



Reducing Revocations Challenge Policy and Practice Implementation in Santa Cruz County



Reducing Revocations Challenge

Strategy Implementation in Santa Cruz County

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Executive Summary

In recognition of the need to fundamentally transform a failing approach to community supervision in the United States, Arnold Ventures announced a major initiative in 2018 seeking to transform community supervision and reduce the failures of supervision that contribute to mass incarceration. Among its efforts was the launch of the Reducing Revocations Challenge (RRC) in collaboration with the CUNY Institute for State and Local Governance (ISLG). The Santa Cruz County Probation Department (SCCPD) was chosen to participate in the RRC conducting research in 2020 and 2021 (Phase I) and then shifting to strategy implementation in 2022 and 2023 (Phase II).

Shifting Culture and Advancing Probation Practice to Promote Success and Reduce Revocations

Phase I [research findings](#) indicated a need for SCCPD to implement a strategy (Phase II, still in progress) seeking transformational change through a shift in organizational culture, and to develop greater consensus around their purpose while ensuring that all policies and practices are aligned with an agreed upon assistance-oriented supervision approach, or coaching model.^{1 2} To achieve this goal, SCCPD undertook a codesign process inclusive of staff from all levels to examine the Department's purpose and supervision approach, and later develop policy and practices aligned with an assistance-oriented supervision model. SCCPD also hosted a retreat with system partners and adults on probation to examine the Department's purpose and supervision approach and develop recommendations for policy and practice implementation aligned with an assistance orientation. The codesign team convened to advance the work from the retreat by developing a set of policy and practice recommendations that staff expect will increase client success on probation and reduce revocations. Leadership has endorsed these recommendations, and the Department, with direction from the codesign team, is working on implementation.

Strategy Implementation Successes

The Santa Cruz Action Research Team engaged people with lived experience at all stages of strategy implementation and valued their expertise to inform policy and practice recommendations. Additionally, the purpose they identified (e.g., probation should help provide stabilization and support) and direct recommendations they made at the retreat (e.g., making early contact, in custody and/or immediately upon release, with people on probation, and increasing the use of early termination as an incentive for compliance and positive behavior change) have been prioritized by the codesign team for implementation.

Forming a codesign team comprised of probation staff across levels and engaging experts in the field helped to increase buy-in and message the Department's direction. Specifically, the former associate director for the University of Cincinnati's Corrections Institute and president of the American Probation and Parole Association (APPA), Dr. Brian Lovins; the CEO of APPA, Veronia Cunningham; and the Director of the CoLab at the University of Washington, Dr. Sarah Walker,

¹ Lovins, B. K., Cullen, F. T., Latessa, E. J., & Jonson, C. L. (2018). Probation officer as a coach: Building a new professional identity. *Federal Probation Journal*, 82(1), 13–19. Retrieved from https://www.uscourts.gov/sites/default/files/82_1_2_0.pdf

² Lovins, B.K., Brusman Lovins, L.A., Latessa, E.J. (2022). Reimagining Probation Reform: Applying a Coaching Model to Probation Departments. In: Jeglic, E., Calkins, C. (eds) *Handbook of Issues in Criminal Justice Reform in the United States*. Springer, Cham.

who is an expert in codesign, helped to facilitate meetings with probation staff and system stakeholders over the course of the work.

Early and consistent involvement of multiple stakeholders has helped to provide system-wide support for proposed changes to probation policy and practice. One of the greatest implementation successes was bringing representatives from many agencies, including but not limited to the Sheriff's Office, District Attorney's Office, Public Defender's Office, the Santa Cruz County Superior Court, County Office of Education, Health and Human Services, County Administration, and various service providing agencies to the retreat. This allowed everyone to provide their perspective on what probation's purpose should be and feedback on policies and practices that should be in place to promote the success of adults placed on probation in Santa Cruz County.

The Santa Cruz Probation Department's leadership team has demonstrated their commitment to shifting organizational culture and supporting staff to implement new practices that are in alignment with an assistance-oriented supervision approach. The entire adult division leadership team attends project calls regularly, and RRC strategies are embedded within the department and county-wide strategic plan so that the goals and objectives of each are all in alignment with one another.

Convening a codesign team that meets regularly has resulted in the initial implementation of new policies and practices and an opportunity to continue moving the work forward. SCCPD has centered policy and practice changes around strategies to increase trust and engagement between probation officers (POs) and clients. The Department is working with Justice System Partners, a non-profit organization committed to assisting criminal and juvenile legal systems and community partners with transforming their systems, to implement the coaching supervision model. Probation staff have also updated a presentation called *How to be Successful on Supervision* that they began to deliver monthly in August 2023 to adults in custody who are going to be supervised by probation when they are released. At the time of this report, codesign team members are also reviewing their caseloads to identify Individuals to recommend for early termination; establishing criteria and expectations for early termination recommendations; and working with leadership to engage in discussions with judges to implement a routine use of early termination as a motivation for success.

Strategy Implementation Challenges

While a majority of probation staff and system partners are bought in to SCCPD's organizational culture shift and implementation of aligned policy and practices, managing resistance to change remains a challenge. Leadership recognizes there may be a sense of anxiety as culture and practices begin to shift, and to manage resistance to change, they discourage denigration of past practices, and help to position the past as a positive legacy that paved the way for what's new. They also communicate clear expectations for the transition; provide frequent and direct communication to all levels of the organization; repeat messages often, through multiple mediums, with sensitivity; and intend to measure and celebrate successes as change takes hold.

Culture change within the Probation Department and among system partners moves slowly and requires patience. Probation has traditionally functioned as an arm of the court and supervision has been compliance oriented, based on monitoring people more so than providing them with assistance to promote their well-being and public safety. Some policies and practices, such as compliance checks in the community or one's home, are not aligned with an assistance oriented probation approach and have been in place for years, while other policy and practices are related to evidence-based practices that staff have been trained in, but now need refinements

(e.g., utilization of risk and needs assessments). Within this environment, the Probation Department must continue to work internally and with system partners to help educate and provide research that supports Probation's urgency to move more towards a coaching model rooted in assistance.

Data limitations make tracking outcomes among adults on probation challenging. During Phase I of the RRC, the Santa Cruz Action Research Team learned that the court could not systematically extract data on revocations that were the result of formal violation petitions filed with the court, particularly for those violations that were the result of a technical violation only. To ensure they are able track outcomes, SCCPD convened a data workgroup who helped design a violation event to be entered in their electronic case management system after any formal violation is adjudicated. A quality insurance process was also put in place to ensure that information on all violations that have been adjudicated is entered into the case management system. While the process SCCPD has put in place can work, it relies on staff data entry that will be difficult to sustain, and a lot of time spent by leadership compiling violation reports from the court and supporting quality assurance on an ongoing basis to ensure data entry is complete.

Incentive Based Case Management Pilot for Individuals with Substance Use Terms

Phase I findings showed that over half (62%) of adults on probation (based on a one-day snapshot in 2019) had specific terms related to alcohol or drug use, testing, and/or programming, and after accounting for differences across demographic characteristics (e.g., race/ethnicity, age, sex), caseload type, and risk level, these individuals were more than twice as likely as others on probation to be convicted of a formal violation. A large proportion (40%) of formal violations were filed for technical violations that typically demonstrated a lack of engagement with probation or drug treatment and not necessarily a grave public safety risk. Based on interviews and focus groups with adults on probation and probation officers in Santa Cruz, drug testing is one of the main reasons clients with substance use issues do not show up to meetings with probation, because they fear being placed in jail if they test positive, creating a situation where individuals on probation are not engaging with their probation officer when they need support and coaching the most. This results in bench warrants, subsequent jail, and litigation over probation violations which both interrupts lives and is costly for the County.

To address this issue, SCCPD initiated an incentive based case management pilot (pilot) for individuals with substance use terms that focuses on reducing formal violations for this population and promoting positive outcomes, such as increased reporting and engagement in treatment services. The objective of the pilot is to develop a safe environment for adults on probation with substance use terms where they are not afraid to report to probation because of addiction issues so that they are able to develop trusting relationships with their probation officers. To that end, regular drug testing for clients in the pilot is not mandatory, and the pilot functions as an extension of a harm reduction model with an understanding of substance use rehabilitation as an ongoing process, not penalizing relapse while incentivizing progress and engagement with probation. POs co-develop individualized success plans with clients in the pilot that include one or more goals clients would like to achieve while on probation, and goals do not need to be based on clients' probation terms and conditions. Success plans include individualized three, six, 12, and 18-month milestones for which clients receive an agreed upon incentive upon achievement.

With these practices in place, it is SCCPD's hope that clients will engage with their probation officers even when they are struggling to comply with the terms and conditions of probation. Findings from the pilot are being used to inform department policies and practices and support the desired culture shift. The pilot is also being used as an incubator, where some policy and

practice recommendations are implemented in the pilot (e.g., developing and implementing success plans), with the intention of rolling out the practice across the Department over time.

Pilot Implementation Successes

Clients we spoke with expressed that the pilot is different from probation in the past; removing mandatory drug testing and incentivizing engagement, even when clients are struggling with relapse, has removed their fear of probation and allowed clients to develop trust with their PO.

Nearly every pilot participant had prior experience with adult or juvenile probation, and those that did spoke about how voluntary versus mandatory drug testing was a major departure from past practice. With time in the pilot, the fear of probation for clients we spoke with dissipated. Because 1) clients are not mandated to drug test, 2) they may do so voluntarily, and 3) they will not be placed in custody if they test positive, clients in the pilot we spoke with were not afraid to show up for probation appointments. As a result, they have developed relationships with their probation officers who they now trust have their best interests in mind and are there to support them.

Increased trust has resulted in pilot participants reporting to probation even when they are struggling with substance use or to achieve goals identified in their success plan.

Probation officers implementing the pilot expressed that in addition to removing mandatory drug testing, the process of reviewing pilot policies with their clients and offering incentives for developing success plans together has also helped to build trust and ongoing engagement. Some POs have offered incentives to clients for taking voluntary drug tests regardless of the outcome to help build client engagement, which is one of the main objectives of the pilot. These practices have resulted in participants--even those with long histories of disengagement--showing up regularly for appointments, even when they are struggling to maintain sobriety and achieve the goals in their success plan. This is precisely the type of change the pilot is seeking to create.

Probation officers in the pilot collaborate to discuss cases and seek alternatives to filing bench warrants or formal violations when clients are struggling with substance use or not checking in.

SCCPD leadership and the codesign team are encouraging all probation officers, not just those supervising people in the pilot, to exhaust all alternatives to filing bench warrants or formal violations if people on their caseloads are out of compliance with probation terms, but do not appear to pose a threat to public safety. Probation officers in the pilot are doing just that. During pilot implementation meetings, one of the standing agenda items is to discuss challenging cases, including those where they are unable to contact their client. Probation officers and supervisors use this time to brainstorm how they might respond to certain forms of noncompliance and discuss how their responses can be used as opportunities to build trust with their clients, working with them to support their growth and drive probation success.

Pilot Implementation Challenges

Probation officers are trained to be an arm of the court and monitor compliance to probation terms and conditions; as a result, there are adaptive challenges for POs being asked to shift to an assistance-orientated supervision approach to support client success, including exhausting all alternatives before filing formal violations.

While strides have been made to shift the supervision approach of the probation field, and many probation officers in Santa Cruz County embrace an assistance-oriented supervision approach, adaptive challenges remain that require probation officers in the pilot (and beyond) to confront the status quo and change their behaviors, practices, and ways of working they have been trained on in the past. The pilot challenges probation officers to do things differently and focus on rapport building with their clients by co-developing

individualized success plans and supporting them in reaching those goals -- not compliance monitoring.

Perceived court expectations and excessive probation terms make it challenging for probation officers to utilize individualized success plans and focus on coaching rather than monitoring compliance. For instance, because probation terms mandate certain individuals to enter and complete substance use treatment or to totally abstain from use or possession of drugs or alcohol, some clients may be afraid to report to probation under certain circumstances, even after reviewing pilot policies and practices with their probation officer. Additionally, probation officers are in a difficult position working with individuals who are out of compliance because of their drug addiction yet are not threats to public safety. In these instances, probation officers eventually may feel compelled to report a violation to the court, especially in instances where completion of specific treatment is cited, despite this not being the most fruitful action to support client recovery.

Recommendations

There is much work ahead for SCCPD to continue to refine, sustain, and grow new approaches introduced through the RRC Below are some high-level recommendations to help build upon and sustain the work that has been completed to date.

Provide continued support of the coaching model. SCCPD has embarked on adopting a coaching model with support from Justice System Partners which will help the department shift from purpose to practice change. This work should continue and be taken to the scale so that it becomes the way of doing business in the future.

Apply ongoing strategic management, oversight, and attention to ensure that effective practices evolve and are taken to scale. The department, in partnership with the pilot implementation and codesign teams will need to develop thoughtful strategies to bring these new policies and practices, such as success planning, to scale so that they become the norm for probation work and apply not only to individuals with drug testing terms but to other probation populations. Sustaining the momentum of the pilot implementation and codesign teams will require buy in and engagement of probation leadership and ongoing partnership with system stakeholders.

Improve data collection to measure progress. Quantitative and qualitative data to measure progress and change is essential. Without it, well intentioned interventions may have unintended consequences that go undetected. One lesson learned through Phase I is that capturing data on violations is not easy. This information should be readily available and captured by the courts and probation consistently and in reliable ways. SCCPD should work with court administrators to implement a reliable and more sustainable data collection method.

Lean into race equity work. There is much more to learn about the impact of the Santa Cruz County legal system for people of color. We know that Hispanic/Latinx and Black adults are more apt to be placed on probation, and that once on probation, Black adults are more likely to have formal violations filed in Santa Cruz County. This means that even similar probation violation rates reinforce the disparities existing at the onset of probation and call for an equity focus, such as a targeted universalism approach, which would set goals for an entire population (e.g., reducing revocations), but use targeted policies to help different groups achieve them.

Continue to support culture change through an inclusive and multifaceted approach. This project reminds us that culture change takes time and requires support. Supporting culture change is a multifaceted endeavor requiring a stratified and inclusive approach that includes input and

interaction from multiple sources including impacted individuals with lived experience on probation; legal system partners; community partners; and credible external experts. Perhaps the most important is buy-in from court stakeholders. Without their endorsement, the viability and sustainability of the coaching supervision model will be in jeopardy. While some work has been done to include them, increased engagement with the court must be a priority moving forward.

