15 years in prison to petition for a sentence modification.
- **Racial Disparity:** California allowed individuals charged with or convicted of a crime to challenge their sentence with evidence that discriminatory practices influenced the prosecution of their case, including racial animus.
- **Felony Disenfranchisement:** Washington, DC, authorized voting by persons in prison with a felony conviction.
- **Youth Justice:** Ohio's legislature passed legislation to end juvenile life without parole for persons under age 18 at the time of their offense.

Stand Your Ground Laws

Since Florida enacted its "Stand Your Ground" law in 2005, allowing people to use lethal force if they believe they are in danger, 27 other states have passed similar statutes (an additional eight are Stand Your Ground states by legal precedent or jury instruction). In a 2015 analysis of all homicide cases in Florida from 2005 to 2013 where "Stand Your Ground" was invoked as a defense, the authors found that, after controlling for other variables, defendants were twice as likely to be convicted if the case involved white victims. Another study, which considered nationwide homicide data from 2005 to 2010, found that 11.4 percent of homicides with a white perpetrator and a Black victim were ruled justified, compared to 1.2 percent of cases where a Black person killed a white victim. This disparity existed in both states that did and did not have Stand Your Ground laws.

Human Trafficking Data Collection

The Department of Justice's Bureau of Justice Statistics has released *Human Trafficking Data-Collection Activities, 2020*. This report describes BJS's activities during 2019 and 2020 to collect data and report on human trafficking as required by the Combat Human Trafficking Act of 2015 (34 U.S.C. § 20709(e)(2)(B)). The report details ongoing and completed efforts to measure and analyze the nationwide incidence of human trafficking, to describe characteristics of human-trafficking victims and offenders, and to describe criminal justice responses to human-trafficking offenses by state and local law enforcement, prosecutors and courts.

Human Trafficking

The Department of Justice's Bureau of Justice Statistics (BJS) recently released *Human-Trafficking Offenses Handled by State Attorneys General Offices, 2018*. This report details the information reported by state attorneys general offices in 43 states, the District of Columbia, and three territories on their human trafficking laws in 2018. The report describes the jurisdiction of state attorneys general offices over labor- and sex-trafficking offenses, their prosecution of human-trafficking offenses, and their staffing or resources to handle human-trafficking cases. It also describes offices that provide victim services, train other entities to recognize and combat human trafficking, and participate in human-trafficking task forces.

Community Policing

The Office of Community Oriented Policing Services (COPS Office) funds Microgrant Initiative awards to support law enforcement in implementing innovative community policing projects. Each microgrant award provides up to \$150,000 in small-grant seed funding to a state, local, or tribal law enforcement agency to develop and test programs in a real-world setting. On its website, the COPS Office provides a report with case studies of 14 microgrant projects, highlighting successful community policing strategies, lessons learned, and implementation details for other agencies to adopt similar programs in their communities.

Background Screening

Youth-serving organizations have the fundamental duty to protect the children within their care. What You Need to Know about Background Screening is a simple yet

powerful resource from the National Center for Missing & Exploited Children dedicated to helping youth-serving organizations by providing information on how to better screen employees and minimize the risk to the children they serve. This guidebook, thoroughly updated in 2021 with new information and research, describes the layers of screening an agency should consider when developing a comprehensive background screening process and offers links to useful tools and resources to help youth-serving agencies understand the best screening practices that are available.

Jim Crow Era

Racial threat theory predicts that “when minority groups pose a threat to the dominant group’s political and economic influence, often via large minority group size, dominant groups expand criminal law to suppress the political and economic power of the minority group,” explains Scott Duxbury in a study published in the *American Sociological Review*. His article, titled “Who Controls Criminal Law? Racial Threat and the Adoption of State Sentencing Law, 1975 to 2012,” tests this theory using data on state sentencing policies and public opinion across all 50 states.

