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House and Senate Judiciary Committees, Colorado General Assembly

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Good afternoon, Chairwoman Levy, Chairman Morse and members of the House and Senate Judiciary Committees. My name is Judith Sachwald. I retired from the position of Director of the Maryland Division of Parole and Probation in November 2007. My former colleagues are extraordinary human beings who have committed their careers to strengthening public safety by working with some of most dysfunctional people in our communities.

I am very pleased to be here this afternoon to talk with you about the Maryland Division of Parole and Probation's experiences reinventing community supervision – a process that began in 1999 and continues today under the leadership of Director Patrick McGee. The Maryland Division of Parole and Probation is a statewide, unified agency responsible for the supervision of 70,000 parolees and probationers. It is also responsible for operating Maryland's home detention unit and is in the process of assuming control of the pre-release facilities historically operated by the Division of Correction. This will enable the Division of Parole and Probation to truly become a comprehensive community corrections agency -- preparing individuals for release; operating halfway back programs; and focusing on moderate to high risk offenders. Corrections agencies may be part of the criminal justice system but to really succeed the agencies must embrace education, treatment, housing, transportation and economic development programs/services. My own professional roots were in education and workforce development but my transition to public safety and correctional work in 1994 was logical and seamless.

It is humbling to be invited to another state to talk about Maryland's journey, however I respectfully caution you not to think of us as a model but as just one example of what a dedicated and enthusiastic group of professionals, elected officials and community members can accomplish when as a group they acknowledge that current policy and practice is not working. When they recognize that there are thousands of people who

could be contributing to the community, to the economic vitality of the state, to improved public health, to stronger families, to preventing additional crime victims and the other wounds criminal behavior inflicts on our communities.

Last week Earth Day was observed for the 39<sup>th</sup> time in order to draw attention to the importance of conserving our natural resources. It reminded me that while our criminal justice system must be structured and prepared to impose penalties on those convicted of criminal activity; it also must be about conserving and investing in our nation's human resources. Thanks to decades of research we know that sanctions alone will not change the behavior of those who are assessed as moderate to high risk individuals. So we must ask at what point an offender should be removed from the community in the interest of public safety, for how long and what can be done to prepare that offender to adopt a law-abiding and productive lifestyle upon release. For those who serve sentences in the community, we must ask what limitations, if any, should be placed on their liberty and what programs, job skills, or treatment services are needed to ensure they live up to our expectations. Prisons are costly operations. We must protect and conserve prison beds to ensure there is space for offenders whose criminal acts merit lengthy removal from the community.

As you heard, I now work as a consultant and provide advice and technical assistance to counties and states for a fee. Today, however, I am here on my own time – without compensation -- to tell you about the Maryland Division of Parole and Probation's journey to reinvent supervision based on research. The road has, at times, been bumpy. It is a marathon, not a sprint. Injuries and other interruptions should be anticipated.

In 1999, the Division established a workload assessment committee to start examining caseload size and alternatives for right sizing caseloads. During the 2000 legislative session, the Maryland House and Senate budget committees agreed that these issues needed attention and asked the Division to present a comprehensive plan in October 2000 (<http://www.dpscs.state.md.us/publicinfo/publications/pdfs/pppcs.pdf>). That plan –

Proactive Community Supervision – called for a new way of supervising offenders in the community. It was based on 3 objectives and 3 philosophies.

### **Objectives**

- Protect public safety
- Hold offenders accountable to victims and the community
- Guide offenders through the process of becoming law-abiding and productive.

### **Philosophies**

- Establish policy and practice based on research
- Adopt data driven decision-making and commit to revise policy and practice based on data
- Create a workplace culture where continuous professional development is valued and professional responsibility includes healthy skepticism and adaptability

Proactive Community Supervision is a carefully conceived approach which incorporates empirical evidence with what intuition and common sense were already telling parole and probation agents about managing offenders. It is based on scientific study and research that demonstrates there are tools and techniques that can make a noticeable difference in the lives of those under supervision and by extension, the lives of those they encounter.

The Division of Parole and Probation recognized that to be effective it must work with and within the communities it serves. Accordingly, PCS is a comprehensive, community-based approach to supervision. It also is a balanced approach which included substantial expansion of the Division's Warrant Apprehension Unit and new partnerships with law enforcement and other criminal justice agencies. As previously mentioned these efforts require time and adjustments to mature and achieve their full potential. For example, during the Maryland legislative session that just ended the Division's authority to serve revocation warrants was expanded.

The Division developed a case supervision strategy that allows agents to identify offender risk factors, develop feasible supervision plans that include accountability measures, and monitor the progress of the plan's implementation. In 2004, the Division and the National Institute of Corrections co-published, **Tools of the Trade: A Guide to Incorporating Science into Practice** (<http://www.nicic.org/pubs/2004/020095.pdf>) to serve as training and desk-side reference for community supervision employees.

The PCS strategy has the following components:

- Intake and risk screening to select high-risk offenders;
- Initial supervision visit to define the obligations of supervision for the offender;
- Thorough risk and need assessment (including home visit and discussion with key family members) to identify factors related to the offender's involvement in criminal behavior and shaping case plan and behavioral contract for each moderate to high risk offender;
- Comprehensive supervision plan that targets services to offender needs and community resources; and
- Supervision that utilizes **both** sanctions and incentives.