Introduction

American Probation was originally invented by Boston shoemaker John Augustus in 1841, a court volunteer who took errant neighbors under his wing, helped them pay off their debt to society, and reported back to the court on their progress to help them avoid being detained.³ At its essence, probation was designed as an alternative to incarceration; no one envisioned the current system, where an estimated 3,745,000 adults were under community supervision (probation or parole in the United States) at the end of 2021⁴, and probation violations would become a significant driver of incarceration. A nationwide study by the Council of State Governments (CSG) Justice Center found that 45% of state prison admissions nationwide are due to violations of probation or parole for new offenses or technical violations, such as missing appointments with supervision officers or failing drug tests. Technical violations account for nearly one in four state prison admissions—gravely disrupting lives and costing states approximately 2.8 billion dollars annually.⁵ Probation violations drive local county jail populations as well. Jail studies conducted in four California counties between 2015 - 2022 (Santa Cruz, Sacramento, San Bernardino, and Riverside), for instance, suggest that between one quarter and half – and in some cases more than half– of all jail re-bookings are for probation violation or warrants, not new crimes.^{6 7 8 9}

In recognition of the need to fundamentally transform a failing approach to community supervision in the United States, Arnold Ventures announced a major initiative in 2018 seeking to transform community supervision and reduce the failures of supervision that contribute to mass incarceration. Among its efforts was the launch of the Reducing Revocations Challenge (RRC) in collaboration with the CUNY Institute for State and Local Governance (ISLG). The Reducing Revocations Challenge is an initiative in which ten Action Research Teams consisting of research partners and local probation departments received funding for a 16-month period to 1) conduct in-depth research and data analysis on the drivers of unsuccessful probation exits and 2) identify policy and practice solutions based on the research findings. Five of the ten sites received funding for a second phase to support implementation of strategies to reduce revocations based on their

³ New York City Department of Probation. "Probation - About Probation - History of Probation," Retrieved May 18, 2023, <https://www.nyc.gov/site/probation/about/history-of-probation.page>

⁴ Bureau of Justice Statistics (2023). *Probation and Parole in the United States, 2021*. Retrieved May 18, 2023, <https://bjs.ojp.gov/library/publications/probation-and-parole-united-states-2021#:~:text=At%20yearend%202021%2C%20an%20estimated,the%20lowest%20rate%20since%201987.>

⁵ The Council of State Governments Justice Center (2019). *Confined and Costly: How Supervision Violations Are Filling Prisons and Burdening Budgets*. Retrieved from <https://csgjusticecenter.org/confinedandcostly/>

⁶ Macdonald, Scott and O'Connell, Kevin. California Forward : Justice System Change Initiative-Santa Cruz County Jail Utilization Report (2017). Retrieved from <https://oconnellresearch.files.wordpress.com/2017/11/santa-cruz-jus-report-05222017-final.pdf>

⁷ Macdonald, Scott and O'Connell, Kevin. California Forward : Justice System Change Initiative-San Bernardino County Jail Utilization Report (2016). Retrieved from <https://oconnellresearch.files.wordpress.com/2018/05/san-bernardino-jus.pdf>

⁸ Macdonald, Scott and O'Connell, Kevin. California Forward : Justice System Change Initiative-Riverside County Jail Utilization Report (2015). Retrieved from <https://oconnellresearch.files.wordpress.com/2016/05/jus-report-12-21-2015-final-rpt.pdf>

⁹ O'Connell, Kevin. Data Driven Recovery Project: Sacramento County Jail Study. (2022). Retrieved from <https://oconnellresearch.files.wordpress.com/2022/10/att-3-oconnell-sacramento-jail-study-final.pdf>

research findings. The Santa Cruz County Probation Department (SCCPD) was chosen to participate in the RRC conducting research in 2020 and 2021. After being awarded funding for Phase II, the department shifted to strategy implementation in 2022 and 2023. This report provides an overview of the strategies Santa Cruz Probation implemented from January 2022 through July 2023, including a detailed discussion of implementation successes and challenges, and preliminary outcomes of strategy implementation.

Structure of the Report

The report begins with a *Background* section that provides an overview of the Santa Cruz County Probation Department Adult Division, including an overview of the probation population and descriptions of the strategies Santa Cruz County Probation implemented in Phase II of the RRC. Next, the *Strategy Implementation and Outcomes* section includes detailed descriptions of the two strategies implemented, including a review of key implementation steps, implementation successes and challenges, and preliminary outcomes. Finally, the *Discussion* section identifies key takeaways from the research and implementation phases, including sustainability plans to continue building on work accomplished in 2022 and 2023 as part of the RRC.

Background

Signed into law in September 2020, California Assembly Bill (AB) 1950 shortened the length of probation in most misdemeanor cases to one year and most felony cases to two years (previously probation terms were typically 3 – 5 years for felony cases and 2 – 3 years for misdemeanor cases). These reforms helped to lessen the reach of probation by reducing the length of time individuals spend under supervision, which has resulted in reduced numbers of individuals on probation in Santa Cruz County (and across California). SCCPD has a distinct opportunity to not only reduce the number of individuals under their supervision, but to also improve the experiences and outcomes of these individuals. Probation agencies across the country, including SCCPD, have implemented evidence based practices (EBPs) such as risk and needs assessment tools following the risk, need, responsivity (RNR) model, as well as motivational interviewing, cognitive behavioral interventions, and gender responsive programming, among other EBPs. However, probation violations continue to drive local jail and state prison admissions, and racial disparities continue to exist in probation outcomes.

The strategies the Santa Cruz County Probation Department have chosen to implement to shift organizational culture and practice (described in greater detail below) are centered through a race equity lens, with high value placed on feedback and input from adults with lived experience under probation supervision. SCCPD's work builds on the racial equity work facilitated with the Department by James Bell of the W. Haywood Burns Institute in 2020 and 2021; following the completion of this work, Probation included multiple equity-based objectives in the county-wide 2021-2023 Operational Plan, including aims to reduce technical violations for Black adults on formal supervision. Additionally, Probation's entire leadership team (sworn), as well as many department heads across the county, are also participating in or have completed the Annie E Casey Foundation's Results Count Seminar. Results Count is an approach to leadership development that sets a framework for accelerating the well-being of county residents, particularly for groups who face the greatest barriers to success.

The Department is also very intentional to hire diverse staff, and to have diversity represented at all levels of the organization. The workforce composition in 2020 was 53% female and 43% male

(4% unknown). Across race and ethnicity, staff were 55% Hispanic/Latinx, 37% White, 3% Black, and 3% Asian (2% other or unknown). These numbers are very much aligned with the proportion of each group on probation (described in greater detail in the section below). The Department has a diverse management team as well, with representation from adults who identify as Hispanic/Latinx, White, and Black. People of color comprise 50% of the management team. In addition, nearly 50% of the Department's workforce is bilingual. These are just some of the ways the Department aims to increase race equity among adults on probation.

It is within this landscape that SCCPD leadership sought a shift in organizational culture and probation officer (PO) supervision approaches to increase the effectiveness of the agency and promote success among adults on probation.

Santa Cruz County Adult Probation Division Overview

SCCPD's two Adult Divisions provide a full spectrum of services operating around three major focus areas – Pretrial Services, Court Coverage and Investigations, and Community-Based Supervision. The new Pretrial Division (recently expanded from a single unit to encompass multiple units) completes assessments and makes recommendations for release or detention of individuals pending criminal charges and provides monitoring to those deemed eligible by the courts to remain in the community. The Investigations Unit conducts pre-sentence and pre-plea investigations and makes sentencing recommendations based on the statutory mandates outlined in the Penal Code and Rules of Court. These reports also play a significant role in determining Probation terms and conditions. Central to RRC research and strategy implementation are the Adult Division staff who provide community-based supervision for individuals in Santa Cruz County. The SCCPD Adult Divisions are comprised of the Chief Probation Officer, an Adult Division Director and three Assistant Adult Division Directors, a Pretrial Division Director and one Assistant Pretrial Division Director, in addition to Unit Supervisors, Deputy Probation Officers (DPOs), and Probation Aides (PAs) (see Appendix A and Appendix B to review SCCPD's Adult Division and Pretrial Division organizational charts). Descriptions of the roles of Unit Supervisors, DPOs, and PAs, all who commonly work directly with adults on probation, are included below:

Unit Supervisors are responsible for overseeing a unit of DPOs and hold the responsibility of supervising, training, scheduling, and evaluating their work, in addition to performing more complex and specialized probation casework. Unit Supervisors also approve and sign all bench warrant requests and formal violations filed with the court.

Deputy Probation Officers are sworn officers who provide case management services for a caseload of adults including the referral, supervision, counseling, and rehabilitation of adults on probation. DPOs are responsible for recommending when to file bench warrants and formal violations with the court, including recommended sentences.

Probation Aides are nonsworn staff who provide some similar services as DPOs by assisting in the supervision of adults on probation or pretrial; however, PAs work under a higher level of supervision while DPOs are expected to work more independently and take on more complex casework.

Adult Probation Population, Officer Caseloads, and Violations

Table 1 below shows demographic characteristics of adults living in Santa Cruz County compared to 1,806 adults who were under probation supervision for at least one day from October 1, 2022,

through June 30, 2023.¹⁰ The majority (84%) of adults on probation during this time were male. Hispanic/Latinx and Black individuals were overrepresented in Santa Cruz's adult probation population compared to their county population size. Hispanic/Latinx individuals comprised approximately 46.6% of adults on probation relative to 30% of the adult Santa Cruz County population, while African American/Black individuals comprised 4.8% of the adult probation population but only 1.2% of the adult Santa Cruz County population. Since 2019 (the year for which data were utilized for Phase I research), the proportion of adults on probation who are Hispanic/Latinx has grown from approximately 41% of the adult population to nearly 47%, while the African American/Black population has remained steady at about 5%. Together these trends demonstrate that in Santa Cruz County there are clear disparities among who is placed on Probation relative to their population size in the County.

Table 1. Demographic Characteristics of Adults on Probation: October 1, 2022 – June 30, 2023

Demographic Characteristics	Adults in Santa Cruz County (n=217,992) ¹¹		Adults on Probation October 1, 2022 – June 30, 2023	
	N	%	N	%
Race/Ethnicity				
White	128,334	58.9%	790	43.7%
Hispanic/Latinx	65,474	30.0%	841	46.6%
African American/Black	2,574	1.2%	86	4.8%
Other or Unknown	21,610	9.9%	89	4.9%
Gender				
Male	107,885	49.5%	1,514	83.9%
Female	110,107	50.5%	291	16.1%
Age				
18-24	38,590	17.7%	216	12.0%
25-34	31,915	14.6%	651	36.0%
35-44	32,117	14.7%	545	30.1%
45 or over	115,370	52.9%	395	21.9%

Table 2 below highlights a few of the case characteristics of adults on probation. Based on the Correctional Assessment and Intervention System (CAIS), a validated risk and needs assessment tool used to measure risk for recidivism, 34.3% of adults on probation were assessed as high risk, 27.5% were assessed as moderate risk, and 27.5% were assessed as low risk for recidivism (10.7% were not assessed or data were missing) during this period.

¹⁰ This period was chosen because reliable data measuring demographic characteristics, case characteristics (e.g., CAIS assessed risk, case type, and probation terms), and violations filed were only available for people under active probation supervision on or after October 1, 2022. Reliable data on violations filed and resolved are not accessible through electronic records prior to October 1, 2022.

¹¹ American Community Survey: 2021: ACS 5-Year Estimates Data Profiles.

Approximately two-thirds (sixty-seven percent (67%) of the adult probation population had alcohol or drug related terms requiring them to abstain from possession or use, and/or requiring them to attend and complete substance use treatment.¹²

Table 2. Case Characteristics of Adults on Probation: October 1, 2022 – June 30, 2023

Case Characteristics	Adults on Probation October 1, 2022 – June 30, 2023	
	N	%
CAIS Assessed Risk		
High	630	34.3%
Moderate	497	27.5%
Low	496	27.5%
Missing	193	10.7%
Alcohol or Drug Related Terms		
Yes	1,212	67.1%
No	352	19.5%
Missing	242	13.4%
Case Type		
Formal Supervision	1,515	83.9%
PRCS	185	10.2%
Mandatory Supervision	106	5.9%

The Santa Cruz County Probation Department supervises adults on Formal Supervision and AB 109 Supervision. Most adults under community supervision in Santa Cruz County are on Formal Supervision (83.9%). Formal Supervision includes general supervision caseloads (which includes various offense types), as well as domestic violence caseloads with mandated programming, a gang focused caseload, mental health or wellness focused caseloads, and a sex offender caseload for those required to register or complete State Certified Sex Offender Treatment programs. The remaining 16.1% were on AB 109 supervision (various offenses), which includes Mandatory Supervision and Post Release Community Supervision (PRCS). Those supervised per AB 109 were all convicted of felony offenses and would not have been under the Probation Department’s supervision prior to October 1, 2011, when AB 109 Realignment was enacted. This legislation transferred the responsibility for some individuals incarcerated in state prisons from the state to the county. Individuals in the AB 109 population previously would have been supervised by state parole, not county probation.

Average caseload sizes for probation officers are:

- 84:1 for General Supervision caseloads (down from 100 in 2019)

¹² Approximately 20% did not have alcohol or drug related terms, while data on probation terms were missing for approximately 13% of the adult probation population.

- 57:1 for Domestic Violence caseloads (down from 65 in 2019)
- 30:1 for Specialized/Intensive caseloads (down from 34 in 2019)

Specialized caseloads include the two AB 109 caseloads (Mandatory Supervision and PRCS), in addition to gang, mental health, and sex offender caseloads.

Formal Violations Filed with the Court

Table 3 presents information on formal violations filed with the court among adults under probation supervision from October 1, 2022 – June 30, 2023. We examine trends in violations filed, not convictions, because nearly half of all violations filed had not yet been resolved for the period that data were available. Overall, the data demonstrate that 22% (n=398) of adults had a formal violation filed during this time. During this same period, 201 adults were convicted of a formal violation, 18 had their violations dismissed or withdrawn, and 179 adults had cases pending.

Consistent with 2019 findings, Hispanic/Latinx adults had lower violation rates (19.9%) than White adults (22.8%). Black adults, in addition to being overrepresented on probation, were more likely to have formal violations filed with the court once on Probation (31.4% violation rate compared to 22.8% violation rate). Because Black adults comprise less than 5% of the adult probation population, their overrepresentation is based on a small number of violations (less than 10). Therefore, SCCPD has an opportunity to reduce or eliminate this disparity by integrating a race equity lens to better understand what drives probation violations among Black adults, and tailor strategies to support their experience under probation supervision.