Duxbury finds that as white dominance was threatened in the post-Jim Crow era, “minority group size, rather than crime trends, [became] a better predictor of sentencing law adoption.” This relationship inverted once the size of the Black population became large enough, perhaps because it could then oppose the adoption of punitive sentencing policies. He also finds that white public policy preferences shaped sentencing laws in ways that Black preferences did not.

Low-Level Prosecutions

Baltimore City State’s Attorney Marilyn Mosby says the city will no longer prosecute for prostitution, drug possession, and other low-level offenses. Mosby made the announcement following her office’s one-year experiment in not prosecuting minor offenses to decrease the spread of COVID-19 behind bars. The experiment, known as The Covid Criminal Justice Policies, is an approach to crime developed with public health authorities. Instead of prosecuting people arrested for minor crimes like prostitution and public urination, the program dealt with those crimes as public health issues and work with community partners to help find solutions.

Release Data

Newly-released data from the Bureau of Justice Statistics (BJS) report on the number of people under probation and parole supervision in 2017 and 2018. This brief seeks to put the data into the context of historical and international community supervision trends and to examine supervision rates through a racial equity lens. Key findings from the BJS report include that the number and percentage of people under community supervision have declined for the 10th year in a row (Kaeble & Alper, 2020). This amounts to a 2 percent decrease between 2017 and 2018 and a 14 percent decrease from 2008 to 2018.

While this does mark an observable decline in the number of people under community supervision, the United States continues to maintain high rates of community supervision compared to historic rates, as well as compared to European rates. Further, community supervision is still marked by significant racial disparities and “mass supervision” continues to be a major contributor to mass incarceration. Finally, from 2008 to 2018, the decline in the number of people on probation has failed to keep pace with the decline in arrests, resulting in an increase in the rate of probation per arrest. Two-thirds of offenders released from state prison in 2018 served less than 2 years in prison before their initial release. While 1 in 23 violent offenders (4 percent) served 20 years or more before their initial release, over half of violent offenders (57 percent) were released in less than 3 years. The average time served by state prisoners released in 2018, from their date of initial admission to their date of initial release, was 2.7 years. The median amount of time served (the middle value in the range of time served, with 50 percent of offenders serving more and 50 percent serving less) was 1.3 years. By offense type, the median time served was 17.5 years for murder, 7.2 years for rape, 17 months for drug trafficking, and 9 months for drug possession.

These findings are based on prisoner records from the National Corrections Reporting Program (NCRP), which collects records on prison admissions and releases. Statistics are based on 44 states, and data exclude state prisoners with sentences of one year or less; those with missing values for most serious offenses or calculated time served; those released by transfer, appeal, or detainer; and those who escaped. Data include 3,266 deaths in 2018.

Highlights

The average time served by state prisoners released in 2018, from initial admission to initial release, was 2.7 years, and the median time served was 1.3 years. Persons released from state prison in 2018 served an average of 44 percent of their maximum sentence length before their initial release. State prisoners serving time for rape and initially released in 2018 served an average of 68 percent of their sentence, and those serving time for murder served an average of 58 percent of their sentence. Persons serving less than one year in state prison represented 42 percent of first releases in 2018. Among persons released from state prison in 2018 after serving 20 years or more, 70 percent had been imprisoned for murder or rape. Violent offenders released from state prison made up less than a third (30 percent) of all initial releases in 2018. About 1 in 5 state prisoners released in 2018 had served less than 6 months before their initial release. Offenders released from state prison in 2018 after serving time for drug possession or drug offenders served more than twice as long in state prison on average as other offenders. State prisoners released in 2018 after serving time for a violent offense spent an average of 4.8 years in prison before their initial release. Violent offenders made up 30 percent of all initial releases that year. Among non-violent offenders, those released from state prison in 2018 after serving time for drug trafficking (26 months) served more than a year longer on average than those released after serving time for drug possession (13 months). Persons sentenced for weapons offenses spent an average of 23 months in state prison before initial release, which was 3 months longer than the average time served for other public-order offenses (20 months). Persons sentenced to state prison for rape or other sexual assault made up 5 percent of initial releases in 2018. On average, offenders sentenced for rape spent almost twice as long in state prison (9.6 years) as those sentenced for other sexual assault (5 years). MAP trafficking had served less than 40 percent of their sentence, on average.

