
Violations Management in Missouri: The Change Process and One State's Plan

Prison construction in Missouri, as in many other states, was a growth industry during the 1980s and early '90s. With the added prison capacity, the number of offenders incarcerated in the Missouri Department of Corrections (DOC) grew from 19,266 in 1995 to 28,567 in 2001. This growth seemed to have no end until a tightening state budget and competing priorities signaled an end to new prison construction.

Faced with the reality that new prisons were not going to be built for the foreseeable future, Missouri established an agency policy team tasked with conducting a rigorous examination of the prison population increase to learn how best to slow the tide of growth. This review found that some of the increase was due to longer sentences and commitment requirements resulting from changes in mandatory minimum sentencing, and some seemed to be linked to shifting sentencing patterns. The major contributor to prison population growth, however, was identified as a dramatic rise in the number of parole and probation technical violators.

Although there was considerable speculation about the reasons for the increase in technical violators sent to prison, there were no clearly supported explanations. If Missouri was to be successful in mitigating prison population growth, policy makers needed a better understanding of the violation and revocation process. Developing potential strategies for reducing this significant contributor to prison population growth required a clearer understanding of the process.

Identifying the violation and revocation process as an issue in Missouri led to a decision in 2001 to submit an application to the National Institute of Corrections (NIC) to participate in its project, "Policy-Driven Response to Parole Violations." Despite not being selected by NIC, we benefitted from considering our situation in the manner outlined in NIC's publication, *Responding to Parole and Probation Violations: A Handbook to Guide Local Policy Development*.¹

The steps we undertook, as discussed in this article, are taken directly from the publication.

1. Madeline M. Carter, *Responding to Parole and Probation Violations: A Handbook to Guide Local Policy Development*. Washington, D.C.: National Institute of Corrections, 2001. Online at <http://www.nicic.org/library/016858>.

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Step One: Establish and Maintain Policy Team

Preparing the NIC application planted the seed for developing the state's collaborative Policy Examination Team. In the spring of 2002, the Missouri Board of Probation and Parole began a formal examination of the violation process and formed an internal work group. The NIC publication on responding to violations was used to guide this group's effort. The work group conducted a more extensive analysis of prison population growth, including a closer look at returning parole violators and probation revocations. The violation and revocation process was mapped, and existing policies, procedures, and practices were reviewed. This exercise helped expand the group's understanding of the violation process. At the recommendation of this internal work group, an inter-agency work team was assembled.

In developing the inter-agency team, special attention was paid to obtaining representation from key agencies and criminal justice system stakeholders, including policy decision-makers in the DOC and Parole Board. The original team membership included two members each from the judiciary, the Parole Board, prosecuting attorneys, and defense attorneys, as well as representation from the Office of State Court Administrator, the treatment provider community, and the Division of Offender Rehabilitative Services. Finally, two probation and parole officers, a parole analyst, and three probation and parole administrators were added to the group. The group eventually came to be known as the Missouri Probation and Parole Violation Process Examination Team (or "Examination Team").

Step Two: Assess Current Practice

The first meeting of the Examination Team was held November 14, 2002. Richard Stroker, one of the authors of the violations document, facilitated the meeting through NIC Technical Assistance. Mr. Stroker was asked to assist the team in developing a vision statement, a mission statement, and goals; in addressing the connection between supervision goals and violation goals; and in focusing on best practices.

"The truth is, as hard as it may be to spend time focusing on critical goals, values, and a mission, little is more important to an agency than having a clearly articulated vision of what you ultimately want to accomplish."

This statement by Mr. Stroker was the starting point for the Examination Team's work. The group took this direction seriously and came to understand its role in establishing the framework for a new violation process.

During this initial meeting, participants reviewed information that had been previously developed by the Board of Probation and Parole work group. The comprehensive assessment of current DOC practice and that of external partners led to a common understanding of the violation process in Missouri.