Table 3. Formal Violations Filed, by Demographic and Case Characteristics

Demographic and Case Characteristics	Adult Probation Population	% Adult Probation Population	Population with Formal Violation Filed	% Population with Formal Violation Filed	Formal Violation Filing Rate, by Group
Race/Ethnicity					
White	790	43.7%	180	45.2%	22.8%
Hispanic/Latinx	841	46.6%	167	42.0%	19.9%
African American/Black	86	4.8%	27	6.8%	31.4%
Other or Unknown	89	4.9%	24	6.0%	27.0%
Gender					
Male	1,514	83.9%	352	88.4%	23.2%
Female	291	16.1%	46	11.6%	19.2%
Age					
18-24	216	12.0%	42	10.6%	19.4%
25-34	651	36.0%	132	20.7%	20.3%
35-44	545	30.1%	140	35.2%	25.7%
45 or over	395	21.9%	84	21.1%	21.3%
CAIS Assessed Risk					

Demographic and Case Characteristics	Adult Probation Population	% Adult Probation Population	Population with Formal Violation Filed	% Population with Formal Violation Filed	Formal Violation Filing Rate, by Group
High	630	34.3%	215	54.0%	34.1%
Moderate	497	27.5%	105	26.4%	21.1%
Low	496	27.5%	51	12.8%	10.3%
Missing	193	10.7%	27	6.8%	14.0%
Alcohol or Drug Related Terms					
Yes	1,212	67.1%	332	83.4%	27.4%
No	352	19.5%	61	15.3%	17.3%
Missing	242	13.4%	5	1.3%	2.1%
Case Type					
Formal Supervision	1,515	83.9%	320	80.4%	21.1%
PRCS	185	10.2%	52	13.1%	28.1%
Mandatory Supervision	106	5.9%	26	6.5%	24.5%

Consistent with Phase I findings, a much greater proportion (27.4%) of adults with alcohol or drug related terms had formal violations filed than those without alcohol or drug related terms (17.3%). Additionally, adults assessed at high risk for recidivism had higher violation rates (34.1%) than adults assessed at moderate (21.1% violation rate) or low risk (10.3% violation rate). Adults under AB 109 supervision (PRCS and Mandatory Supervision) also had higher violation rates than those under formal supervision. Because Black adults are disproportionately assessed at high risk for recidivism (49%), and disproportionately represented under PRCS (14% compared to 10% of the entire adult probation population), using risk as a component to determine responses to noncompliance may be a driver of racial disparities in violation rates.

A recommendation to eliminate the use of risk to determine responses to noncompliance, which was included in a set of policy and practice recommendations developed as a part of SCCPD's RRC strategy implementation, is aimed at reducing this disparity. An overview of the Santa Cruz County Probation Department's RRC strategies to increase success and reduce unsuccessful probation exits are provided below.

Shifting Culture and Advancing Probation Practice to Promote Success and Reduce Revocations

During Phase I of the RRC the Santa Cruz Action Research Team found inconsistencies in probation officer philosophies and practices were directly impacting how officers work with clients, including in their decisions about when to file formal violations and sentencing recommendations. In essence, POs were not on the same page about the purpose of probation, and thus had different approaches to working with clients under their supervision. Some POs utilized an assistance-oriented supervision approach, collaborating with clients to identify their goals and help make

connections to community resources to support them. Other POs utilized a compliance-oriented supervision approach, spending more time monitoring clients' compliance to probation terms and conditions, and less time on goal development and making connections to community resources. Clients we spoke with, therefore, had very different experiences on probation depending on their assigned PO. Some clients felt more connected to their probation officer and suggested they could go to them for support and receive appropriate referrals to services. Others described weaker relationships with a more adversarial and less trustworthy dynamic that, in some cases, resulted in failing to report to probation. Additionally, based on focus groups with probation officers and supervisors, some POs responded to noncompliance more punitively than others, especially for clients assessed as high-risk for recidivism based on a validated criminogenic risk and needs assessment. As a result, individuals on these caseloads or assessed as higher risk are likely to receive more restrictive sanctions for the same behaviors as their counterparts on probation.

These findings indicated a need for the Santa Cruz County Probation Department to implement a strategy (still in progress) seeking transformational change through a shift in organizational culture, and to develop greater consensus around their purpose and supervision approach and ensure that all policies and practices are aligned with the agreed upon assistance-oriented supervision approach. To achieve this goal, beginning in April 2022 SCCPD undertook a codesign process inclusive of staff from all levels to examine the Department's purpose and supervision approach, and later develop policy and practices aligned with an assistance-oriented supervision model. SCCPD sought to include a mix of staff who have been supportive and resistant to past reforms so that current champions could help bring along staff who have been more hesitant to shift supervision approaches. Codesign is a participatory strategy that is used to enhance several aspects of program or policy development, including acceptability and feasibility for real world practice and long-term buy in and ownership within the development site.¹³ Codesign processes support greater buy in and sustainability for innovative approaches because the people implementing the approaches are also those who researched and designed them.

As part of this codesign approach, SCCPD also hosted a retreat in November 2022 with system partners and adults on probation to examine the Department's purpose and supervision approach and develop recommendations for policy and practice implementation aligned with an assistance orientation (i.e., coaching model).¹⁴ ¹⁵ In 2023, the codesign team convened to advance the work from the retreat by developing a set of policy and practice recommendations that staff expect will increase client success on probation and reduce revocations. Leadership has endorsed these recommendations, and the Department, with leadership from the codesign team, is working on implementation.

Incentive Based Case Management Pilot for Individuals with Substance Use Terms

During Phase I of the RRC, the Action Research Team found that adults on probation with substance use disorders, mental illness, and housing instability had higher rates of violations in

¹³ CoLab : Community and Behavioral Health Policy. (2022). What is Codesign? Retrieved from <https://uwcolab.org/approaches>

¹⁴ Lovins, B. K., Cullen, F. T., Latessa, E. J., & Jonson, C. L. (2018). Probation officer as a coach: Building a new professional identity. *Federal Probation Journal*, 82(1), 13–19. Retrieved from https://www.uscourts.gov/sites/default/files/82_1_2_0.pdf

¹⁵ Lovins, B.K., Brusman Lovins, L.A., Latessa, E.J. (2022). Reimagining Probation Reform: Applying a Coaching Model to Probation Departments. In: Jeglic, E., Calkins, C. (eds) *Handbook of Issues in Criminal Justice Reform in the United States*. Springer, Cham.

Santa Cruz because of barriers, needs, biases, and common practices (e.g., clearing homeless encampments and bringing people into custody on old probation violation warrants, drug testing people with substance use terms) that impact these vulnerable groups more significantly than other populations. Additionally, a large proportion (40%) of formal violations in 2019 were filed for technical violations of probation terms that typically demonstrated a lack of engagement with probation or drug treatment and not necessarily a grave public safety risk associated with serious, violent offenses or possession of firearms. Over half (62%) of adults on probation (based on a one-day snapshot in 2019) had specific terms related to alcohol or drug use, testing, and/or programming, and after accounting for differences across demographic characteristics (e.g., race/ethnicity, age, sex) caseload type, and risk level, these individuals were more than twice as likely as others on probation to be convicted of a formal violation.

To address this disparity, SCCPD initiated an incentive based case management pilot (“pilot”) for individuals with substance use terms that focuses on reducing formal violations for this population and promoting positive outcomes, such as increased reporting and engagement in treatment services. This pilot provides an opportunity to rethink how the Department approaches case management generally, and how it uses drug testing more specifically. Rather than a tool to punish drug use, the pilot focuses on positive reinforcements to incentivize and support reductions in drug use. This approach is in line with research that indicates that positive reinforcements are strongly linked to behavior change and challenges probation’s traditional reliance on sanctions to punish and discourage drug use.¹⁶ The goal of the pilot is both to “flip the switch” from sanctions to incentives and positive reinforcement to support behavior change, and also to remove a barrier to trust that results in disengagement from probation. Findings from the pilot are being used to inform department policies and practices and support the desired culture shift. The pilot is also being used as an incubator, where some policy and practice recommendations are implemented in the pilot (e.g., developing and implementing success plans), with the intention of rolling out the practice across the Department over time.

Strategy Implementation and Outcomes

Shifting Culture and Advancing Probation Practice to Promote Success and Reduce Revocations

Beginning in January 2022, SCCPD began a process to examine the department's purpose, policies, and practices; assess the extent to which they are aligned with an assistance-oriented supervision approach; and develop policy and practice recommendations to help create a more assistance-oriented supervision approach department wide. Below is a summary of the key implementation steps.

Strategy Implementation Overview

Convening the Purpose, Policy, and Practice (3P) Codesign Team: The Santa Cruz RRC team identified two leadership team members to organize and recruit staff to join the 3P codesign team, Chief Giraldo and an Assistant Adult Division Director. Five probation officers volunteered to join

¹⁶ Rudes, D.S., Taxman, F. S., et al. (2012). Adding Positive Reinforcement in Justice Settings: Accessibility and Feasibility. *Journal of Substance Use Treatment*, 42(3), 260-270. Retrieved from https://www.sciencedirect.com/science/article/pii/S0740547211001620?casa_token=HNWP84oyfDMAAAAAA:itSoH0kZkmgYYfb_zV4zq-fPfoSM70xRm0tKrvFZNjarxUjjhpGA662bPXs2AvyJEkkMJo-CUD4

the codesign team. During the kickoff meeting the team reviewed the goals of the RRC, Phase I research that led to the Phase II strategies, and an overview of the work that would be completed over the grant period. To begin the conversation about probation's purpose, the team responded to the following prompt: "Years down the line, if you run into someone you supervised, what do you want them to remember about you?" This prompt was utilized to help remind team members what brought them to the work, which in one way or another for everyone was to help people. This was an important jumping off point to move the codesign group toward reexamining the Department's purpose and refining policies and practices from a compliance to an assistance-oriented supervision approach.

Ongoing Codesign Team Meetings: Subsequent codesign meetings were held every month or two, with the objective of having probation staff continue to examine their current practices in preparation for the retreat to be held in November. In one meeting, POs documented and discussed all probation officer tasks and activities and organized them based on whether they better fit an assistance or compliance orientation (for instance, home visits and drug testing were identified as compliance oriented while meeting with clients, conducting assessments, and referring to services were identified as assistance oriented). In another meeting, Dr. Brian Lovins -- president of the American Probation and Parole Association (APPA), principal at Justice System Partners, and former associate director for the University of Cincinnati's Corrections Institute -- who has been instrumental in introducing the referee/coach conversation to the field, presented on and facilitated a discussion on probation's purpose and role; the failures the field has experienced from implementation of a compliance driven model (e.g., referee model); moving from a referee to coaching case management approach (assistance-oriented approach); and effective substance use and behavioral change models.

Survey of Probation Practices: To provide additional context at the retreat for probation staff and system stakeholders, including individuals with lived experience, a survey of probation practices was developed for probation staff to complete. The 3P codesign team helped to vet survey questions to ensure they were asked in a way that would resonate with probation officers and encourage honest responses. Probation officer surveys asked questions to better understand (1) what probation officers believe is most important for being an effective probation officer, (2) how probation officers spend their time, (3) what they are trained on, and (4) probation officer and department practices including case planning and management; program referrals and communication; incentives and violations; the extent to which daily practices support a commitment to racial equity; and incorporating feedback and support from people with lived experience under probation supervision. A separate survey was developed for people on probation. Client surveys focused on their perceptions of (1) what probation officers should focus on to be effective, (2) what their probation officer spends the most time on, (3) their experiences on probation, and (4) suggestions for incentives that would be most meaningful for them if SCCPD were able to offer them.

Interviews and Focus Groups with Adults on Probation. Santa Cruz research partners conducted twelve interviews with adults under probation supervision who were at the Probation Success Center and/or checking in for probation.¹⁷ Each interview was approximately thirty minutes. The purpose of the interviews was to learn about the degree to which clients trusted and felt supported by their probation officer, and if they did not feel supported by their probation officer, to learn more about their experiences that eroded that trust or made them feel unsupported. Research

¹⁷ Interviews were conducted with three women and nine men. Seven interviewees were White, three were Hispanic/Latinx, and two were Black/African American.

partners also conducted focus groups with diverse groups of men and women in jail.¹⁸ The purpose was to speak with adults who were under probation supervision and in custody for a violation to learn about what, if anything, probation could have done to support them in a way that would have helped them to be successful. Findings from these data collection activities were incorporated into a presentation that research partners presented at the probation retreat to provide context for a discussion activity centered on policy or practice recommendations that probation should consider.

Probation Partner Retreat. The Santa Cruz team, in partnership with Dr. Brian Lovins, facilitated an in-person retreat on November 2, 2022 that included probation staff, people with lived experience on probation, and cross-system stakeholders. The purpose of the retreat was to provide a space for probation partners and people with lived experience on probation to explore different perspectives about what probation's purpose should be, as well as policies and practices that should be in place to drive probation success.

To encourage attendance SCCPD created a Save-the-Date Flyer that was shared widely with partners prior to the event. SCCPD also asked for registration from partners planning to attend. Ninety-five people registered for the event and nearly all attended (approximately 90 people attended). People with lived experience who participated in the retreat were given \$100 gift cards as compensation for their time and expertise. Information about participants' affiliation was gathered during registration (87 people who attended provided this information):

- Probation Department (n=47)
- Adults on Probation (n=14)
- Service Providers (n=10)
- Sheriff's Office (n=2)
- Public Defender's Office (n=3)
- District Attorney's Office (n=1)
- Superior Court of Santa Cruz County (n=3, 2 judges)
- County Administration (n=2)
- Office of Education (n=2)
- Community Action Board (n=2)
- Health and Human Services (n=1)

At the retreat, Dr. Brian Lovins presented on the opportunity for probation officers to change their professional identity from a referee to coach. This resonated with probation staff and partners. Based on a post-retreat survey (n=29), a large majority (83%) thought the coaching model should be fully implemented. There were two discussion activities the retreat was centered around after Dr Lovins' presentation and participants were asked to have discussions at the tables they were assigned to. SCCPD developed a seating chart to ensure that each table included probation staff, people with lived experience, service provider staff, and other county agency staff to encourage discussions among partners. Probation officers were also prepared in advance to provide support for people on probation, as needed, and to help encourage them to share their vantage point. SCCPD spent time preparing people on probation for this experience ahead of the event, offering rides, clothing, or anything else needed to support their participation, also assigning a probation officer to check in with them throughout the event. It was shared with people on probation that their input was necessary to support positive system change and that they were not expected to tell their personal stories unless they wanted to.