Incarceration Rates

The Vera Institute of Justice (Vera) reports that the United States saw an unprecedented drop in total incarceration between 2019 and 2020. Triggered by the onset of the COVID-19 pandemic and pressure from advocates to reduce incarceration, local jails drove the initial decline, although prisons also made

reductions. From summer to fall 2020, prison populations declined further, but jails began to refill, showing the fragility of decarceration. Jails in rural counties saw the biggest initial drops, but still incarcerate people at double the rate of urban and suburban areas. Despite the historic drop in the number of people incarcerated, the decrease was neither substantial nor sustained enough to be considered an adequate response to the COVID-19 pandemic, and incarceration in the United States remains a global aberration.

Vera researchers collected data on the number of people in local jails and state and federal prisons at both midyear and fall 2020 to provide timely information on how incarceration is changing in the United States during the COVID-19 pandemic. They estimated the national jail population using a sample of 1,558 jail jurisdictions and the national prison population based on a sample of 49 states and the Federal Bureau of Prisons. Vera also collected data on people incarcerated and detained by the U.S. Marshals Service (USMS) and Immigration and Customs Enforcement (ICE). Both ICE and USMS house people in jails and prisons. Generally, jails and prisons do not make race and gender data available. However, preliminary results from other studies suggest that race inequality in incarceration may be worsening during the pandemic. The number of people incarcerated in jails and prisons from 1980 to late 2020.

Overview:

Each year, there are nearly 11 million jail admissions in the United States, nearly 18 times the number of yearly admissions to state and federal prisons. In many regions, jail populations have reached crisis levels.

The primary purpose of jails is to detain people who are awaiting court proceedings and are considered a flight risk or public safety threat. However, today, 75 percent of people across our nation's 3,100 local jails are being held for nonviolent offenses, and three out

of five are legally presumed innocent. While most people admitted to jail are released within hours or days of their booking, many cannot afford to post bail and may remain behind bars for weeks, awaiting trial or case resolution through a plea agreement. Our over-reliance on jails has negative consequences for people who are incarcerated, their families, and communities.

Serious mental illness affects one-in-six men and one-in-three women in jail, and a significant number struggle with substance use disorders. Confinement without treatment, even for brief periods, can exacerbate such conditions. In addition, research shows that only a few days in jail can increase the likelihood of a sentence of incarceration, make such a sentence harsher, and promote future criminal behavior—making jail a gateway to deeper involvement with the criminal justice system. These and other burdens of jail fall disproportionately on Communities of Color. Black Americans, for example, are jailed at five times the rate of White Americans, and comprise a proportion of the jail population that is three times their representation in the general population.

In 2015, the John D. and Catherine T. MacArthur Foundation (Foundation) launched the Safety and Justice Challenge (SJC), a multi-year initiative to reduce jail populations and racial and ethnic disparities in jails. To date, the SJC has provided \$217 million to help jurisdictions use innovative, collaborative, and evidence-based strategies to create fairer, more effective justice systems. Together, these SJC sites represent 51 cities and counties across 32 states. The sites are in diverse geographic regions and operate jails that range from 140 beds to 20,000 beds. Collectively, they account for about 16 percent of the total confined jail population in the U.S. The 14 jurisdictions covered in this report receive substantial funding from the Foundation, as well as support from a network of national experts and technical assistance

providers, to implement comprehensive, systemwide criminal justice reforms toward reducing the use of jail incarceration and its disproportionate impacts on Communities of Color. Each of these implementation sites has set an ambitious three-year jail population reduction target, and they have been working to achieve or surpass these targets since 2016.

Prison Data

The Bureau of Justice Statistics (BJS) released *Prisoners in 2019*, an annual report that breaks down the number of people incarcerated in state and federal prisons.

