

Free essay about evidence-based practices in california probation

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Evidence-based practice (EBP) is a field wherein rehabilitation of convicted offenders in California is brought about by methods that have empirical evidence of their efficacy. (Couzens, 2011) How this practice differs from the typical treatment of probation in California is the basis on empirical evidence, rather than relying on common law or traditional practice.

(Couzens, 2011) Typical evidence-based practices include: assessment of risks and needs, enhancement of intrinsic motivation, targeted intervention, skills training with directed practice, increased positive reinforcement, ongoing support in natural communities and measuring and evaluating program feedback. (Couzens, 2011) The overarching goal of evidence-based practices in probation in California is a reduction in recidivism, which is expensive, and represents the failure of the justice system to accomplish their goals. (Couzens, 2011) In California, EBP is based upon interaction between the risk principle, the needs principle and the treatment principle. (Couzens, 2011)

The risk principle is the system by which the Courts determine which offenders are good prospects for the probation program. (Couzens, 2011) Actuarial assessment of risks and needs is often more accurate than the use of clinical expertise in determining the best course of action. (Couzens, 2011) Issues subject to risk assessment include the offender's suitability for diversion, the most appropriate conditions of probation to be treated and many other factors. (Couzens, 2011) In recent years, California has put significant effort in assessing needs and risks of various probationary programs. (Couzens, 2011) The California Risk Assessment Pilot program was

launched in 2009 with the purpose of using risk assessment to reduce recidivism. (Couzens, 2011) In that same year, the California State Legislature passed the California Community Corrections Performance Incentives Act, which was implemented to fund county and State probation efforts based on the Evidence-Based policies they adopted. (Couzens, 2011) The implementation of the risk principles is making sure that high-risk offenders receive more intense levels of supervision and reporting. (Couzens, 2011) The focus is upon matching the level of risk to the level of supervision. (Couzens, 2011) In this context, it should be noted “ risk” refers to the risk of re-offending, rather than the seriousness of the crime. (Couzens, 2011) The needs principle addresses the risk factors that play into an offender’s chances of committing another offence (Couzens, 2011). These factors are in two categories: “ static” factors and “ dynamic” factors. “ Static” factors cannot be changed. They include things such as the subject’s age, sex, family background, etc. “ Dynamic” factors are risk elements that may be changed during the probation of the offender. (Couzens, 2011) These include anti-social elements, such as friends, personality or attitudes, employment status, substance abuse, or education. (Couzens, 2011) In order to succeed, programs should be focused on the “ dynamic” factors that can be most effectively changed through supervision. (Couzens, 2011) Research has shown that the anti-social elements are the largest factors by far, but the courts have been focusing on the other factors. (Couzens, 2011) It should be noted that the actuarial data is intended to inform, rather than replace individual judgments. (Couzens, 2011)

The treatment principle is based on the theory that the most effective

probationary techniques are based upon cognitive behavioral interventions which in turn are associated with social learning principles. (Couzens, 2011) Social learning theorizes that over time, an individual will engage in behavior offering the most rewards with the fewest sanctions. (Couzens, 2011) Rewards should be granted on a four-to-one basis as opposed to sanctions. Also, the severity of a sanction can have an adverse effect on the outcome. (Couzens, 2011) Overly severe sanctions can cause subjects to behave counterproductively. (Couzens, 2011) Every court should have a documented system of sanctions, listed in order of severity. (Couzens, 2011) They should vary from some administrative sanctions up to the revocation of probation, and taking the offender off to serve an institutional sentence. (Couzens, 2011) The other aspect of social learning is shaping positive behavior by teaching, using methods such as role modeling, role playing, constructive criticism (positive and negative) skill practice and motivational interviewing. (Couzens, 2011) Forms of behavior modification based on theories other than that of Social Learning have shown to be ineffective in altering convicts behaviors. (Couzens, 2011) Some examples of ineffective treatments include shaming, drug education programs with only an awareness component, non-action oriented group therapy, Scared Straight, and boot camps. (Couzens, 2011) Although coercion, or extrinsic motivation, works in getting the offenders into the desired programs, it is ineffective in promoting lasting behavioral change. In order to do so, the treatment must be intrinsic. (Couzens, 2011)

The probationer's successful compliance should be the goal of all parties involved. If a probationer fails to meet one or more of his/her goals, the

assigned officer should reassess the probationer's risk to the community. (Nutley, et. Al, 2000) The officer should consider this risk along with other risk factors, such as history of compliance, the probationer's current status vis-à-vis known risk factors, such as peer groups, substance abuse, employment, etc. (Nutley, et. Al, 2000) Probation officers can visit minor penalties upon their charges without going back to court. These penalties can include even brief periods of incarceration. (Nutley, et. Al, 2000) The exclusion of the Court in these incidences raises the level of trust between the probationer and the officer, as well as greatly reducing administrative costs. (Nutley, et. Al, 2000) Revocation of probation should be seen as a last resort, and only handed down if the probationer has broken a major (felony) law or has shown a behavioral pattern of non-compliance. (Nutley, et. Al, 2000)

The success of these methodologies is manifest when one examines the number of probationers who have returned to the prison system in the time that EBP has been implemented as compared to a comparable period of time when it had not been. (Petersilla, 1998) In California in 1985, 65% of felons on probation were arrested and 37% of them ended up going to prison either for violations of probation or commission of another crime. (Petersilla, 1998) By 1998, after implementation of EBP in California, the overall rate of re-arrests from probation had dropped to under 20%. (Petersilla, 1998)

It is clear from the evidence that the use of evidence-based practices in California's probation system has been successful in reducing the number of recidivism cases occurring in that system. (Petersilla, 1998) The need to address this issue has remained because of the high rate of incarceration in

California along with the expense of housing prison inmates. Additionally, since the state receives no federal funding for corrections, it has been left to its own devices to determine best practices. Adopting EBP in the system for probation in California has been worth every dollar invested in it. Using behavioral psychology, officers have been able to encourage probationers to make the changes in their lifestyles necessary to escape the criminal justice system. By sticking to effective, behavior-based programs, officers have been far more effective in changing the long-term behavior of parolees and assuring that they do not face re-arrest while under the care of the state. By eliminating programs that have not proven successful, such as boot camps, and Scared Straight, the state of California has streamlined its probation services. It has created a hierarchy of sanctions for behavioral violations that limits the Court's involvement, thus improving trust and saving administrative costs to the state. Finally, By using scientific methodology to determine needs and addressing those needs directly, the state of California has taken a rational, cost-effective approach to the problem of overpopulation in the state's prison system.

Ultimately, EBP will not solve many of the underlying causes of the problems endemic in the Penal System of California. Much of the overcrowding of that system can be attributed to overzealous enforcement of laws pertaining to non-violent crimes such as drug possession. Laws passed in the 1980s and 1990s called for mandatory minimum sentences for drug crimes, making illogical distinctions between crack and powder cocaine, and removing discretion from judges to handle cases on an ad hoc basis. The reasons for these laws were largely political, but California, along with many other states

carries the burdens to this day that were caused by these laws.

Effective probation tactics can further enable California to reduce the number of individuals incarcerated in the prison system, and go a long way toward solving the budget deficits caused by such an artificially large population behind bars.

Work Cited

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