¹⁸ The research team did not ask people their race in jail; based on perceived race there were approximately 40% White, 40% Hispanic/Latinx, 10% Black/African American, and 10% who were some other race. There were 12 men and 6 women who participated in the jail interviews.

Discussion Activity #1 asked participants to describe what probation's purpose should be, who it should be for, and how long it should last. *Discussion Activity #2* asked participants to have discussions about policies, practices, or programs that should be stopped, started, refined, or grown to better align practices with a coaching model, including what would need to be done for the change to take place and measures to be in place so that changes promote race equity. After each discussion, gallery walks and report outs allowed the partners to read and discuss how each table answered the questions posed to them. Responses to the questions from the activities were the basis for the policy and practice recommendations developed by the probation codesign team.

Recruiting New Codesign Team Members: After the retreat, SCCPD leadership did a new round of recruitment for the 3P codesign team to allow additional staff the opportunity to engage in shared leadership and development of policy and practice recommendations. After the second round of recruitment, the codesign team more than doubled in size, from two leadership members and five probation staff members to five leadership members and 11 probation staff members.

Development of Policy and Practice Recommendations: Momentum from the retreat resulted in additional buy-in and participation from staff who worked together over three codesign meetings to develop 18 policy and practice recommendations based on the findings from the retreat (see Appendix C). Recommendations for centering the Department's commitment to race equity were built into policy and practice recommendations endorsed by Santa Cruz Probation leadership. Below are two of the policy and practice recommendations for implementation:

- Regularly collect, analyze, and share data with staff to identify race equity issues.
- Provide a space where 1) staff can have conversations about the intersection of race and probation work, and 2) devise, monitor, and revise strategies to address race equity issues identified in their work.

In addition to these, another recommendation to “*revisit the violation response grid to eliminate bias and use of risk level in determining sanctions*” will help eliminate the overrepresentation of Black adults among probation violations since they are disproportionately assessed at high risk (53% compared to 36% of White population and 30% of Hispanic/Latinx population based on 2019 data used in Phase I research).

The codesign team also met to discuss an implementation strategy to ensure that some policies and practices are implemented as soon as possible, while others that require more planning and partnership (e.g., revising probation terms) are worked towards over time. The strategy centers on a three pronged approach:

1. Identify practices individual POs can implement and begin doing so immediately (e.g., strength based court reporting)
2. Develop policy or practices to be vetted by leadership and/or other stakeholders to implement over time (e.g., updated terms and conditions).
3. Scale policy and practice implementation department wide.

Strategy Implementation Successes

The Santa Cruz Action Research Team engaged people with lived experience at all stages of strategy implementation and valued their expertise to inform policy and practice recommendations.

People with experience on probation are intimately aware of what some of the barriers to success are and the types of challenges people face, as well as what helps support success on probation. SCCPD demonstrated their commitment to valuing the expertise of the people they supervise by ensuring they had many opportunities to provide feedback and support the design of policy and practice recommendations. Additionally, adults on probation received an incentive or some compensation for their time whenever providing input. Providing financial incentives to clients should be the norm, especially when others who are participating in research discussions are being compensated for their time. This practice demonstrates there is no expectation for clients to attend additional meetings as a volunteer, and that researchers and probation agencies value their time. Adults who completed the client survey (n=60) or who participated in an interview (n=12) received \$15 gift cards to target, and people who participated in focus groups while in custody (n=18) all received \$20 on their commissary. Adults on probation who attended the day long retreat (n=14) all received a \$100 gift card for their time.

"[Probation should be] a place to transition to society and get back on track . . . like a support system for getting back on your feet, especially if you don't have someone . . . but that part is missing, and it has been missing. During the transition [from custody] things have never been enough."

- Probation Client

"Having people with lived experience involved was the best thing Probation did."

- Retreat Participant

Probation staff and community partners agreed that having direct input from people on probation, including having them participate at the retreat was invaluable. In fact, 100% of people who responded to a post-retreat survey agreed or strongly agreed

that "people with lived experience added valuable perspective to the event." Additionally, the needs they identified (e.g., probation to help provide stabilization and support) and direct recommendations they made (e.g., making early contact, in custody and/or immediately upon release, with people on probation, and increasing the use of early termination recommendations as an incentive for compliance and positive behavior change) have been prioritized by the codesign team for implementation. This includes 1) initial implementation of the coaching supervision model, 2) connecting with adults in custody who are or will be under probation supervision upon release, and 3) a commitment to increase the use of early termination recommendations to the court. Equally as important to their valuable input was that clients felt genuine appreciation for being invited to provide their feedback in ways that were meaningful and impactful, as well as excitement learning that probation is actively seeking to improve their practices to build trust and increase engagement between POs and the people they serve.

Forming a codesign team comprised of probation staff across levels and engaging experts in the field helped to increase buy-in and message the Department's direction.

To promote buy-in and ensure that probation staff drive the change process, codesign teams that included probation leadership, supervisors, and staff met on an ongoing basis during strategy implementation. SCCPD sought to include a mix of staff who have been supportive and resistant to past reforms so that current champions could help bring along staff who have been more hesitant to shift supervision approaches.

As a part of the codesign process, the Santa Cruz Action Research Team also brought in experts from the field (e.g., Brian Lovins, Sarah Walker, and Veronica Cunningham) to facilitate some of the meetings. Dr. Lovins facilitated a codesign meeting and a portion of the retreat, identifying challenges with the traditional compliance-based supervision approach and sharing an overview of the coaching model, while also highlighting on the ground success stories of incentive-based and assistance-oriented supervision models. Dr. Sarah Walker, Director of the CoLab at the University of Washington, is an expert in codesign and leader in the field who focuses on evidence translation and knowledge exchange to improve system and policymaking, especially in behavioral health. Dr. Walker presented on codesign, focusing on how it can be used effectively to successfully implement new policy and practices within the Department. Finally, Veronica Cunningham, a former probation chief and Executive Director of the APPA, underscored the importance of inclusion and engaging individuals with lived experience during the retreat. This was an important message for probation officers in Santa Cruz and system partners to hear from a national leader in probation. Utilizing the codesign approach and bringing in experts from the field helped to cultivate buy-in and leadership in the organizational change effort.

Early and consistent involvement of multiple stakeholders has helped to provide system-wide support for proposed changes to probation policy and practice.

SCCPD engaged system stakeholders early on and consistently to ensure they were aware of the work the Department was doing through the RRC and able to participate in it. There were many ways partners engaged in the work. The Santa Cruz Action Research Team worked with the Sheriff's Office to gain access to the jail, and the Sheriff's Office staff also helped to identify people who were in custody on a probation violation so that we were able to conduct focus groups with them in custody. The Action Research Team also worked with substance use service providers who collected information from the people they serve to get a better understanding of their most recent interactions with their PO; the extent to which they felt supported by their PO; what kind of support they would like from their PO and what they think the purpose of probation should be; and finally, whether they had ever had a warrant for not making contact with their PO, and if so, what their reason for not making contact was. We also spoke with attorneys from the Public Defender's Office to understand what, from their perspective, are the biggest challenges for people on probation, and what can be done to reduce violations. Working with partners to obtain context from varying perspectives both helped to inform the retreat content and promote it.

One of the greatest implementation successes was bringing representatives from many agencies including but not limited to the Sheriff's Office, District Attorney's Office, Public Defender's Office, the Santa Cruz County Superior Court, County Office of Education, Health and Human Services, County Administration, and various service providing agencies to the retreat. This allowed everyone to learn about the direction of the Probation Department and provide their perspective on what probation's purpose should be, and policies and practices that should be in place to promote the success of adults placed on probation in Santa Cruz County. Many retreat participants expressed that having so many agencies represented at the retreat was very valuable because everyone came together for the same purpose -- to discuss how to advance probation practice to promote success for adults on probation -- and everyone was able to share their perspective and be heard by a broad stakeholder group. The meeting

"I loved being able to speak to our criminal justice partners directly and get input from someone who has had experience [on probation]. We had great conversations that I believe really influence the judge at our table . . . it was great to not have a bureaucratic barrier and to have real conversations."

– Retreat Participant

also broke down bureaucratic barriers and allowed partners, and especially people with lived experience, the opportunity to have candid and constructive conversations with one another.

The Santa Cruz Probation Department's leadership team has demonstrated their commitment to shifting organizational culture and supporting staff to implement new practices that are in alignment with an assistance-oriented supervision approach.

Santa Cruz County Probation leadership demonstrated that RRC strategy implementation is a high priority by including the entire adult division leadership team on project calls (shifting from every two weeks to monthly depending on the intensity of the implementation stage) and making calls ninety minutes long to allow time for project updates and planning, and to also use the meetings as working meetings. The RRC strategies were also embedded within the department and county-wide strategic plan so that the goals and objectives of each are all in alignment with one another. For example, equity is also being highlighted in requirements and scoring for recent and future Request for Proposals (RFP) as part of the competitive County bidding process for service agreements. Elements include how organizations support diversity and responsiveness, as well as increasing equitable access by requiring a plan for expanding some direct service hours to the evenings and weekends.

"At a recent codesign team meeting, I made a commitment, along with the other managers, that we will get back to staff within a week after their submission of ideas that align with and support the 18 areas."

– Chief of Probation

Santa Cruz leadership attended codesign meetings that were open to all feedback from staff, and they provided guidance and space for staff to try different approaches. There was, in fact, no recommendation made that the leadership team did not support, and leadership pushed staff to think outside of the box so that policy and practice recommendations are innovative and not bound

by previous or current practices. For instance, some probation officers who are case managers in the pilot (described in greater detail below) are now offering incentives for people who choose to voluntarily drug test whether the test is positive or negative. The POs goals are to build trust and increase engagement with this practice. In addition, the Department started a Monthly Data Blast in June, incorporating success stories and/or officer spotlights to lift staff who are embracing the coaching model and supporting client success. Managers also worked with POs to help recruit for different qualitative data collection activities and checked in with them to provide guidance around how they can help prep clients for the retreat and debrief with them.

During Phase II of the RRC, SCCPD also went through hiring for managers and line staff. Leadership updated the hiring announcements with language regarding equity and alignment with an assistance-oriented approach, and as part of a revised interview process, candidates were asked to speak about their views on the role of probation and their experience with any efforts or initiatives to implement assistance-oriented practices and policies. During the interview, SCCPD's efforts to adopt and engrain an assistance-oriented approach are discussed and candidates are encouraged to be part of this shift. For example, the interview for supervisors includes the following questions:

"I have incorporated the important "WHY" question in my conversations with staff who I am considering hiring. I want to know why they want to assist clients and how they plan to do that."

– Chief of Probation

- What does it mean to "center equity" in probation practices? Tell us how you would work with staff to provide equitable opportunities for the success of those we serve?

- The practice of probation is evolving, and change can be challenging to many - which sometimes reflects staff aren't aligned with equitable and data driven practices and results in disparate responses, revocations and/or custody recommendations. What information would you need and how would you lead staff to align their responses, decisions, and actions to achieve equitable practices and positive outcomes?

Staff applying for the position highlighted the importance of using data to identify disparities, and to focus resources on populations or individuals in need of additional or different types of supports to keep them engaged with probation and on track to complete successfully. Some noted the significance of the South County Success Center to ensure that people located outside of the City of Santa Cruz have access to valuable resources, while others also highlighted the importance of addressing language barriers for clients who are monolingual Spanish speakers to ensure they understand probation expectations and have an opportunity to engage with services as needed.

Finally, in June of 2023 Chief Giraldo conducted final interviews for an Assistant Division Director position, and each of them referenced their knowledge and support for the Department's implementation of the coaching model. This demonstrates the expectation that has been generated for this shift in supervision approach in Santa Cruz County, and the commitment leadership has made to bring staff in who are aligned with the approach.

Convening a codesign team that meets regularly has resulted in the initial implementation of new policies and practices and an opportunity to continue moving the work forward.

Phase I research demonstrated that technical probation violations were most commonly filed because people were not reporting to probation. Based on interviews with adults on probation, the most common reason for not reporting was fear of being placed in jail when they were not in compliance with all probation terms and conditions, especially terms related to substance use and programming. In response, SCCPD has centered policy and practice changes around strategies to increase trust and engagement between POs and clients. To that end, with buy-in from staff and system partners, SCCPD is collaborating with Justice System Partners to implement the coaching supervision model. In April 2023, two supervisors from the Adult Division and one supervisor from the Juvenile Division enrolled in a coaching network facilitated by Justice System Partners, working with peers from other states in a four month program to learn to implement the model. After supervisors are trained, all adult and juvenile probation officers will be trained (likely through Justice System Partners with support from supervisors who receive training) to implement the coaching model. This will help to concretize the model as the approach all POs are expected to use and provide staff with the necessary training and tools to assist clients while limiting monitoring activities and punitive responses to client behavior to the greatest extent possible. Chief Giraldo, in partnership with Dr. Brian Lovins, have also had opportunities to influence the field more broadly by delivering a presentation to promote the coaching model to over one hundred judges across the state of California to members of the California Juvenile Law Institute.

In addition to initial implementation of the coaching model, SCCPD utilized findings from Phase I of the RRC to apply for and receive funding through the Board of State and Community Corrections (BSCC) Mobile Probation Service Centers Grant Program to establish the Santa Cruz County Mobile Success Center (MSC). The aim of the MSC is to assist unhoused individuals struggling to meet their supervision terms. The MSC will serve approximately 300 individuals where they reside by providing 1) access to legal services, 2) support obtaining housing and other resources to promote their health and wellbeing, and 3) assistance meeting their terms of probation. A key goal is to increase probation accessibility in different locations of the county, thereby reducing how often clients must travel a longer distance to meet with probation. The MSC

is alignment with SCCPD's effort, in partnership with the Public Defender's Office and District Attorney's Office, to reduce the number of warrants currently on the books and the prevention of new warrants.

Probation staff have also updated a presentation called *How to be Successful on Supervision* that they began to deliver monthly in August 2023 to adults in custody who are going to be supervised by probation when they are released. The development of this pre-jail release presentation was based on the fact that individuals often fail to connect or report to probation based on myths or misunderstandings about probation expectations. With better information and pre-release contact with probation, greater engagement and fewer violations should occur. At the writing of this report, codesign team members are also reviewing their caseloads to identify cases to recommend for early termination; establishing criteria and expectations for early termination recommendations; and working with leadership to engage in discussions with judges to reinstate the routine use of early termination as a motivation for success. Leadership intends to hold these meetings with judges in 2023. Other policy and practice changes that require additional planning and cross-system partnership that the codesign team will begin working on in the second half of 2023 and 2024 include, but are not limited to, reviewing and eliminating the use of risk to determine responses to noncompliance and engaging judges with a goal to reduce the standard number of probation terms and conditions and change the wording of them so that they are aligned with a coaching model and allow for POs to create individualized success plans for the people they supervise.