The press release boasts that the United States' incarceration rate (419 per 100,000 people) is at its lowest since 1995, and that Black Americans are incarcerated at the lowest rate in 30 years. However, 1.4 million Americans, who are disproportionately Black, are still incarcerated in state and federal prisons—meaning that the prison population is still five times larger than it was in 1975, before the “war on crime” really took hold and the number of people under correctional control exploded.

Black Americans are still incarcerated in state and federal prisons at five times the rate of white Americans. In addition, 738,000 people, disproportionately Black, are locked up in local jails as of 2018. That year (the most recent for which BJS has published jail data), there were 4.7 times as many people incarcerated in local jails as there were in 1978. This increase is largely due to the rise in pretrial detention—the jailing of people who are still awaiting trial and haven't been found guilty of a crime. (The newly-released prison data also obscures the fact that in some places, people who would have been held by state prisons in 1995 are now held by local jails, most notably in California, where this “realignment” was enacted in an effort to reduce prison overcrowding. There and in other states, changes to sentencing structures have shifted people out of prisons but into jails.)

Corrigendum to “A Viable Alternative? Alternatives to Incarceration Across Several Federal Districts”

EDITOR’S NOTE: *The authors of “A Viable Alternative? Alternatives to Incarceration Across Several Federal Districts,” which appeared in the June 2019 issue of Federal Probation (Vol. 83, no. 1), have learned that due to a previously unknown data issue in the administrative case management data system (known as PACTS) from which they drew their data for the study, the measure of prior convictions used within the estimation of the propensity score was deemed unreliable. The authors provide a new set of tables that eliminate the incorrect data, and they explain the effect of eliminating that data on their study results.*

We are reviewing past Federal Probation articles to determine whether anyone else made use of this PACTS prior convictions data during the time it was faulty.

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THE AUTHORS REGRET that due to previously unknown data issues present in the administrative case management data system (known as PACTS) upon which all data was drawn for this study, the measure of prior convictions used within the estimation of the propensity score was deemed unreliable. Specifically, PACTS stores the number of prior arrests and convictions as integers in its database. The database management system stores integers as zero by default. This made it impossible for the researchers to distinguish a missing value from a true zero (or to remove cases that were missing data on this measure). The research team learned of this issue only after publication. Accordingly, this measure was removed from the propensity score matching analysis altogether (although the prior felony convictions measure is captured in another data element as part of the PTR

risk score) and all results were re-estimated. All revised figures appear in this corrigendum.

Although many of the point estimates changed as a result of this re-analysis of the data, the majority of the substantive conclusions remain unchanged. Unlike the originally published results, the revised results suggest that ATI participants were not significantly more likely to have a violation of bail associated with location monitoring, employment requirements, or association restrictions (Figure 3). As a whole, ATI participants also worked a significantly greater proportion of their days on pretrial supervision (42.26 vs 37.47%; $p < .05$). While the differences in employment among successful ATI and their matched counterparts was marginally significant in the original analysis, this difference was statistically significant upon the removal of the unreliable data element (Figure

4). Revised results also suggest that successful ATI participants had significantly fewer drug tests with a positive result ($p < .05$). Finally, in terms of sentences imposed, all findings were substantively identical to those published, except that in the revised analyses there was no indication that ATI participants were more likely than their matched counterparts to receive a probation term (Figure 6). However, paralleling the original results, the major finding stemming from this portion of the analysis is that ATI participants were more likely to avoid prison and probation altogether and had their charges dismissed following their completion of the ATI program.

Notwithstanding that the data errors which necessitated these revisions were outside of our control, the authors would like to apologize for any inconvenience caused to the readers of *Federal Probation*.

