

Developing a Graduated Responses Model and Disposition Matrix

The Berks County Experience
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Presenters

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Presentation Goals

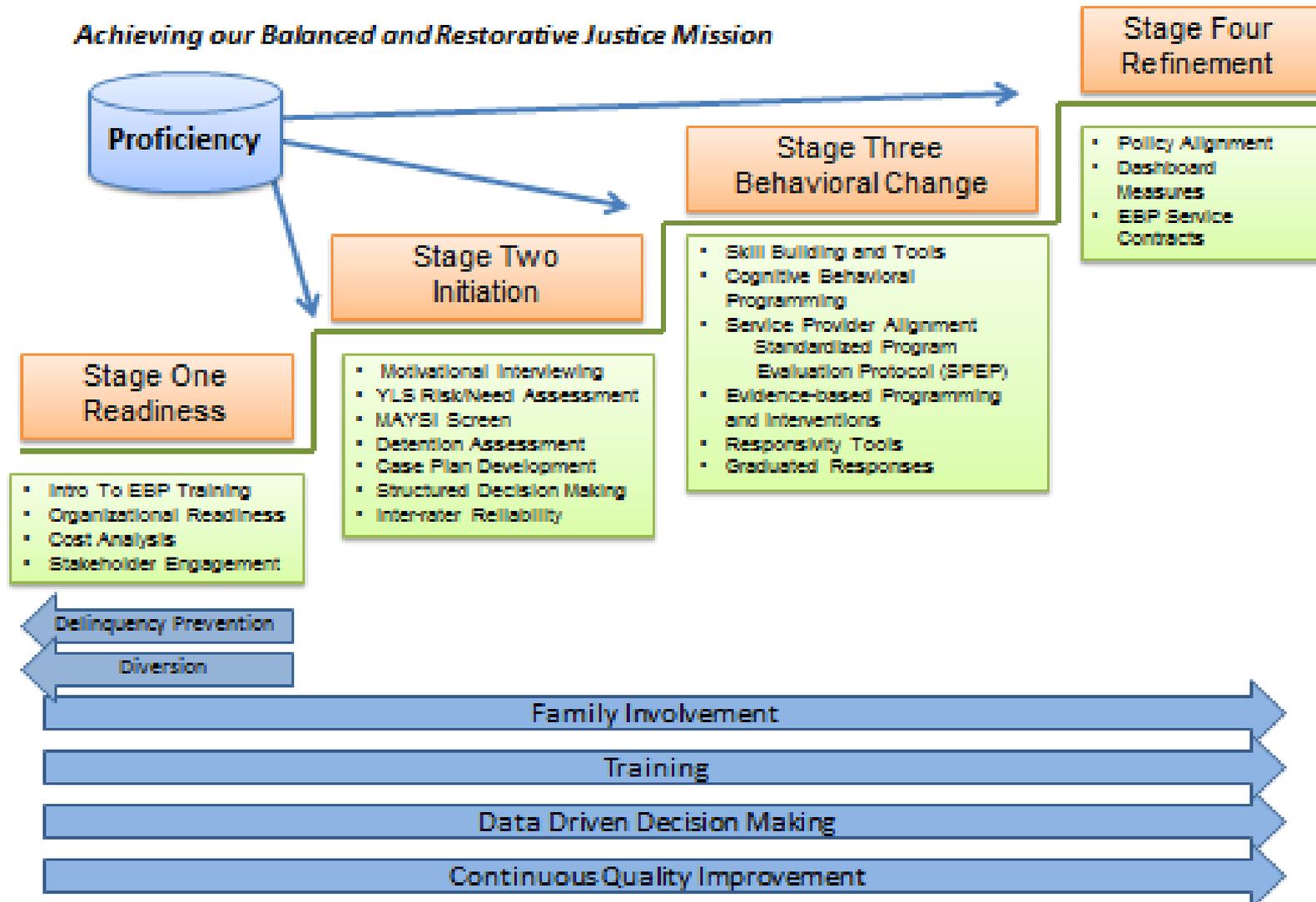
- Participants will gain an understanding of the following- for both Disposition Matrix and Graduated Responses work:
- Setting the stage for these projects (How this work “fits” with other juvenile justice system efforts)
- Balanced and Restorative Justice
- How both align with Juvenile Justice System Enhancement Strategy (JJSES)
- How both align with the comprehensive strategy and Juvenile Justice System Improvement Project (JJSIP) – Georgetown University