With assistance from University of Maryland researchers, the Division developed a scientifically tested and validated measurement tool,— the PCS Risk Screener — which is completed at intake to direct offenders to the proper level of supervision. It saves time and conserves resources by pinpointing low-risk offenders who do not need the comprehensive risk and needs assessment and/or case plan development. According to Dr. Edward Latessa, Professor and Head of the Division of Criminal Justice at the University of Cincinnati:

*Why place offenders in programs who do not need them? This is a waste of resources, and more importantly, research has clearly demonstrated that when we place lower-risk offenders in our more structured programs, we often increase their failure rates, and thus reduce the overall effectiveness of the program.*

In place of formulaic supervision practices, PCS emphasizes a “connect the dots” approach: using the best tools available, agents attempt to determine what factors cause an offender to engage in criminal activity; then, using the resources available, they address those factors in order to reduce the offender’s potential for further criminal activity. Through the use of effective interviewing and intervention skills and scientifically developed assessment instruments, PCS agents facilitate the change process by identifying – and encouraging the offender to recognize – those issues that influence the offender’s behavior. Then, through productive contacts driven by motivational interviewing skills the agents have been trained to employ, offenders are steadily encouraged to make a commitment to increasing their own potential through behavioral change. Once the offender has made that investment, agent-offender contacts focus on helping the offender to develop and act on a realistic strategy to effect that change.

<p><b>KEY DRIVERS OF NEW STRATEGY</b></p> <p><b>WHO</b></p> <p><b>WHAT</b></p> <p><b>HOW</b></p> <p><b>HOW MUCH</b></p>
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Under traditional supervision, most interactions between agents and offenders occur in an office environment, which isolates both from the people and experiences that actually affect the offender. The PCS approach enables parole and probation agents to spend more of their time in the neighborhoods where offenders live, thus providing agents with greater exposure to those elements of the offender’s world which exert the strongest influence. A greater presence in the community may contribute to offenders feeling that they are being more closely watched but, more importantly, it contributes to agents knowledge about offenders and a better understanding of the factors contributing to their criminal behavior.

Agent-offender contact takes on a different character in the PCS strategy. The traditional contact focuses on compliance monitoring. Under PCS, agents use all contacts as interventions or opportunities for guiding offenders toward acting responsibly and lawfully. This supervision strategy also emphasizes the agent’s role as a manager of offender’s behavior. Like good managers in other settings, the agent’s

role is to help motivate and craft circumstances that enable the offender to succeed by guiding, facilitating and reinforcing the change process. By using effective communication and intervention strategies to guide the contact, the agent facilitates the change process by helping the offender to recognize the issues and to establish or reinstate a strategy to change directions. The agent's role is to be the catalyst for change, as well as the impetus for expeditiously returning non-compliant parolees and probationers who pose a public safety risk to custody. The goal is to ensure that the agent uses effective intervention tools to achieve both immediate and lasting public safety.

Traditional community supervision also is a reactive style of case management. Agents give lots of instructions and then react when offenders do not comply perfectly with every instruction given. In contrast, PCS's most basic tenet is to employ a holistic approach to case management from the viewpoint that offenders need to reconnect with the community in a positive way; and agents help make that happen. It is not the gut reaction or intuition of an agent that guides the level of supervision, but the use of a validated and comprehensive risk and needs assessment tool.

The Division rolled out PCS in four pioneer sites: a large inner city office in Baltimore City, two offices in the Maryland suburbs outside of the nation's capital, and one office located on Maryland's eastern shore. We thought it was important to test and modify the strategy in a variety of geographic and demographic sites.

The lessons learned from PCS transcend PCS as a supervision strategy to become an essential part of everything that the agency does. From modifying the Division's chain of command policy to revising its supervision *manual* and making it available to employees on an intranet site to the introduction of automated reporting and case notes systems; from developing a new supervision plan format to revising supervisory review procedures, the Division is undertaking the

**MISSION**

The Division of Parole and Probation will ensure the safety of its employees and enhance public safety by holding supervisees accountable to victims and the community and by helping supervisees through the process of becoming law-abiding and productive.

process of aligning its activities and resources with practices that will help to achieve its mission. Offices operating under the PCS strategy developed work environments that are conducive to change through continuous learning and organizational development. Input and ownership are sought from every level of the organization. Quarterly *town hall* meetings are conducted in the PCS offices to obtain feedback from team members on all aspects of PCS implementation. A team approach to resolving issues is encouraged. Candid debate and discussion based on data is valued.

The Division recognized that no program or strategy, however effective, can be expected to forever meet all the challenges of community supervision. The comfort of tradition is an unacceptable justification for continuing along paths that do not lead us toward our goals. As corrections professionals, we must constantly monitor and analyze our efforts to confirm their continued effectiveness; and we must always remain flexible and open to refining our policies and procedures on the basis of growing knowledge and experience. This may be especially true when developing specialized techniques for targeted groups of offenders such as drug abusers, gang members, and sexual offenders.

Evidence-based sentencing and evidence-based correctional practices are not about being soft or getting tough. Last year, PCS was recognized by the Manhattan Institute, a conservative think tank, as a "best practice" in their report, "Moving Men Into the Mainstream: Best Practices in Prisoner Reentry Assistance" ([http://www.manhattan-institute.org/html/cb\\_51.htm](http://www.manhattan-institute.org/html/cb_51.htm)).

Evidence-based sentencing and evidence-based correctional practices are about getting smart. They are about serving victims with sensitivity and respect, and replacing criminal behavior with pro-social behavior in order to prevent new victims. Evidence-based sentencing and correctional practices are about the journey to a vast new criminal justice frontier.