FIGURE 1.
Descriptive Statistics for the Evaluation
of ATI Programs from 7 Districts

	N	Percent
ATI Indicator		
Regular Supervision	13390	96.16
ATI Participant	534	3.84
Sex		
Female	3190	22.91
Male	10734	77.09
Race		
White	5468	39.27
Black	3752	26.95
Hispanic	3408	24.48
Other	1296	9.31
Citizenship		
Non-Citizen	3618	25.98
U.S. Citizen	10306	74.02
Current Offense Type		
Drug Offense	4434	31.84
Financial Offense	5832	41.88
Violent Offense	798	5.73
Weapons Offense	898	6.45
Other Offense	1962	14.09
	Mean	SD
Age	40.05	12.97
Time Under Supervision Months	14.93	12.27
PTRA Score	5.63	2.69
PTRA Category		
Category 1	51	9.55%
Category 2	114	21.35%
Category 3	200	37.45%
Category 4	123	23.03%
Category 5	46	8.61%
Conditions of Supervision		
	Proportion	
Alcohol Restrictions	.255	
Substance Abuse Testing	.464	
Drug Treatment	.425	
Mental Health Treatment	.238	
Passport Restrictions	.791	
Travel Restrictions	.860	
Weapons Restrictions	.393	

FIGURE 2.
Equivalent Groups Generated by Propensity Score Matching

	Matched ATI Participants (n=471/534)	Matched Defendants (n=471)	% Bias Reduction	T-Statistic	p-value
Sex (Male=1)	.531	.527	98.4	.130	.896
Age at Intake	33.561	33.074	94.1	.726	.468
White	.420	.471	23.7	-1.574	.116
Black	.242	.195	41.4	1.724	.085
Hispanic	.295	.297	97.1	-.071	.943
Other Race	.051	.051	100.0	.000	1.000
U.S. Citizen	.898	.909	93.9	-.551	.582
Drug Offense	.611	.650	89.8	-1.215	.225
Financial Offense	.299	.274	85.6	.864	.388
Violent Offense	.036	.030	76.0	.547	.584
Weapon Offense	.045	.038	80.1	.490	.624
Other Offense	.008	.008	100.0	.000	1.000
Length of Supervision	21.993	20.234	72.3	1.914	.056
PTRA Total Score	7.327	7.342	99.2	-.100	.920
Alcohol Restrictions	.444	.456	93.9	-.393	.695
Substance Abuse Testing	.779	.813	91.2	-1.294	.196
Drug Treatment	.752	.788	90.9	-1.315	.189
Mental Health Treatment	.403	.359	73.6	1.409	.159
Passport Restrictions	.695	.665	95.0	.416	.678
Travel Restrictions	.813	.779	62.9	1.294	.196
Weapons Restrictions	.425	.463	35.0	-1.180	.238

Note: Nearest Neighbor Matching with Caliper of .05 used. Matching was done using a two-step process to assure that ATI defendants were matched to defendants within their own districts. The matching procedures are described in more detail in the methods section.