Presentation Goals

- Importance of effective risk screening in this work
- Importance of structured decision making
- Data needs
- Planning
- Development (Matrix, Definitions, Policy, Protocol, Documentation)
- Testing
- Next steps/Implementation

JJSES Framework

Achieving our Balanced and Restorative Justice Mission



Setting the Stage- Four EBP Core Competencies

- Skill Practice (Focus on criminogenic needs; Teach skills to juveniles; Practice)
- Professional Alliance (Engaging the offender; Communication and clarity around roles; Enhancing motivation)
- Case Planning (Identify and use drivers, responsivity, strengths, triggers, stages of change; Write effective case plans; Dynamic case management)
- Rewards and Sanctions (Ability to use informal and formal rewards to motivate and in response to non-compliance)

Setting the Stage- Leadership Forum

- “A Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism”
- Four core practices that are essential to the probation mission of reducing recidivism
- Council of State Governments Justice Center
- Tony Fabelo, Geraldine Nagy, Seth Prins

Setting the Stage- Leadership Forum

- Effectively assess probationers' criminogenic risk and need, as well as their strengths (protective factors);
- Employ smart, tailored strategies;
- Use incentives and graduated sanctions to respond promptly to probationers' behaviors; and
- Implement performance-driven personnel management practices that promote and reward recidivism reduction

Setting the Stage- JJSIP

- 2011- The Center for Juvenile Justice Reform at Georgetown University's Public Policy Institute selects PA and Berks County for the Juvenile Justice System Improvement Project (JJSIP)
- Two parts of this project- Comprehensive Strategy and the Standardized Program Evaluation Protocol (SPEP)

Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders

Problem Behavior > Noncriminal Misbehavior > Delinquency > Serious, Violent, and Chronic Offending

Prevention

Target Population: At-Risk Youth

Programs for All Youth

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Programs for Youth at Greatest Risk

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Immediate Intervention

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Intermediate Sanctions

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Community Confinement

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Training Schools

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Aftercare

Preventing youth from becoming delinquent by focusing prevention programs on at-risk youth

Graduated Sanctions

Target Population: Delinquent Youth

Improving the juvenile justice system response to delinquent offenders through a system of graduated sanctions and a continuum of treatment alternatives

Setting the Stage in Berks County

- 2006- Implemented the first DAI to be used in PA (2008 Implementation Study and 2011 Validation Study)
- Expansion of Alternatives to Secure Detention
- Significant reductions in use of secure detention and residential placements
- 2005-2011- MacArthur Foundation Models for Change Initiative- DMC
- 2009- Phase 1 YLS master training and Berks intake staff training

Setting the Stage in Berks County

- 2010- YLS full implementation (ongoing booster sessions)
- 2010- EBP training with Mark Carey (administrators in August and full staff in November)
- 2010- Motivational Interviewing training begins (MI 101, booster sessions, small group work, direct observation)
- Additional approval needed for residential placement recommendation

Setting the Stage in Berks County

- Prior to this time line:
- Structured decision making wasn't the norm;
- Data driven decision making wasn't the norm;
- Accurate risk level determination wasn't available;
- Were we making bad decisions?

Setting the Stage- YLS

- We were (with the best of intentions), at times overservicing youth
- We thought we had more high risk youth
- 40/50/10
- Initial YLS focus in Berks County was on accuracy and following completion protocol

Setting the Stage- Using the YLS

- Discussion of risk, needs, domains, strengths, drivers at every case review, throughout court process
- “What’s his risk level, what domains are high risk, what are the drivers, what are the strengths....?”
- Integration into documentation
- Matching offenders to services
- Services and Programs Matrix by domain and risk level
- Contact standards by risk level
- Ongoing policy review and revisions
- Non-traditional hours focused on high risk and aftercare

Structured Decision Making

- Fundamental Fairness
- Making decisions objectively, consistently and taking into consideration the appropriate factors
- Striving to implement structured decision making at the case decision points
- Led us to the development of a Disposition Matrix and Graduated Responses