"I am offering regular opportunities for staff to share ideas and build leadership skills within their roles - with a particular emphasis on peer leadership at the line level. I support the beginning of the conversation, then invite staff to continue the discussions and planning on their own - circling back for feedback, coaching, and implementation approval."

- Adult Division Director

Strategy Implementation Challenges

While a majority of probation staff and system partners are bought in to SCCPD's organizational culture shift and implementation of aligned policy and practices, managing resistance to change remains a challenge.

Within the Department, most staff are excited to implement new approaches to better support adults under their supervision. However, there remain some staff that have demonstrated resistance to change; this can have trickle down effects, especially for new staff or staff who have been on the fence about some of the policy or practice recommendations developed by the codesign team. SCCPD understands that communication during organizational transition is key. In fact, managing the psychological transitions of people impacted by policy and practice changes may be more difficult than the set of tasks associated with operational system changes. Leadership recognizes there may be a sense of anxiety as culture and practices begin to shift. To manage resistance to change, SCCPD leadership intends to:

- Discourage denigration of past practices, and help to position the past as a positive legacy that paved the way for what's new;
- Communicate clear expectations for the transition;
- Provide frequent and direct communication to all levels of the organization;
- Repeat messages often, through multiple mediums, and with sensitivity; and
- Measure and celebrate successes as change takes hold.

Culture change within the Probation Department and among system partners moves slowly and requires patience.

America's justice system has long functioned to disenfranchise people and exacerbate inequalities across race and socioeconomic status. Probation has functioned as an arm of the court and supervision has traditionally been compliance oriented, based on monitoring people more so than providing them with assistance to promote their well-being and public safety. Within this landscape, SCCPD has been a national leader helping to advance local policy and practices in alignment with evidence-based and best practices to reduce the justice system's reach while prioritizing public safety. In 1999, for instance, SCC became a model site for the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI), which has since been replicated nationwide, saving millions of dollars and resulting in dramatic reductions to unnecessary youth incarceration. In 2010, SCCPD partnered with the National Institute of Justice on the Research Practitioner Project to conduct research on the use of risk assessments and probation violation structured decision decision-making grids. And in 2017, SCC participated in California Forward's Justice System Change Initiative to assist counties in implementing data-driven strategies that address new and longstanding justice system challenges. These are just a few of the initiatives that reflect the Department's culture that is ripe for moving the needle and advancing practice to support the success of people under their supervision.

Despite SCCPD being positioned to continue to move culture and practice to an assistance orientation, large shifts in culture do not happen immediately. Some policies and practices that are not aligned with an assistance oriented probation approach (e.g., compliance checks in the community or one's home) have been in place for years and take coordination, collaboration, and time to eliminate or modify. Other policies and practices are related to evidence-based practices that staff have been trained in, but now need refinements (e.g., utilization of risk and needs assessments). Within this environment, the Probation Department must continue to work internally and with system partners to help educate and provide research that supports Probation's urgency to move more towards a coaching model rooted in assistance and support.

As noted above, one goal probation is committed to work on in partnership with the courts is to revisit and reduce the number and orientation of supervision conditions adults on probation are ordered to follow (e.g., moving from "Totally abstain from . . . controlled substances and marijuana" to something more flexible such as "Do not use controlled substances as you work towards sobriety and be sure to attend your scheduled meetings with your probation officer if you relapse and use a controlled substance that you should not have"). Rather than individualized case plans which involve and motivate clients to be the primary driver of the probation process, compliance monitoring of excessive and often irrelevant, "one size fits all" probation terms become the primary focus. In addition to being excessive and sometimes irrelevant, terms and conditions are not revisited often and there is reluctance from judges to make large scale changes. Probation must work with judges and other system partners such as the District Attorney and Public Defender's Office to demonstrate how reducing the number and changing the orientation of terms will allow POs greater agency to work individually with the clients they supervise to support their needs, increase engagement, and help them have success on probation.

Data limitations make tracking outcomes among adults on probation challenging.

During Phase I of the RRC, the Santa Cruz Action Research Team learned that the court could not systematically extract data on revocations that were the result of formal violation petitions filed with the court, particularly for those violations that were the result of a technical violation only. SCCPD is targeting reductions in these types of revocations specifically as part of the Phase II work, so monitoring outcomes for policy and practice changes is challenging.

To ensure they are able track outcomes, SCCPD convened a data workgroup who helped design a violation event to be entered in their electronic case management system after any formal violation is adjudicated. The violation event includes:

- Arraignment date
- Sentencing date
- Name of PO alleging violation
- Basis for the violation (e.g., felony, misdemeanor, technical violation, or new infraction)
- Alleged technical reasons
- Violation outcome
- Probation status (reinstated or terminated)
- Custody time imposed
- Pre-hearing custody time served
- Indicator of whether terms were modified (added or deleted)
- New probation expiration date (if applicable)
- Indicator of whether court's decision was the same as the recommendation, less punitive or more punitive (i.e., more days in custody or prison instead of jail)

The workgroup also supported the development of a process to internally capture information on all violations that have been adjudicated. Below is a summary of the process.

- Court sends Probation a weekly report of all adults on probation (other than adults under post release community supervision) who had bench warrants or formal violations filed. Supervisors for PRCS caseloads identify all bench warrants or formal violations filed for the PRCS population weekly.
- For everyone with a bench warrant or formal violation filed, Santa Cruz leadership compiles a log that includes each person's name, P-Number (unique ID), filing date, case number, and an indicator of whether a violation event has been entered in the Department's case management system.
- POs are expected to review all cases for which a bench warrants or formal violations have been filed on a monthly basis and to enter a violation event for all that have been resolved.
- On a quarterly basis, probation leadership works with supervisors and line staff to ensure all violation events have been entered for cases that have been resolved.

This process SCCPD has put in place can work, however it relies on staff data entry that will be difficult to sustain and a lot of time spent by leadership compiling violation reports from the court and supporting quality assurance on an ongoing basis to ensure data entry is complete. SCCPD plans to work with the court to explore the possibility of developing a report that can produce case level data for all formal violations filed and resolved in Santa Cruz County. This will support data driven decision making for the County and ensure the Department can measure outcomes moving forward.

Incentive Based Case Management Pilot for Individuals with Substance Use Terms

Overview of Incentive Based Case Management Pilot for Individuals with Substance Use Terms

Drug testing decreased drastically during the COVID19 pandemic in Santa Cruz County, and SCCPD leadership does not want to see drug testing rates return to pre-pandemic levels. Drug testing is one of the main reasons clients do not show up to meetings with probation because they fear being placed in jail if they test positive. The objective of the pilot is to develop a safe environment for adults on probation with substance use terms where they are not afraid to report to probation because of addiction issues so that they are able to develop trusting relationships with their probation officers. The pilot functions as an extension of a harm reduction model with an understanding of substance use rehabilitation as an ongoing process, not penalizing relapse while incentivizing progress and engagement with probation. Within this environment, it is SCCPD's hope that clients will engage with their probation officers even when they are struggling to comply with all the terms and conditions of probation.

Below is an overview of pilot policy and practices.

- POs co-develop individualized success plans with clients. Success plans include one or more goals clients would like to achieve while on probation. Success plans do not need to be based on clients' probation terms and conditions.
- Individualized success plans include 3, 6, 12, and 18-month milestones for which clients receive an agreed upon incentive upon achievement.
- Incentives are individualized and determined with clients. They may include gift cards, letters of support to obtain employment, and recommendations for early termination, among other options.
- Clients are not asked to provide mandatory drug/alcohol tests as part of routine office visits unless there is a clear and present danger to the safety of self or others based on visible signs of being under the influence. Clients may voluntarily ask to be drug tested at any time to demonstrate their sobriety.
- Probation officers will not file a formal violation in court solely based on a positive drug test/self-admit for using prohibited drugs or alcohol.
- Probation will work with clients who leave court ordered programming and explore all alternatives prior to filing a formal violation in court, provided that clients report as soon as possible to probation to avoid a warrant and keep weekly contact until the matter is resolved.
- If clients are arrested for a low-level drug or alcohol offense, probation will continue to work with them to address their behavior prior to filing a formal violation. Not all new offenses require the filing of a formal violation; however, a review or modification in court may be pursued to support progress.

Pilot Implementation Overview

Planning Prior to Convening the Pilot Codesign Team: The Santa Cruz Action Research Team identified two Assistant Adult Division Directors (ADD's) to help organize the Incentive Based Case Management pilot codesign team. Prior to convening the codesign team the Assistant ADD's met with the research team to brainstorm ideas for what the pilot could look like and what the structure of the codesign meetings would be. During these meetings, the Assistant ADD's also reviewed drug testing data that provided context about the amount of testing that occurred from 2019

through 2021. The data demonstrated that drug testing dropped drastically during COVID, from 2,322 drug tests in 2019, to 640 in 2020, and 337 in 2021 (there were 370 drug tests administered in 2022). Approximately 60% of tests resulted in a positive drug test (57% in 2019, 64% in 2020, and 61% in 2021) across the three years. Among positive tests, 58% were for marijuana use only. While marijuana is legal to consume in California, it is still considered a violation of probation terms. These data were used to demonstrate how environmental changes affected probation practice. Probation leadership emphasized that they do not want to see drug testing rates return to pre-pandemic levels because it is costly for the Department and one of the main reasons some clients do not show up to meetings with probation -- because they think that if they test positive, they are likely to be placed back in jail.

Convening the Pilot Codesign Team: Eight probation officers representing a variety of client caseloads (e.g., general supervision, PRCS, specialized/intensive) and the Peer Navigation Lead,¹⁹ whose job was to oversee and bring in Peer Navigators, were recruited to join the codesign team. The pilot codesign team kickoff meeting was facilitated by the research consulting team. The meeting began with committee members responding to the prompt, “As an organization, and as individual probation officers, what do you want to accomplish with people who have substance use disorders?” Almost everyone highlighted goals aimed towards increasing the types and quality of support they and the County provide for these individuals to help them successfully overcome addiction and complete probation. This prompt helped to center everyone around the values they bring to the work and some of the goals of the pilot. After the kickoff discussion, the research team provided an overview of Phase I findings to help demonstrate why the Department chose to implement the pilot. Then the pilot codesign team reviewed the drug testing data described above and discussed maintaining lower levels of drug testing.

Finally, the group had a discussion centered around the following questions:

- What was interesting or surprising about the data we reviewed? Were there any takeaways?
- Do you see a need to go back to more drug testing? Why or why not?
- How do you determine when to drug test?
- What do you do when you get a positive drug test? What do you do when you get a negative test?
- What could we do to sustain reductions and further reduce technical and/or other probation violations for individuals with drug testing terms (including positive drug tests, absconding)?

This discussion served as a jumping off point for future codesign meetings and pilot development.

Ongoing Codesign Team Meetings: At subsequent codesign meetings, the initial focus was on generating buy-in for why the pilot was needed and the codesign method, and then the focus shifted to developing the parameters of the pilot. With support from the Santa Cruz team, Dr. Sarah Walker who is an expert in codesign co-facilitated a meeting to describe some of the key elements of a codesign process, highlighting that they typically yield products that are more valued and enduring because participants' involvement results in buy-in and sustainability of developed innovations. At the meeting with Dr. Walker, the team completed an exercise to identify some of the key concepts codesign team members had interest in learning more about

¹⁹ Peer Navigators assist probation clients at the Probation Service Center (PSC) with accessing services in the community. Peer Navigators provide a client-centered approach to accessing and participating in services; they also provide peer support, mentoring, and motivation to support people under probation supervision to engage with and complete services.

as pilot development evolved (e.g., harm reduction treatment approaches that are not abstinence only, Medically Assisted Treatment, behavior change models/best practices). The CoLab then conducted a rapid evidence review of reducing revocations and sanctions in adult probation for drug-related offenses. The review suggested that individual jurisdictions: 1) should be thoughtful about increasing the perceived voluntariness of treatment options, 2) increase the use of rewards over sanctions, and 3) provide the least restrictive treatment option proportionate to the client's level of harm to others (see Appendix D for reference to full Rapid Evidence Review).

The pilot codesign team also attended the 3P codesign meeting described earlier that was facilitated by Dr. Brian Lovins. The meeting ended with an activity where small groups answered the following questions:

- What policies and practices would support a framework for using drug testing (or not) to increase client engagement and reduce warrants and punitive sanctions?
- What policies and practices would support a framework for using incentives to increase client engagement and reduce warrants and punitive sanctions?
- What policies and practices would support a framework for using drug testing (or not) to increase client engagement and reduce warrants and punitive sanctions?

We used suggestions from these discussions as a starting point for developing the framework of the pilot, and during subsequent meetings the codesign team, with facilitation support from the research consultant team, worked to define the drug testing, incentive, and violation structure of the pilot that was approved by the leadership team. The pilot implementation team, described below, used the framework developed by the codesign team to finalize the pilot model.

Forming the Pilot Implementation Team and Finalizing the Model: Three POs representing a diverse set of caseloads were recruited by SCCPD leadership to implement the pilot.

- South County General Supervision Caseload
- All County General Supervision Caseload
- North County PRCS Caseload

In addition to the POs who would be directly supervising clients in the pilot, the pilot implementation team included two supervisors (one for general supervision caseloads and another for the PRCS caseload) and the Adult Division Director. This group used the framework developed by the codesign team to finalize the parameters of the pilot and develop pilot documentation. The process of finalizing the model and developing documentation took several months, and pilot implementation began in January 2023. An overview of the pilot model is described below.

Pilot Recruitment and Race Equity

Beginning in January 2023, the three pilot POs began recruiting clients from their caseloads who had terms related to substance use or programming into the pilot. Each PO sought to recruit up to five clients into the pilot each month (more information on the number of people in the pilot, and their demographic characteristics are included in the next section).