FIGURE 3.
Program Outcomes for Matched Groups

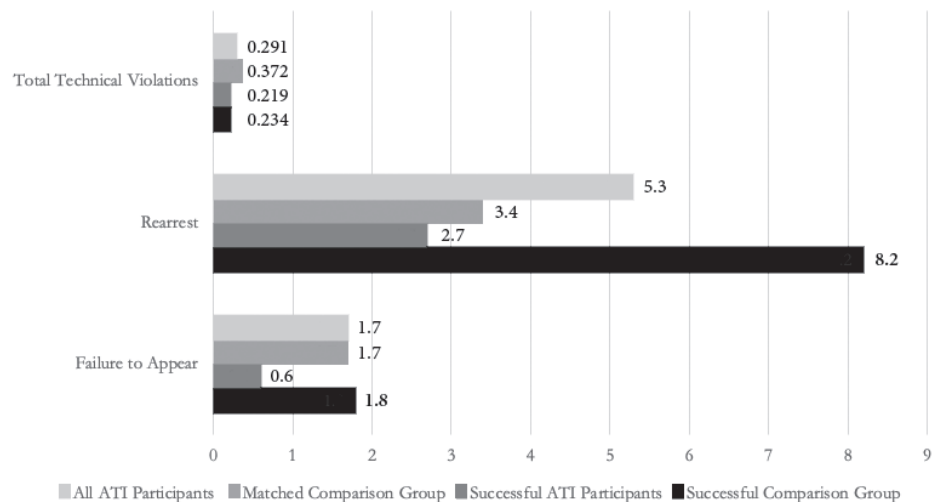


FIGURE 4.
Program Outcomes for Matched Groups

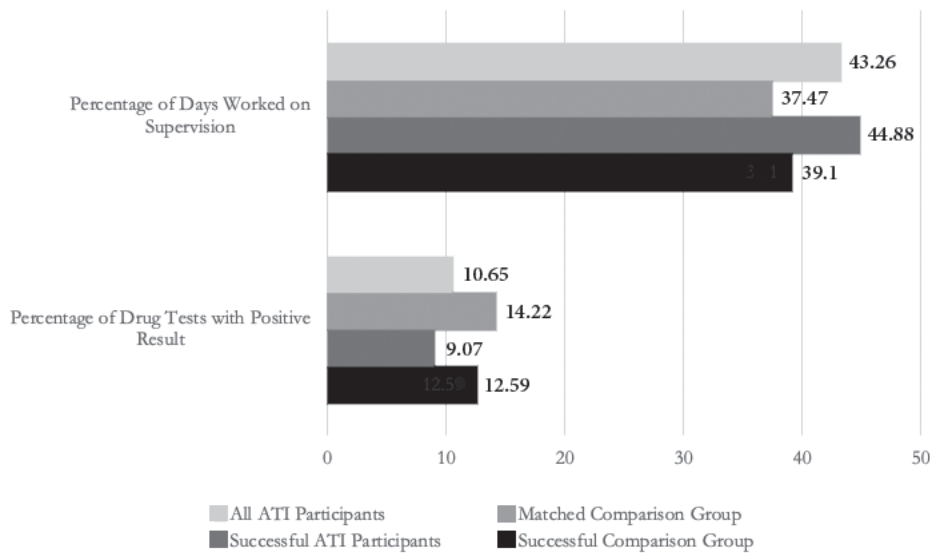


FIGURE 5.
ATI Case Dispositions for ATI Defendants Across Districts

Panel A : ATI Participants		
	Cases	Percent
Were Dismissed / Deferred Resulting in Dismissal	179	43%
Received TSR Time Only	12	3%
Received a Probation Term	90	22%
Received a Prison Sentence	135	32%
Total	416	100%
Panel B : Successful ATI Participants		
	Cases	Percent
Were Dismissed / Deferred Resulting in Dismissal	179	49%
Received TSR Time Only	12	3%
Received a Probation Term	78	22%
Received a Prison Sentence	94	26%
Total	363	100%
Panel C : Unsuccessful ATI Participants		
	Cases	Percent
Were Dismissed / Deferred Resulting in Dismissal	0	0%
Received TSR Time Only	0	0%
Received a Probation Term	12	23%
Received a Prison Sentence	41	77%
Total	53	100%

Note: There were a total of 96 open ATI cases and 22 for which sentencing data was not available at the time of the analysis.

FIGURE 6.
Sentences Received by Defendants Matched to Dismissed/Diverted ATI Cases

(n=170)	Cases	Mean	Median	Std. Dev.	Min	Max
Prison Time in Months	132	28.99	18	42.71	0.033	366
Probation Time in Months	38	37.89	36	13.81	12	60
TSR Time in Months	132	49.84	36	26.02	12	120

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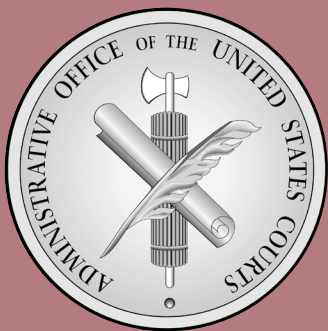
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