Disposition Matrix

- Tool to use when making case recommendations
- BARJ Disposition Matrix
- Fundamental Fairness
- Structured decision making
- Structuring recommendations for level of supervision/control
- Used in conjunction with risk/needs assessment

Disposition Matrix

- Proportionality of severity of offenses and prior offenses to the assessed risk level
- Level of restrictiveness (control) necessary to manage future risk
- Must recognize the need for overrides but control them
- Least restrictive is the goal

Florida DJJ Dispositional Matrix

Most Serious Presenting Offense	PACT Risk Level to Re-Offend			
	Low-Risk to Re-offend	Moderate-Risk to Re-offend	Moderate/High-Risk to Re-offend	High-Risk to Re-offend
1st TIME MISDEMEANOR ¹	Level 1	Level 1	level 1	Level 1
MINOR ²	Level 2 or 3a	Level 2 or 3a	Level 2 or 3a-c	Level 3a-c or 4
SERIOUS ³	Level 2 or 3a	Level 2 or 3a-b	Level 3a-c or 4	Level 3a-c or 4
VIOLENT ⁴	Level 2 or 3a-b	Level 2, 3a-b or 4	Level 3a-c, 4 or 5	Level 3a-c, 4 or 5

¹ - First time misdemeanor offenders with no history of arrest or participation in alternatives to arrest.

² - All misdemeanor offenses.

³ - Felony offenses that do not include violence.

⁴ - Violent felony offenses (does not include misdemeanor assault/battery, which is captured under "minor").

Level 1 - Alternatives to Arrest

Level 3 - Community Supervision

(3a) - Probation supervision

(3b) - Probation enhancement services (ART, Life skills, etc.)

(3c) - Day Treatment, MST, FFT

Level 2 - Diversion & Non-DJJ Probation

Level 4 - Non Secure Residential Commitment

Level 5 - Secure Residential Commitment

North Carolina Juvenile Offender Disposition Matrix

Risk Level

Offense	Low	Medium	High
Violent	Level 2 or 3	Level 3	Level 3
Serious	Level 1 or 2	Level 2	Level 2 or 3
Minor	Level 1	Level 1 or 2	Level 2
Level 1 Community			
Level 2 Intermediate			
Level 3 Commitment to Youth Development Center			

Disposition Matrix- Berks County

- Tool for Probation Officers
- Work in progress
- Berks workgroup
- Must have an accurate and timely YLS
- Division of moderate risk category
- Overall risk vs. domain risk
- Will be used in conjunction with the Services and Programs Matrix
- Least restrictive option is the ideal
- Example cases using Berks model

Disposition Matrix- Berks County

- Currently in a test phase
- Edits needed to draft document
- Will probably change the offense descriptions and use grading of offenses
- Will be used for new charges and violation cases
- Overrides (examples)
- How does prior history/multiple referrals effect use of the matrix
- Judicial Approval
- Staff training and buy in
- Prosecutor and Defense role

Berks County Disposition Matrix Draft

			Juvenile Risk Level				
			Low (0-8)	Moderate (9-22)		High (23-34)	Very High (35-42)
				(9-15)	(16-22)		
Offense Severity	Felony Against Person		CD Adj Del	Adj Del CD ERC EM 1, 2 Wkend Placement	AdjDel Placement EM 1, 2 ERC Wkend Placement	Adj Del Placement Int Prob EM 1 ERC Wkend Placement	Adj Del Placement
	Firearm (F or M)		CD Adj Del	Adj Del CD ERC EM 1, 2 Wkend Placement	AdjDel Placement EM 1, 2 ERC Wkend Placement	Adj Del Placement Int Prob EM 1 ERC Wkend Placement	Adj Del Placement
	Felony Drug		CD	Adj Del CD ERC EM 2 Wkend Placement	Adj Del CD EM 2 ERC Wkend Placement	Adj Del Placement Int Prob EM- 1, 2 ERC Wkend Placement	Adj Del Placement Int Prob EM 1, 2 ERC
	Other Felony	Division (CYAP) First Time Offenders (Available for youth pre YLS or Low, Low/Moderate Risk on YLS)	CD IAC	CD IAC EM 2	CD Adj Del ERC EM 2 Wkend Placement	Adj Del CD Int Prob EM 1, 2 ERC Wkend Placement	Adj Del Placement Int Prob EM 1, 2 ERC Wkend Placement
	Misd Against Person or Weapon		IAC CD	CD IAC	CD ERC EM 2	CD Int Prob EM 2 ERC	CD Adj Del Int Prob EM 1, 2 ERC Wkend Placement
	Other Misd		Fast Track Fines/Costs Warn/Counsel	IAC Fast Track IAC Fines/Costs	IAC CD	CD Int Prob EM 2 ERC	CD Int Prob ERC EM 1, 2