Because the pilot seeks to reduce probation violations among individuals with substance use terms--and a larger proportion of White individuals (approximately 82% of White individuals with probation term data available) than Hispanic/Latinx (approximately 74% of Hispanic/Latinx with probation term data available) and Black/African American (approximately 78% of Black/African American individuals with probation term data available) individuals have substance use terms -- this strategy could reduce violations for all but increase racial disparities in violation rates if SCCPD

Hispanic/Latinx and Black/African American adults were not appropriately represented in the pilot. To account for this, during the pilot planning phase, the Action Research Team reviewed the demographics of the caseloads that would be included in the pilot. The analysis found that the pilot caseloads had greater representation of Black/African American and Hispanic/Latinx adults than the overall probation population, and that among pilot caseloads a greater proportion of Black/African American and Hispanic/Latinx adults had alcohol or drug terms than White adults. This suggested that implementing the pilot with these caseloads would help to ensure that Black/African American and Hispanic/Latinx adults were represented. In addition, SCCPD leadership has communicated expectations for the pilot to have at least as many Hispanic/Latinx adults as White adults, and for Black/African American adults to be overrepresented to help ensure that the pilot does not increase disparities in violation rates by underrepresenting these groups.

Focus Groups with Pilot POs and Clients in the Pilot

The research team conducted one focus group remotely with the POs implementing the pilot, as well as one remote interview with the supervisor overseeing the pilot to learn about how pilot implementation was going, including the successes and challenges they have experienced during early implementation. The research team also conducted focus groups with 13 pilot participants – five at the South County Success Center and eight at the North County Success Center – to learn about their experiences in the pilot, including what they understand the pilot to be, the extent to which they trust their PO, and how, if at all, the pilot felt different to prior experiences on probation. Probation Officers supported recruitment for focus groups, and all clients received \$40 gift cards to Target for their participation.

Pilot Implementation

As of July 31, 2023, there were 34 adults who had entered the Incentive Based Case Management Pilot, having reviewed the policies and practices with their probation officer. These individuals, on average, had been in the pilot for 104 days (minimum 19 days and maximum 209 days). Twenty-nine (85%) had worked with their probation officer to co-develop individualized success plans and review them during monthly check-ins. Probation officers had updated 8 client success plans based on progress made and/or discussions with their client.

Table 4 below shows the demographic and case characteristics of people in the pilot.

Table 4. Demographic and Case Characteristics of Adults in Pilot

Demographic and Case Characteristics	Adults in the Pilot January – July 2023	
Race/Ethnicity	N	%
White	10	29%
Hispanic/Latinx	16	47%
African American/Black	5	15%
Other or Unknown	3	9%
Gender		
Male	29	85%

Demographic and Case Characteristics	Adults in the Pilot January – July 2023	
Female	5	15%
Age		
18-25	4	12%
26-35	13	38%
36-45	12	35%
46-55	3	9%
Over 55	2	6%
Risk		
High	18	53%
Moderate	11	32%
Low	4	12%
Missing	1	3%
Case Type		
Formal Supervision	19	56%
PRCS	15	44%
Mandatory Supervision	--	--

Incentives and Formal Violations

Incentives are typically offered when a client has completed a goal they identified in their success plan, or demonstrated positive behavior change (e.g., successfully completing residential treatment or completing steps, such as submitting job applications, or gaining employment). This may include regular reporting, especially for people who are unhoused and/or have other challenges or a history of not reporting. Through July 31, 2023, 25 of 34 adults in the pilot had received at least one financial incentive. Three clients had earned an internal or administrative reduction in supervision, and one client received public recognition of their success. In this case, their PO, with consent, posted a story of their achievements on the success board at one of the Probation Success Centers.

Three clients (9% of pilot participants) have had a bench warrant or formal violation filed with the court. The reasons for these are for 1) absconding, 2) possessing drugs for sale and contributing to the delinquency of a minor, and 3) new gun related charges. While very early in pilot implementation, it is encouraging that 9% of pilot participants had formal violations filed, compared to 22% of adults on probation (from October 1, 2022 - June 30, 2023), especially given the fact that a majority of people in the pilot have a long history on probation (juvenile and adult), with over half assessed at high risk for recidivism and 44% under PRCS.

Pilot Implementation Successes

“When you try to change yourself and you try to change what you have done for so long it’s awkward and things come up. You need to be able to call someone and say what is going on and not have fear of going to jail. . . . This pilot takes away the fear of going back to jail [for drug use]. That one fear would start a snowball effect for me But with this pilot it is night and day. There is someone there advocating for me not just waiting there to bust me.”

- Pilot Participant

Clients we spoke with expressed that the pilot is different from probation in the past; removing mandatory drug testing and incentivizing engagement, even when clients are struggling with relapse, has removed their fear of probation and allowed clients to develop trust with their PO.

Uniformly across the two focus groups with clients, participants were emphatic that the pilot is different than probation in the past. Nearly every participant had prior experience with adult and/or juvenile probation, and those that did all spoke about how voluntary vs mandatory drug testing was a major departure from past practice. Some even expressed having a hard time trusting the policy at first, feeling that it might be a trick. They described previous experiences coming to the probation department as a traumatic process during which they always felt like they could be placed in custody, particularly if they were struggling with ongoing substance use.

“I can honestly say that [my PO] is really trying to help. We have set up a plan for success and he has told me about the incentives program, and it has been extremely helpful. . . . I can be honest with him. Any time I told a PO before that I had used I’ve been told to come in and test and we’ll deal with it. Then I would wind up getting incarcerated. That happened once or twice and then I just stopped reporting. No one wants to get locked up for being honest.”

- Pilot Participant

With time in the pilot, the fear of probation for clients we spoke with has dissipated. Because clients are not mandated to drug test; they may do so voluntarily; and they will not be placed in custody if they test positive, clients in the pilot are not afraid to show up for probation appointments. As a result, they have developed relationships with their probation officers who they now trust have their best interests in mind and are there to support them. Clients suggested that they can reach out to their probation officer, even when they are struggling with relapse, and they know that their probation officer will try to help them. They do not fear that their probation officer will place them in jail if they are honest about their struggles with drug use.

“I relapsed the first week [in the pilot] and came straight to [my PO]. I was afraid I would get violated but she didn’t violate me. I have been clean ever since. I used to feel like I was trying to run from probation and not get caught when I was struggling. . . . it was like catch me if you can. . . . Now it feels like you can run to your probation officer when you need help.”

- Pilot Participant

Increased trust has resulted in pilot participants reporting to probation even when they are struggling with substance use or to achieve goals identified in their success plan.

Probation officers implementing the pilot expressed that in addition to removing mandatory drug testing, the process of reviewing pilot policies with their clients and offering incentives for developing success plans together has also helped to build trust and ongoing engagement. As the clients in the pilot described, the policies help demonstrate to them that their probation officer's goal is to support them, and that their probation officer will work with them to avoid filing a formal violation if they are struggling to comply with terms of their probation if they remain in contact. Over time, clients gain experience working with their probation officer and see that they are asking how they can help, offering resources, and not placing them in custody for violating technical terms of probation if they continue to show up.

"I reach out to ask if they are working on goals Some have worked on their goals, and some haven't. One [of my clients] had a history of not checking in. That person is reporting and that is a big difference and a step forward."

- Probation Officer

"One client made a trek [to my office in South County] from Santa Cruz and he was open and honest. He said I think I will test dirty but he chose to provide a voluntary test and it was positive. I provided a gift card because he made the trek. Him making the good faith effort to come to my office. That was huge for me."

Some POs have offered incentives to clients for taking voluntary drug tests regardless of the outcome to help build client engagement, which is one of the main objectives of the pilot. These practices have resulted in participants, many with a history of lacking engagement with probation, showing up regularly for appointments, even when they are struggling to maintain sobriety and achieve the goals in their success plan. This is precisely the type of change the pilot is seeking to create.

Probation officers in the pilot collaborate to discuss cases and seek alternatives to filing bench warrants or formal violations when clients are struggling with substance use or not checking in.

SCCPD leadership and the codesign team are encouraging all probation officers, not just those supervising people in the pilot, to exhaust all alternatives to filing bench warrants or formal violations if people on their caseloads are out of compliance with probation terms, but do not pose a threat to public safety. Probation officers in the pilot are doing just that. During pilot implementation meetings, one of the standing agenda items is to discuss challenging cases, including those where they are unable to contact their client. Probation officers and supervisors use this time to brainstorm how they might respond to certain forms of noncompliance and discuss how their responses can be used as opportunities to build trust with their clients, working with them to support their growth and drive probation success.

Probation officers note that when clients do not show up for appointments, they contact service providers and their clients' natural supports, including family members, to help re-engage them. In one pilot implementation meeting, a probation officer who was struggling to connect with a client discussed reaching out to all the supports he had contact information for, including his client's grandmother, to relay the same message to family members that they had reviewed with their client when entering the pilot— that they want to help them succeed and will not file a bench warrant or violation if they make contact, even if they are using drugs (assuming no new crimes have been committed). Providing this message to service providers and other natural supports ensures that people who may make contact with clients can encourage them to connect with probation and reassure them they will not go to jail for drug use or a missed appointment if they check-in with their probation officer.

"It's hard to get them to achieve their goals, or even come back in when they go on a binge and forget . . . I reach out in a multitude of ways, just to get them back and let them know what is going on and make them feel comfortable they will not be violated for using drugs."

– Probation Officer

Pilot Implementation Challenges

Probation officers are trained to be an arm of the court and monitor compliance to probation terms and conditions; as a result, there are adaptive challenges for POs being asked to shift to an assistance-orientated supervision approach to support client success, including exhausting all alternatives before filing formal violations.

While strides have been made to shift the supervision approach of the probation field, and many probation officers in Santa Cruz County embrace an assistance-oriented supervision approach, adaptive challenges remain that require probation officers in the pilot (and beyond) to confront the status quo and change their behaviors, practices, and ways of working they have been trained on in the past. The pilot challenges probation officers to do things differently and focus on rapport building with their clients by co-developing individualized success plans and supporting them in reaching those goals- - not compliance monitoring. It relies primarily on clients' voluntary drug testing to demonstrate sobriety rather than regular drug testing to monitor drug use, as well as implementation of success plans to help clients achieve their goals rather than monitoring their compliance to a litany of terms.

Despite initial pilot implementation team meetings where probation officers and supervisors suggested that the pilot resembled the supervision approach already in place in Santa Cruz, when working together to finalize pilot policies some officers initially suggested that they should not include people who had committed violent offenses. There were also questions about including people who had been assessed at high risk for recidivism. It took several discussions with the team and guidance from SCCPD leadership to encourage them to include people who have previously committed violent offenses, as well as individuals assessed as high risk for recidivism, in the pilot. The group agreed that rather than excluding any group, they would discuss cases where they had questions about eligibility based on specific case circumstances (e.g., someone with a history of domestic violence while using substances, who is living with a partner they have previously been violent towards).

In addition, case management in the pilot looks different on the ground depending on how bought in each PO and supervisor is to the model. Not all POs are comfortable shifting from their traditional compliance-orientation. As a result, they are spending less time introducing new clients to the pilot in initial meetings with them, and more time reviewing terms and conditions and

ensuring they are following court orders. As the Department continues to scale the pilot, it is imperative to choose probation officers and supervisors who are dedicated to the intended pilot supervision approach, and who have the skillset to apply motivational interviewing and strength-based case management approaches so that they can share successes while the Department seeks to scale the assistance-oriented supervision approach department wide.

Perceived court expectations and excessive probation terms make it challenging for probation officers to utilize individualized success plans and focus on coaching rather than monitoring compliance.

Compliance monitoring of excessive probation terms is an obstacle for probation officers in the pilot (and beyond) who are seeking to engage with clients and minimize their use of punitive responses to noncompliance. For instance, because probation terms mandate certain individuals to enter and complete substance use treatment or to totally abstain from use or possession of drugs or alcohol, some clients may be afraid to report to probation under certain circumstances, even after reviewing pilot policies and practices with their probation officer. Additionally, probation officers are in a difficult position working with individuals who have probation terms they are not in compliance with because of their drug addiction yet are not threats to public safety. In these instances, probation officers eventually may feel compelled to report a violation to the court, especially in instances where completion of specific treatment is cited, despite this not being the most fruitful action to support their recovery.

Summary and Discussion

Probation began as an alternative to jail, and a service dedicated to assisting and supporting change. Over the past 40 years the focus shifted to monitoring compliance to a set of probation rules that are often standardized and that, if broken, result in punishment and jail. The growing reliance of jail and prison as an outcome of probation has disproportionately impacted people of color who are overrepresented on probation, in jail, and in prison as compared to White individuals. These negative outcomes have persisted despite the implementation of evidence base programs and tools designed to assess risk, needs, and responsivity.

Probation practice is heavily influenced by culture. Tools, techniques, and training are important, but they are heavily influenced, or worse, overridden by a culture that that rejects them. The duality of probation approaches rooted in both control and compliance vs support and assistance has led to role confusion and variance in individual probation officers' philosophy and approaches that can be seen, not only across jurisdictions, but across probation cubicles within a single jurisdiction.

The findings in the RRC show that the national challenges affecting probation's efficacy are relevant in Santa Cruz as well. At its core, the findings from Phase I spoke to the importance of addressing probation's purpose and overall culture:

- Probation officers' approaches and philosophies varied, therefore their practices varied.
- Clients described very different experiences on probation based on their probation officer – some felt supported and thought of their POs as a resource, while others felt their probation officer was “out to get them,” and simply focused on monitoring or finding fault.
- Revocation data showed that court conditions mattered particularly for individuals with drug testing terms, who had much higher rates of violations, mostly for failing to keep in contact.

Phase I findings led to the implementation of strategies with the following premises:

1. Advancing a probation culture that supports revocation reduction and probation success must start with a reexamination of purposes and practice. To do this, Santa Cruz:
 - a. Created dedicated space to build consensus about probation's purpose, approach, and practice.
 - b. Established a shared implementation process to codesign and implement practice change.
 - c. Involved probation officers and system stakeholders, including individuals with lived experience, throughout the process.

2. Revocation reduction strategies should focus on individuals who are vulnerable to probation violations based on needs, starting with individuals with drug testing terms due to substance use or abuse. Strategies included:
 - a. Piloting a new probation approach to address disengagement and to build trusting relationships between probation officers and individuals on probation.
 - b. Shifting the probation approach to motivate behavior change through incentives and rewards rather than sanctions and punishment.
 - c. Engaging pilot staff through codesign in developing strength-based approaches including success plans and an incentives model.
 - d. Collecting data to evaluate efficacy of the pilot in reducing revocations and engaging staff in positive behavior change.
 - e. Applying an equity approach to ensure that Black and Hispanic/Latinx populations are highly represented in the pilot.