Step Three: Agree on Goals

By the end of the first meeting, with Mr. Stroker's facilitation, the Examination Team had developed a proposed vision on violation response, desired outcomes, and goals. At a subsequent meeting in early 2003, the team agreed to invest heavily in obtaining input and involvement from a wide array of participants in the violation process.

To do so, the team proceeded along several fronts. An extensive focus group process involved Probation and Parole staff, law enforcement personnel, judges, prosecuting attorneys, treatment providers, public defenders, private attorneys, and the Parole Board. Seven focus groups, involving more than 70 participants, were held around the state.

Each focus group audience was asked the same questions:

- ◆ What barriers, if any, exist to creating a fair, balanced, and consistent violation process?
- ◆ What violations are high-risk or low-risk?
- ◆ What sanctions should an officer be able to impose without court or Parole Board involvement?
- ◆ In what situations **MUST** the court or Parole Board be notified of a violation?
- ◆ What is a "timely" response to a violation?
- ◆ What elements should be included in a violation/revocation recommendation to ensure fairness and balance?
- ◆ What additional changes, not already discussed, would you like to see in the violation process?

The work of the Examination Team was also presented, and input solicited, at judicial conferences and at the conference of the Missouri Office of Prosecuting Attorney Services. Prosecuting attorneys were surveyed at the conference for information on their views and concerns, and all Probation and Parole administrators were also surveyed. Finally, each Examination Team member was asked to obtain input directly from his/her peers.

Step Four: Explore Policy Options

The comprehensive process of mining for participant input ran through the summer of 2003, and a meeting was scheduled for the fall of that year to analyze the input and finalize the team's policy recommendations. The team filtered the policy and procedure feedback through the best practices that had been explored during the initial meeting with Mr. Stroker. This process led to the development of a final report on October 13, 2003, which presented the team's vision, desired outcomes, and seven goal statements.

The goals were translated into potential action through 10 policy recommendations that were not specific to a single agency but constituted system-wide responses to violations of probation and parole. The Examination Team also proposed specific tasks to pursue in conjunction with a policy and procedure review.

Step Five: Assess Impact of Options

During the remainder of 2003 and into early 2004, the final report was widely distributed to all identified stakeholders. The Examination Team recognized the importance of communicating to key players in the process the vision, goals, and policy recommendations before proceeding to implement them. Representative members of the team were charged with developing strategies for getting the report reviewed and commented on by their respective agencies and areas. Each participating agency was asked to respond to the policy recommendations.

Sometimes even the best of plans must wait. In 2004 and early 2005, the focus of the DOC and the partners represented on the Examination Team shifted to implementing Missouri's new sentencing guidelines. The guidelines required a significant revision to pre-sentence investigation reports and a process that had been used for 7 decades. They also addressed a factor that was identified early in this process as contributing to prison growth—sentencing practices. To ensure that the statutory implementation deadlines were met for the guidelines and aware of the significance of the change, the team decided to delay the full implementation of changes in the violation process.

Although implementation was suspended, team members received regular updates (covering news such as relevant articles, status of agency efforts, etc.) to keep them engaged. An internal work group was also formed to develop agency procedures to use in a pilot project and to develop its parameters. The revision of violation policy and procedure required a significant effort, and the delay allowed for a more comprehensive review than originally had been planned, which proved to be a benefit. There was some concern that the delay would hamper implementation efforts, but when work on the recommendations resumed in the spring of 2005, the strong commitment of the Examination Team was still evident.

When it reconvened, the team approved the pilot plan and procedures. The steps leading up to the start of the pilot lasted approximately 60 days. Nearly 1,300 cases were included in the pilot out of a total population of approximately 67,000 supervised in the field. At the conclusion of the pilot, the DOC Planning, Research and Evaluation section assessed its outcomes. Because of the relatively short time frame involved, definitive trends were not established, although the initial data snapshot was promising on several levels.