Berks County Services and Programs Matrix

- Used as a guide
- Deviations discussed with supervisor
- Is a living document and will be edited as needed
- Certain services/programs may appear as options in varying risk/need levels and domains
- Services/programs may be used in conjunction with others

Data Issues

- Data has been a challenge
- Review of data for accuracy
- Examination of charges referred, YLS data and disposition data to see where the service needs are and whether or not there are adequate service slots available based on needs
- Assess current service array and identify gaps and needs
- Look at how current dispositions fit in to draft matrix and edit matrix as needed
- Reports being generated in JCMS to assist with this work

Disposition Matrix- Next Steps

- Complete test phase
- Edit current matrix as needed
- Complete written policy
- Judicial approval
- Staff roll out and training
- Stakeholder education
- Ongoing data collection and review

Graduated Responses- Berks County

- JJSES – Stage Three Activity
- Behavior Change
- Ongoing project for Berks County
- Committee includes JPO Administrators, Probation Officers, Chief Public Defender, ADA
- Have the probation definitions, sanctions matrix, incentives matrix completed
- Policy near completion
- Working on documentation issues
- Need to apply to test cases

Why Graduated Responses

- Human behavior is largely shaped by social interactions including the use of rewards and sanctions
- Probation officers spend a good deal of time on the job addressing negative behaviors and encouraging positive behavior changes
- When non-compliance (violations) occur, it is an opportunity to review behaviors and re-engage the youth in positive change

Why Graduated Responses

- How do we do a better job addressing and ultimately preventing violations?
- How do we motivate youth to be compliant with their supervision and even more, how do we motivate and encourage long-term behavior change?
- How do we encourage positive behavior change that will reduce recidivism and future victimization and contribute to their future as productive citizens?

Graduated Responses

- Provides a structure and tools to address violations and support positive behavior in a structured, consistent and fair manner while considering the youth's risk to reoffend, the severity of the violation and the juvenile's needs, strengths and responsivity factors
- Violation definitions (minor, moderate and serious)

Definitions

- Sanctions are negative consequences in response to undesired behavior and are administered to discourage that behavior
- Incentives (Rewards) are used to encourage continued positive behavior
- Evidence shows that incentives are more effective in shaping behavior and that the ratio of incentives to sanctions should favor incentives by at least 4:1.
- “Catch them doing something good”

Guiding Principles

- Grids (Sanctions and Incentives) are a guide for structured decision making to help promote fundamental fairness and consistency from one probation officer to the next
- Menu of options to be used in conjunction with the officer's professional judgment
- Consideration given to the impact on the victim and community

Guiding Principles

- Juveniles (and their parents/guardians) must have a clear understanding of what is expected of them (what positive behaviors are being encouraged and negative behaviors discouraged)
- Juveniles must have the ability and opportunity to control the targeted behaviors

Guiding Principles

- Responses must be timely and individualized (based on juvenile's risk, needs, strengths, responsivity)
- What is an effective sanction/incentive varies from youth to youth
- Accurate and up-to-date YLS is critical
- Consistent with juvenile's case plan
- Whenever possible, get feedback from juvenile and/or parents/guardians when determining appropriate responses

Professional Alliance is Key

- Connection (Attentive; Caring; Respectful; Sense of Humor)
- Understanding (Authentic; Empathetic; Flexible)
- Communication (Confident; Effective Listening; Articulate/Verbal)
- Purpose (Directive/Purposeful; Enthusiastic/Reinforcing; Optimistic/Empowering; Strength-Based)
- Skill Practice is Key

Guiding Principles

- Peers (or others involved in the juvenile's life) may be rewarding behaviors that probation is sanctioning or sanctioning behaviors that probation is rewarding