A Work in Progress

The premises and strategies described in this report began to take root during Phase II of the RRC. The probation retreat resulted in a strong consensus that probation officers should conduct themselves as coaches to facilitate and support positive growth and success. This, in and of itself, was an important outcome of the retreat. Involving individuals currently on probation was also a huge success as measured by the retreat evaluations. SCCPD, with leadership from line probation officers, were key to this success in that they helped identify, prepare, and support individuals to meaningfully engage in the retreat as equal partners without stigmatizing, marginalizing, or tokenizing their participation.

Concrete suggestions were made on practice and systemic changes that could improve probation outcomes at the retreat. These suggestions, coming from justice stakeholders (judges, defense and prosecution attorneys, law enforcement and probation officers themselves), in concert with community partners and individuals on probation, informed a voluntary Purpose, Practice and Policy codesign team of probation officers to develop a set of policy and practice recommendations and implement system change. The codesign team has begun a process of developing specific steps to operationalize and prioritize changes internally and develop approaches to engage stakeholders necessary to institute broad change. Involving line staff who are most proximal to the day-to-day interactions of individuals on probation is pivotal to sustainable culture and practice change.

The examination, discussions, and consensus around purpose are central to the pilot in that individuals with drug testing terms and issues with substance use and abuse have high rates of revocations and stand to benefit greatly from a coaching model and other policies and practices

aimed at reducing violations. The probation officers assigned to the pilot are endorsed by probation administration to “flip the switch” and move from punishing undesirable behavior to incentivizing and rewarding desirable behavior. This has involved trust building with clients and creating new approaches and agreements with them that encourage ongoing contact and engagement with probation, especially when they are struggling. It has also involved POs forming individualized and shared success plans with the individuals on probation they supervise with achievable short-term goals and incentives leading to long term goals. Establishing these new approaches while simultaneously supervising additional probation cases has been challenging, however, it is providing essential space for probation officers to be thoughtful in developing and refining this new approach with a small group of clients. Anecdotally, probation officers say the approach is working and that they are experiencing increased engagement from their clients.

The Work Ahead, Including Recommendations for SCCPD

There is a lot of work ahead for SCCPD to continue to refine, sustain, and grow the new approaches. Below are some high-level recommendations to build upon and sustain the work that has been completed to date:

Provide continued support of the coaching model. Training and ongoing internal support to adopt a coaching model is needed. SCCPD has embarked on adopting a coaching model with support from Justice System Partners which will help the department move from purpose to practice change. This work should continue and be taken to scale so that it becomes the way of doing business in the future.

Apply ongoing strategic management, oversight, and attention to ensure that effective practices evolve and are taken to scale. The department, in partnership with the pilot implementation and codesign teams will need to develop thoughtful strategies to bring these new policies and practices, such as success planning, to scale so that they become the norm for probation work and apply not only to individuals with drug testing terms but to other probation populations. Sustaining the momentum of the pilot implementation and codesign teams will require ongoing organization and management of the shared leadership efforts, including well designed meetings with agendas, minutes, and action steps that ensure accountability and follow through. It will also require buy in and engagement of stakeholders. For example, court conditions that are excessive, irrelevant, and onerous for individuals on probation are also impediments to full implementation of an individualized success plan. This will require ongoing partnership and collaboration with the judiciary and other court partners. It will also require that written communications, including presentence reports and recommendations, subsequent written reviews, violation reports, and modifications incorporate language and references to the coaching approach, including the recognition of progress and positive change.

Improve data collection to measure progress. Quantitative and qualitative data to measure progress and change is essential. Without it, well intentioned interventions may have unintended consequences that go undetected. One lesson learned through Phase I is that capturing data on technical and new law violations is not easy. This information should be readily available and captured by the courts and probation routinely and consistently in reliable ways. SCCPD should work with court administrators to implement a reliable and more sustainable data collection method.

Lean into race equity work. There is much more to learn about the impact of the Santa Cruz County criminal justice system for people of color. We know that Hispanic/Latinx and

Black populations are more apt to be placed on probation. This means that even similar probation violation rates would reinforce the disparities existing at the onset of probation and call for an equity focus, such as a targeted universalism approach, that would set goals for an entire population (e.g., reducing revocations), but use targeted policies to help different groups achieve that goal. To implement this approach successfully, SCCPD must fully understand the barriers and circumstances leading to probation violations for overrepresented groups to help reverse disparities and implement strategies specifically designed for them. SCCPD is taking steps to ensure that Hispanic/Latinx and Black probation populations are prioritized for the pilot, and it will be important to monitor pilot implementation to ensure high rates of success and to guard against racial bias. Additionally, SCCPD should take a targeted universalism approach to examine other types of violations, not involving individuals with drug testing terms, to create equity for Black, Hispanic/Latinx, and other vulnerable populations (e.g., unhoused, and individuals with mental health issues).

Continue to support culture change through an inclusive and multifaceted approach. The findings in Phase I revealed that approach, philosophy, and practices varied across probation officers and crystalized the need to start with the purpose of probation and address organizational culture as a central and influential component driving probation outcomes. Through this project, we have been reminded that culture change takes time and requires support. Supporting culture change is a multifaceted endeavor requiring a stratified and inclusive approach that includes input and interaction from multiple sources, listed below. These partners should continue to play a vital role going forward:

Impacted individuals: Feedback from individuals on probation in Phase I helped to triangulate other sources of information that led to the Phase II implementation plan. They continued to provide feedback and guidance in Phase II through responding to surveys, interviews, focus groups in jail, and participation at the retreat. Their presence was powerful and convinced probation officers and system partners that ongoing engagement from individuals with lived experience is essential.

Legal System Partners: Probation officers make recommendations that are endorsed or argued by defense and prosecuting attorneys that often determine probation terms and conditions for those sentenced to probation. Legal system partners also have expectations of probation and must be engaged in the organizational culture shift process to understand how to support probation's purpose and role. Changing probation culture is, at best, difficult without engaging the larger legal system.

Community partners: As connectors and brokers of supportive services, probation officers rely on governmental and community-based organizations to provide services such as substance use treatment, mental health, health, employment, and housing services, among others. Having partners at the table is essential to provide information about system improvement and to understand the role of probation as coach, and the importance of non-coercive motivational approaches over forced mandates of a needs-based case plan.

Credible External Experts: The design of the RRC provided outside expertise to SCCPD to assist in research design, analysis, and ongoing implementation support for the codesign process including agenda building for meetings, facilitation of codesign meetings, and facilitation of the retreat as well. The principal consultants also identified other experts that provided critical and extraordinary expertise and consultation that provided credibility

and affirmation to the change process. This included Veronica Cunningham, who's stature in the field as a former probation chief and Executive Director of the APPA, provided credible ongoing advisory support and underscored the importance of inclusion and engaging individuals with lived experience during the retreat. Dr. Sarah Walker provided essential support and advice on the codesign process and led a rapid evidence review that provided foundational research to support the pilot design. And finally, Dr. Brian Lovin's provided compelling presentations and information about the coaching model, which was very well received and led to twice as many probation officers joining the codesign team, as well as commitment from SCCPD to implement the model. SCCPD should continue to enlist outside subject area support tailored to their needs.

While Arnold Ventures' Reducing Revocations Challenge is winding down, SCCPD remains committed to the work in progress and the next steps needed to build upon its successes. As SCCPD continues their efforts to advance probation practice, ongoing interaction and partnership from the full stratum of partners will be essential to success.

Appendix A: Adult Division Organizational Chart

Santa Cruz County Probation Adult Division		
	1/13/2023	

Division Director
Sarah Fletcher

OA III
Vanessa Valenzuela

Asst. Division Director
Natalie Berns
DV / MH / Sex Off / STC

Asst. Division Director
Hugo Calderon
P47 / PSC

Asst. Division Director
Lori Feldstein
Investigations / AB-109 / MAA

Sr. Departmental
Admin Analyst
Andrew Davis

DPO III
Alissa Dunnett
Mental Health/Sex
Offender

DPO III
Mindy Sutter
DV

DPO III
Sam Palomares
General Supervision

DPO III
Stephanie Hagan
Investigations

DPO III
Linda Perez
AB-109/Intensive

OA III
Chase Brown
.5

OA III
Barbara Eisenbeis

DPO I/II
Duc Huynh
Wellness/MH

DPO I/II
Julio Juarez
Sex Offender South

DPO I/II
Andy Lesniak
MOST (Water St)

DPO I/II
Ana Gallardo
MOST (Emiline)