Both pre- and post-pilot surveys of all pilot participants were conducted online. Positive movement was seen between the pre- and post-tests in several of the key areas the team had identified for change. In addition, the team clearly saw areas in which resistance would be encountered. This information was very useful

in modifying policy and procedure within the context of the results of the pilot, and it also highlighted areas where training would be critical.

The pilot summary report took approximately 90 days to complete. The Examination Team reconvened in June 2006 to review the results of the pilot, to finalize the policy and procedure tested through the pilot process, and to establish the initial framework for implementation.

Step Six: Implement New Policies/Practices

In finalizing the implementation plan, the Examination Team revisited the original recommendations and identified areas where more work was needed in addition to simply implementing the new policies and procedures of the violation process. One example of an area needing more attention was the assignment of special conditions. Several such areas are not directly involved in processing a violation, but they are important to overall system performance. The team created a plan to address these remaining issues separate from, but in conjunction with, implementation of the violation process policies and procedures.

The team's plan for implementing changes in the violation process policy and procedure included the following elements.

- ◆ In advance of changes/training, send a letter to all Probation and Parole staff noting the positive trends that have been seen related to revocation practices and thanking them for their efforts.
- ◆ Train all Probation and Parole staff on the violation process policy and procedure changes (estimated time frame: October 2006).
- ◆ Provide greater representation on the Examination Team to constituencies outside of the DOC to help in the development of external communication plans. (Additions included a victims' representative, a Parole Board member, and additional judges, prosecutors, and public defenders.)
- ◆ Inform the Sentencing Advisory Commission of the group's activity and enlist its support in the communication effort.
- ◆ Use existing regional and district Missouri Re-Entry Process Teams to distribute information about the changes.
- ◆ Develop external, discipline-specific training and communication on changes in the violation process. (For example, specialized materials have been developed that are targeted to judges, prosecutors, and treatment staff.)
- ◆ Explore the use of on-line training for external partners.
- ◆ Copy the training onto CDs for distribution at professional conferences, mailing upon request, and so forth.

- ◆ Attend the Presiding Judge’s conference to present information about the changes in the violation process.
- ◆ Formally present the changes at other upcoming professional conferences.

Several of these steps are not specific; they reflect where we currently are in the process. We are now in the implementation phase and are assigning action steps to the plans in consultation with the Examination Team.

Step Seven: Monitor and Assess New Policies/Practices

This step is ongoing. In initial discussions related to this step, we have obtained a commitment from the Examination Team to remain active participants in monitoring the post-implementation phase of this process. Through the ongoing evaluation and assessment of the violation process during the last 4 years, the team members have become subject matter experts. Thus, it is critical to draw on their expertise going forward to avoid having unfocused changes occur, which might lead to unexpected and unwanted outcomes. The violation process is too important and the cost of inattention too high for post-implementation to be placed on autopilot.

To help the team in its ongoing evaluation, a baseline report is being prepared to establish a marker at the start of implementation. This will be accompanied by an ongoing report to show progress related to expected and actual outcomes flowing from the changes.

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In June 2006, the Examination Team updated the data that had been developed in 2001. In doing so, we found that both probation and parole returns had peaked and were actually showing a decrease in the current fiscal year. Our sense is that, during the extended process of developing the violation process policy and procedure recommendations, underlying change has already been taking place. Staff decision-making processes appear to be moving toward the vision established by the Examination Team in advance of formal adoption of the changes. This promising movement probably also demonstrates how the violation process is intertwined with the agency’s vision related to supervision.

Recent changes to the supervision process—including a focus on re-entry, the development of a cognitive treatment program, a new sentence assessment report based on current risk and need, and a revision of the Board’s salient factor score—also support the work of the Examination Team. These efforts have drawn heavily on the evidence-based practices that the team used.

With this coordinated movement in the same direction, the once “radical” effort to change the violation process has become more “mainstream.” This is positive for implementing the violation process and also for the long-term growth and vibrancy of the Missouri Department of Corrections and its many partners. ■