First Steps to Administering Responses

- Familiarization with concept of Graduated Responses and how this ties to the work being done in Berks County and PA
- Policy familiarization
- Explanation to juvenile and parents/guardians
- Completion of 2 specific Carey Guides with the juvenile- “Responding to Violations” and “Rewards and Sanctions”

Sanctions

- Sanctions must be certain, swift and proportionate to be effective
- Certain- Every antisocial act should receive a disapproving message
- Swift- As soon as possible after the act
- Proportional- Overly harsh responses can be counterproductive
- Equitable administration

Sanctions

- Structure of the sanctions grid enables officers to address violations based on the seriousness of the violation and the juvenile's risk level
- External vs. internal motivation
- Use of Motivational Interviewing
- Specific sanctions may be used more than once

Steps to Sanctioning

- Step 1- Gather info on alleged violation to confirm
- Step 2- Determine youth's risk level
- Step 3- Determine severity of violation and consult with supervisor if necessary
- Step 4- Considering information from steps 1-3 and youth's responsivity and strengths, determine appropriate sanction (least restrictive option to redirect behavior)

Steps to Sanctioning

- Step 5- Document
- Ideally complete all 5 steps within 5 days of discovery of violation
- If detention is being considered, a DAI must be completed
- UPON SUCCESSFUL COMPLETION OF IMPOSED SANCTION, THE VIOLATION WILL BE CONSIDERED ADDRESSED AND NOT INCLUDED IN ANY FUTURE PETITION OF VIOLATION

Sanction Examples

- Problem solving w/ juvenile and/or family
- Supervisor contact
- Additional community service
- Written assignments
- EM (enrollment, window restriction, extension)
- Written warning
- Increased contact w/ PO
- Curfew Restrictions- long or short term
- Activity Restriction
- Carey Guide
- Extension of Supervision
- Schedule for Court

Incentives

- AKA: Rewards
- Idea can be a tough sell
- If the goal is behavior change, accountability, victim restoration, and decreased recidivism, recognition of positive behavior increases the likelihood of this occurring
- Are models that are just Sanctions (not recommended)
- Administered regularly early on in the change process
- With favorable response and behavior change, begin to focus incentives on more significant behavior
- Intermittent administration at this point

Incentives

- Usually not tangible items
- Something positive given or negative taken away
- Specific incentives may be used more than once
- May require parental agreement, supervisory approval and/or judicial approval
- Some activities may exclude special populations (i.e. sex offenders, fire setters)
- Programming to consider risk level and avoid mixing of low and high risk offenders

Incentive Considerations

- Establish what incentives are most important to the individual juvenile while understanding this may change over time
- “Rewards and Sanctions” Carey Guide
- Identify the goals (and the steps leading to the goals) that should be encouraged
- Engage the youth to help see the link between the targeted behavior and success
- Select incentives while considering what motivates the specific youth
- Document all contacts

Incentive Samples

- Verbal praise
- Letter of praise
- Certificate
- Curfew extension (one time or ongoing)
- Reduction in supervision
- Early release of supervision
- Community service credit or reduction of hours
- College visitation
- Special class attendance
- Recognition event or court (photo)
- Youth input for next meeting date/time

Tools

- Carey Guides
- MI skills
- Skill practice
- Pro-social modeling
- Thinking reports
- Essays
- Probation Officer Self Assessment (in “Rewards and Sanctions” Carey Guide)

Probation Officer Self Assessment

- A series of questions to help determine how effective PO is in using sanctions and incentives
- Facilitate conversations between PO and supervisor
- Consider specific cases
- Example questions:
 - “Have I been placing more emphasis on rewards than sanctions?”
 - “Am I paying attention to how juveniles respond to certain rewards? Am I continually assessing which rewards seem to be most effective?”
 - “Do juveniles seem aware of the target behaviors and consequences?”

Berks Eligibility- Initially

- Adjudicated Delinquent/Official Probation
- Moderate or high risk to re-offend
- By Court order
- Incorporated into the case plan

Graduated Responses Next Steps

- Documentation
- Complete policy
- Test cases
- Judicial approval
- Staff training
- Stakeholder education
- Ongoing data collection and review

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