DPO I/II
Leigh Armentano
All Co Intensive

DPO I/II
Dan Cocherell
North Co DV

DPO I/II
Carlo Castagnetto
North Co DV

DPO I/II
Nicole Sheldon
South Co DV

DPO I/II
Tati Dias Martins
South Co DV

DPO I/II
Myra Rodriguez
Mid Co DV

OA II
Kirstin Pulliam

DPO I/II
Kevin Berns
General Sup

DPO I/II
Glaris Carrillo
General Sup North

DPO I/II
Liz Haro
General Sup South

DPO I/II
Matt Diaz
General Sup South/
All

DPO I/II
Avery Keller
General Sup

GS
PSC
Will Dicochea

DPO I/II
Max Smith
Investigations

DPO I/II
Genalle Gilmore
Investigations

DPO I/II
Joey Miller
Investigations

DPO I/II
Olga Perez
Prop 63

DPO I/II
Nereida Rodriguez
ICOTS/1203.9

DPO I/II
Bruce Acio
Court Officer/Prop
63

OA III
Gail DeLano

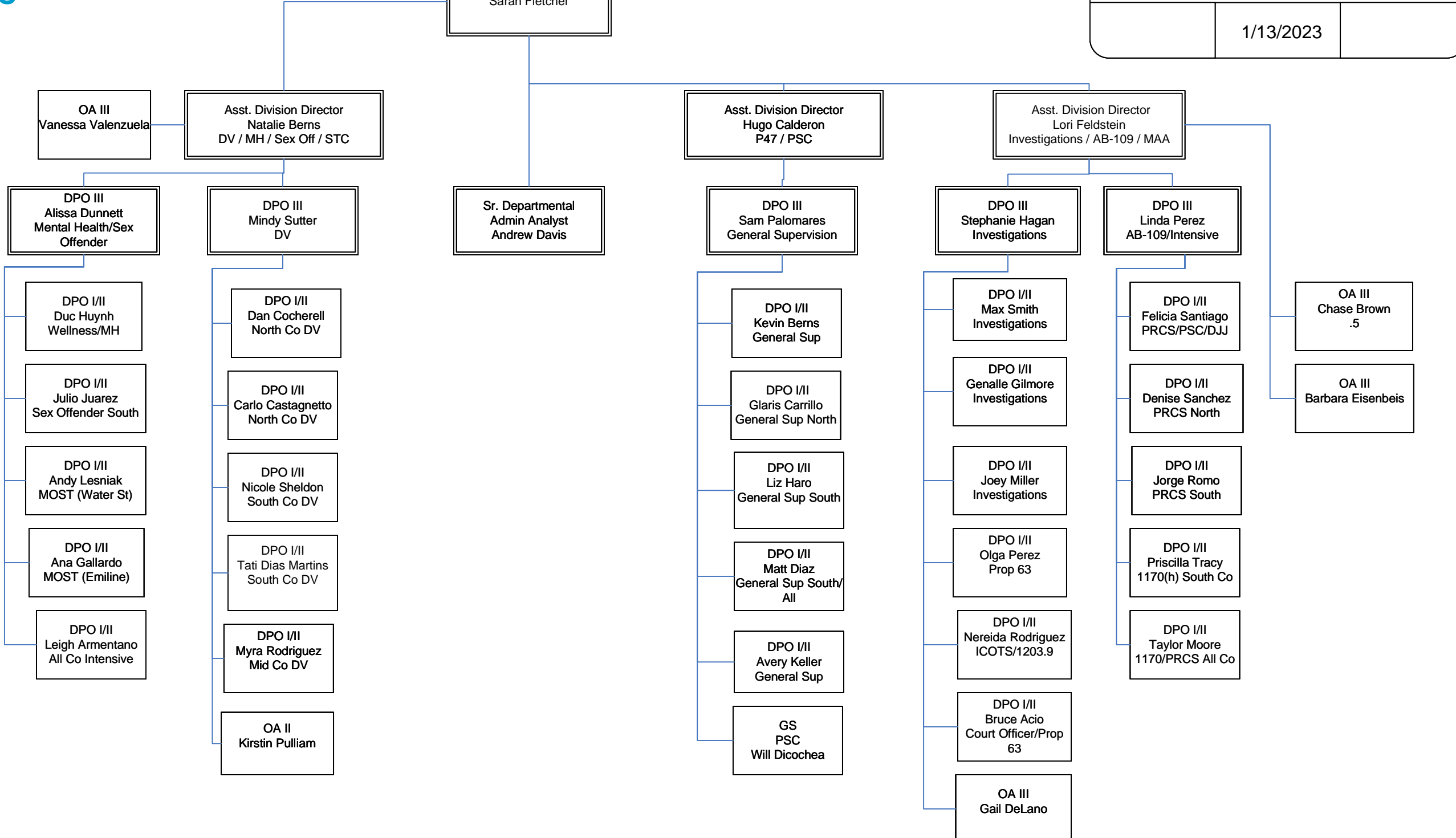
DPO I/II
Felicia Santiago
PRCS/PSC/DJJ

DPO I/II
Denise Sanchez
PRCS North

DPO I/II
Jorge Romo
PRCS South

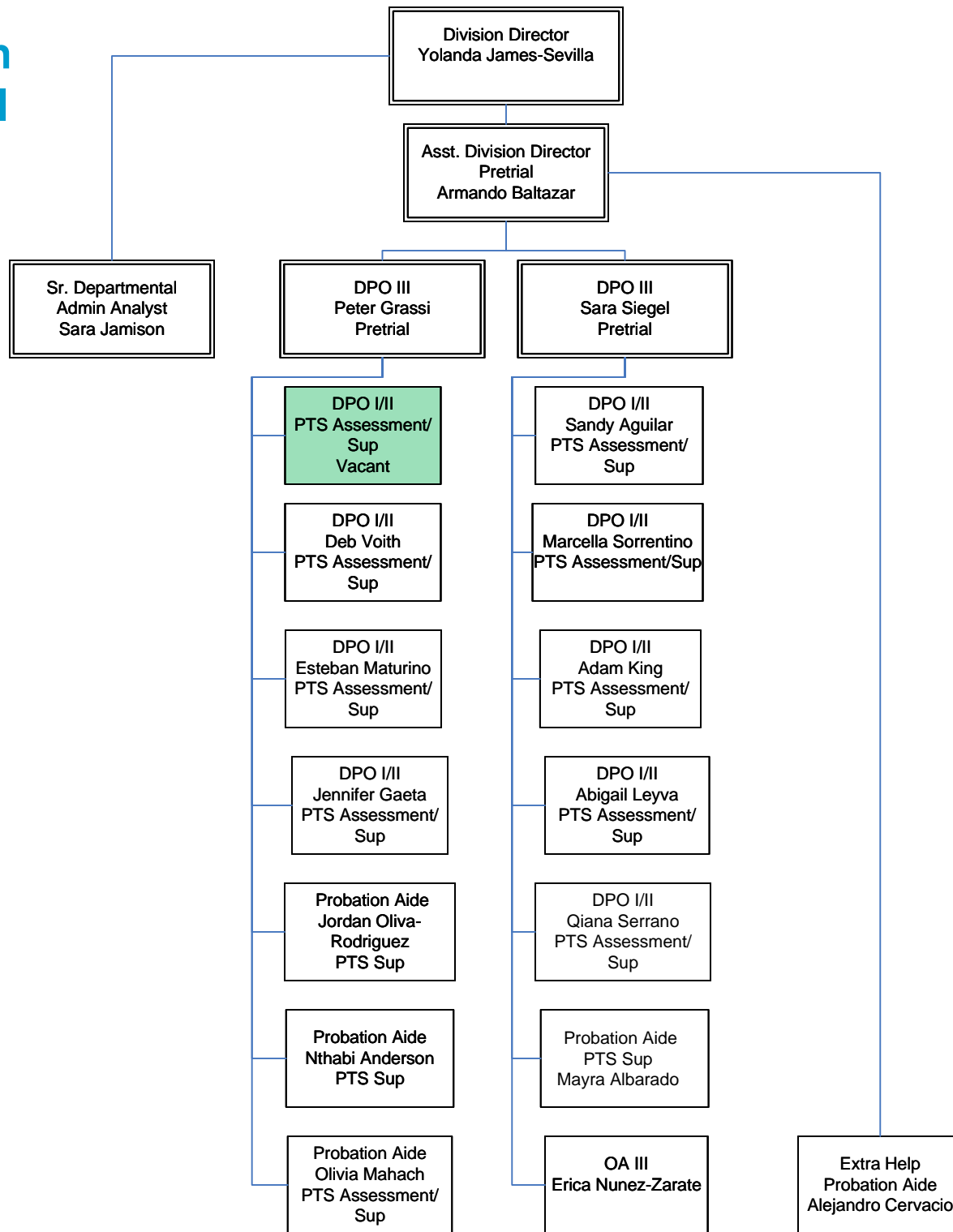
DPO I/II
Priscilla Tracy
1170(h) South Co

DPO I/II
Taylor Moore
1170/PRCS All Co



Appendix B: Pretrial Division Organizational Chart

Santa Cruz County Probation Pretrial Division		
	1/3/2023	



Appendix C: Probation Department Policy and Practice Recommendations

Policy and Practice Recommendations
Early and Ongoing Contact with Adults Under Probation Supervision
1. Station DPOs at courthouse for early contact
2. Increase contact between POs and people who are in custody
3. Adults placed under community supervision should contact Probation within 24/48 hours after release from custody (term currently says to report to probation within five days).
4. At sentencing (or before), have a system navigator (e.g., peer navigator, probation staff) in court to assist clients (navigator would go over checklist to clarify probation expectations and resources, and make in custody contact pre-release).
5. Implement peer mentorship program with peers from diverse backgrounds.
Case Planning
6. Train probation officers on coaching case management approach and implement department-wide
7. Individualize/revise and reduce the number of probation terms and conditions.
8. Create Success Plan with Clients.
Increase Use of Incentives and Strength Based Court Reporting
9. Provide strength based reports to court to recognize progress
10. Recognize areas of progress in formal violation petitions to ensure balanced reporting.
11. Increase use of incentives, and use a wider range of incentives (e.g., Early termination, reduced reporting, recognitions of successes, trips to Gilroy Gardens, Great America, or a spa treatment).
12. Increase PO use of early termination recommendations to court for clients demonstrating success.
13. Standardize early termination for people who have no technical violations for one year (like PRCS).
PO Response to Noncompliance
14. Identify alternatives (e.g., programs, community resources, peer mentor program) to formal filing on technical violations. Ensure all POs are aware of available resources.
15. Revisit violation response grid to eliminate bias and use of risk level in determining sanctions.
16. Re-institute warrant reduction program or implement similar concepts (e.g., use social media and more wide use of CBO staff and natural supports for client contact).
Race Equity
17. Regularly collect, analyze, and share data with staff to identify race equity issues
18. Provide a space where 1) staff can have conversations about the intersection of race and probation work, and 2) devise, monitor, and revise strategies to address race equity issues identified in their work

Appendix D: Rapid Evidence Review

Reducing revocations and sanctions in adult probation for drug-related offenses

Purpose

The purpose of this review is to identify theory and effective strategies for reducing revocations and sanctions in adult probation with a focus on probationers who have substance use disorders.

Approach

We used a five-phase rapid evidence review process to assess the relevant research literature with a focus on systematic and conceptual reviews. The sources for the review included PubMed, Academic Search Complete, and Google Scholar. The initial searches yielded 531 articles. Following title and abstract review and exclusion, we retained 18 articles for full text review and coding. To be included, articles had to focus on strategies to improve probation outcomes without using revocation as a behavior change strategy. Articles could be empirical review, individual studies, conceptual review or opinion papers. The full text articles and a list of other useful resources are included at the end of this report.

Findings

The search identified three schools of thoughts in the research literature relevant to this question. The first included scholarship on *therapeutic jurisprudence*, the second arose from *harm reduction* philosophies, and the third explored the use of *incentives* on top of routine probation practice. We also identified a meta-literature related to ethical and effectiveness considerations of compulsory treatment. We begin by summarizing articles that reviewed the ethics of compulsory treatment, followed by a synthesis of the literature within the three scientific schools of thought in adult probation and SUD outcomes.

Ethical and effectiveness considerations in compulsory treatment. Four of the articles explicitly addressed the ethics or effectiveness of compulsory and coerced treatment for SUD. Stevens (2012) argues that the issue of “effectiveness is secondary to the issue of ethics.” He draws from human rights law and the ethics guiding medical intervention to analyze the ethical implications of forcing or coercing clients in SUD treatment. He defines two types of coercion. The first type is when a client is given no choice about treatment (compulsory), the second is when the client is given a choice between treatment or punishment (quasi-compulsory). Stevens argues that compulsory treatment is never ethical and quasi-compulsory treatment (giving individuals a choice) is only ethical for clients who are drug-dependent and the site and approach to treatment must not exceed restrictions to liberty posed by the offense seriousness. For example, for client who only have a drug possession offense, it would exceed proportionality to offer drug treatment in a residential, secure setting because of the restrictions to liberty. In cases where the client is also convicted of harm towards others, the treatment alternative could include more proportionally restrictive settings if the client is facing penal sanctions that would restrict their liberty due to the potential to inflict ongoing harm. The four articles addressing the effectiveness of compulsory treatment include a systematic review that had a rigorous approach to reviewing the relevant literature (Werb et al., 2019), a literature review that did not use a rigorous review method (Hunt et al., 2003), a case study of client perspectives of coerced treatment (Urbanoski, 2010), and a conceptual overview of the literature on strategies to reduce drug-related harm by leading research figures (Degenhardt et al., 2019). The papers were consistent in concluding that compulsory treatment for SUD-related harm was ineffective or, at

best, mixed. Urbanoski (2010) finds that the “perception of coercion” can reduce motivation to engage in treatment. In other words, motivation to actively participate in treatment is strengthened when the client does not feel coerced but feels they have voluntarily chosen a treatment option.

Therapeutic jurisprudence. The field of therapeutic jurisprudence hypothesizes that the legal process can be structured in such a way to promote recovery. We identified two papers that reviewed the conceptual assumptions and effectiveness of this approach. Shaffer et al (2011) conducted a meta-analysis of drug court evaluations (from the U.S.) using a rigorous method. The review found variation in individual evaluations and that, overall, drug courts were moderately effective reducing recidivism but could not conclude they were effective in reducing SUD. The analysis found that providing drug education to clients and have internal drug treatment providers facilitated more effective outcomes. Hora (2002) provided a conceptual review of the research literature on drug courts, concluding they can be “therapeutic or anti-therapeutic.” Overall, there appear to be risks to using drug courts and uncertainty regarding how to structure drug courts to eliminate risk.

Harm reduction. We identified twelve papers that reviewed harm reduction or human rights-based approaches to drug-related offenses and harms. The majority of the papers were conceptual overviews or opinion papers. In addition to the Werb et al (2016) review of compulsory treatment cited earlier, we identified a systematic review of police-based diversion as a strategy for reducing legally coercive approaches to addressing drug-related offenses (Blais et al, 2022). Blais et al (2022) used rigorous review methods and concluded police-based diversion was effective in reducing recidivism and promising in reducing SUD and improving overall health. The remaining articles provided conceptual overviews of harm reduction and strengths-based or human rights-based approaches to drug-related offenses as alternatives to formal legal involvement or non-proportionate coercion. For example, Vandeveldt et al. (2017) notes that strengths-based approaches to drug-related offenses differ in aims and approach from risk-based models (e.g. Risk Needs Responsivity) and the two cannot be compared on their “outcomes” alone.

Incentive schedules. We identified four papers focusing on rewards and sanctions as a behavior change strategy within a legal process for drug-related offenses. Three of the four papers examined the use of rewards and sanctions within therapeutic courts (mental health and drug courts). In a 4-site study of mental health courts, Callahan et al (2013) found that individuals with person-related offenses were the least likely to receive sanctions and those with only drug-offenses were the most likely. The authors conclude that the use of sanctions and rewards lacks consistency and an understanding of ethical and effectiveness considerations. Lindquist et al (2006) conducted a multi-site study of drug courts in Florida and found that sanctions were used by drug courts more often than typical probation, and rewards were used only half as much as sanctions. The analysis did not examine the relationship between sanctions, rewards, and outcomes. Barber-Rioja (2014) provides a conceptual review and proposal that rewards should be “tailored” to individual preferences and goals in order to be more effective. Marlowe et al (2008) compared providing higher and lower value incentives in a reward schedule for adults and probation and did not finding meaningful differences in the size of the reward.

Summary

Our review identified substantial debate in the scientific literature regarding the ethics and effectiveness of coercive (sanction-based) approaches to drug-related offenses. The therapeutic jurisprudence literature which largely encompassed review of drug and mental health courts, views coercion allowable to the degree that it reduces recidivism. However, reviews of the quality of drug court implementation suggests poor

implementation presents active risks to client recovery and well-being. Further, drug courts tend to sanction individuals more often than usual probation, which likely violates ethical guidelines for non-coercive treatment. Harm reduction approaches cite police-based diversion as effective approaches to reducing client recidivism and following principles of “least restrictive” treatment and the “perception of voluntariness” emerged as promising principles for ethical and effective drug policy. Overall, the literature suggests individual jurisdictions

1. Should be thoughtful about increasing the perceived voluntariness of treatment options,
2. Increase the use of rewards over sanctions, and
3. Provide the least restrictive treatment option proportionate to the client’s level of harm to others.

Methods

Topic(s) of Interest

Alternatives to abstinence-only probation for those with SUD with focus on reducing violations

Exclusion/Inclusion Criteria

Exclude books and book chapters

Include only articles in last 10 years

Adult probation only

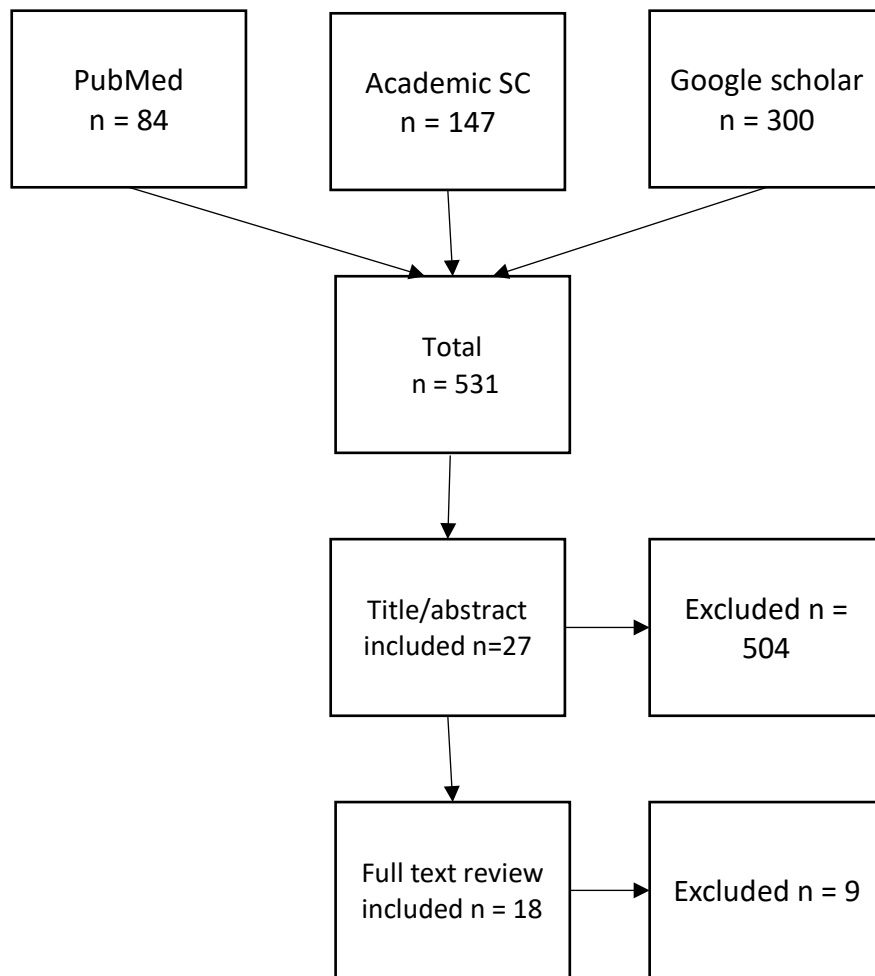
Search terms

Search #1: therapeutic jurisprudence review systematic narrative meta

Search #2: harm reduction or human rights and courts or offenders and review

Search 3: drug or substance and contingency or incentives and court or offenders or probation or parole or sanctions and review

PRISMA Diagram



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