

**Notes for the “Opportunity for State, Local, and Tribal Jurisdictions to Implement a
Swift, Certain, and Fair Supervision Program Model” Webinar
Friday, April 13, 2018
3:30 – 4:30 p.m. ET**

Slide 1: Introduction (Emily Chonde)

- Good afternoon and welcome.
- My name is Emily Chonde. I’m a Senior Policy Advisor at the U.S. Department of Justice, Bureau of Justice Assistance (BJA).
- I am pleased to be joined this afternoon by Jonathan Kulick and Sandy Mullins from the Swift Certain Fair Resource Center, and Peggy Carey, who is the Program Coordinator for a BJA-funded SCF grant program in Dekalb County, Illinois.
- Thank you to everyone on the line for joining us for this webinar to learn about the Swift, Certain, and Fair Supervision, or SCF, Program Model, and how you may be able to implement this model in your jurisdiction by using grant funding available now from the Bureau of Justice Assistance.
- We have a lot to cover during the webinar, and we want to leave time for questions, so I will just spend a few moments highlighting some of the themes and key takeaways from today’s presentation.
- The goal of the SCF grant program is to provide jurisdictions with information, resources, and training and technical assistance to improve probation and parole outcomes by implementing a supervision program model that adheres to the principles of swiftness, certainty, and fairness.
- Although there are many existing implementations of the SCF model in jurisdictions across the country that have yielded promising outcomes, grantees are strongly encouraged to make the SCF model their own by applying its guiding principles in a way that responds to the needs, challenges, and strengths of their jurisdiction.
 - This grant program is an opportunity to innovate and expand the SCF principles, and test new implementations of the SCF model in ways that address the local context.
 - Regardless of the way your jurisdiction implements the SCF model, this program has the potential to transform the way your jurisdiction responds to high-risk/high-needs offenders and ultimately increase probation and parole success rates.
- Now that I have hopefully piqued your interest in the SCF grant program, I am going to turn the presentation over to Jonathan, Sandy, and Peggy, who will bring the SCF grant program to life and hopefully inspire you to think about how the SCF model may fit within your jurisdiction.
- Jonathan, the floor is yours.

Slide 2: Problems in Pretrial, Probation, & Parole (Jonathan Kulick, Peggy Carey)

- **(Jonathan Kulick):** More than 7 million adults are supervised by correctional agencies, with more than 4.5 million on community supervision.
- Community supervision agencies are subjected to high expectations.
 - Includes law enforcement AND social workers.
- Failure rates on supervision are high, despite many initiatives targeting the problem.
 - Incarceration for technical violation sanctions (jail sanctions and revocation to prison).
 - High rates of reoffending.
- Particulars vary from jurisdiction to jurisdiction and agency to agency.
- Strained resources include:
 - Large caseloads;
 - Long conditions of supervised release;
 - The limited ability to supervise, to include testing for drug and alcohol use; and
 - Limited treatment options and appropriate programming.
- Lack of clarity.
 - Many conditions, but rules are unclear (Obey all Laws).
 - Because there are so many conditions, compliance is hard to monitor, and violations often go undetected.
 - This sends the message to the person being supervised that the probability of being caught violating is low.
 - Behavioral research tells us that we need a very high expectation of being caught to be deterred. Think of how we behave when we're driving. We might see speed limit signs or reminders of increased fines posted in certain zones, but the presence of patrol cars probably has the greatest deterrence effect because we know this means an increased chance of getting caught speeding.
- Little consistency.
 - Even when violations are detected, they are addressed inconsistently, differing from officer to officer or office to office.
 - Enforcement might look different based on resources, such as jail bed availability, treatment options, or just having an officer available to follow through.
 - Sometimes, no sanction occurs because there are no appropriate intermediate sanctions (between ignore and revoke).
 - Inconsistent response sends the message that the probability of sanction is even lower and encourages risk-taking.
 - An unpunished string of violations sends the message that violating is okay.
- Slow response.
 - The criminal justice system is slow in general.
 - It is the same in community supervision; detection and sanctioning are not usually quick.
 - The court or parole board might not see someone for a violation for weeks or months.
 - Warrants might not be served for weeks or months.

- Behavioral research tells us that the closer in time a response (reward or punishment) is to the behavior, the more the behavior is tied to the consequence.
 - Someone being sanctioned for misbehaving long after the fact sees the response as arbitrary and unfair.
 - Likewise, a reward for a positive behavior delivered quickly is more likely to encourage that behavior in the future.
- **(Peggy Carey):** In DeKalb, Illinois, for example, if a client fails a drug test, then they are often given a second chance a month later. If they fail again, a violation is filed sometime within the next 30 days. The prosecutor files a petition to revoke sometime in the next three months. The first time the case goes to court is three to six months after the failed tests. The case is continued for status month after month to see if the client does better, but there are no consequences. After 12 to 18 months of continued failure, the case is determined unsatisfactory, and the client is re-sentenced.

Slide 3: Problems in Pretrial, Probation, & Parole (Jonathan Kulick) (Cont.)

- Fortunately, some smart people have been thinking about these problems.

Slide 4: What Is “Swift Certain Fair”? (Jonathan Kulick)

- Swift Certain Fair is a model for community supervision for people at high risk of failure.
- It is based on principles of criminology and findings in behavioral sciences.
- It is a model to shape behavior. In order to deter negative behavior and encourage positive behavior, we need to respond:
 - Swiftly – so that responses are perceived as tied to behaviors;
 - Consistently – so that responses are predictable and perceived as unbiased; and
 - Proportionately – so that responses are perceived as fair.
- If responses to negative behaviors are slow and random, then even severe sanctions do not deter.
- If sanctions are swift and certain, then even modest sanctions can deter.
- Fairness (or procedural justice) consists of transparency, proportionality, and equal treatment.
- Rewards can be as simple as verbal praise or reduced reporting; an incentive is the promise of a reward.

Slide 5: Key Behavioral Response Principles of the SCF Model (Jonathan Kulick)

- We can encourage the behavior we want and discourage the behavior we do not want.
- Every implementation will be different in details, but all share the behavioral response principles that underlie the SCF model.
- Rules and expectations:
 - Hopefully tailored to the individual and the things that you care about.

- Threats:
 - Do not impose rules (with the implied or direct threat of punishment if they are not followed) that you cannot or will not enforce or that will not have a consequence. Do not make promises you cannot keep.
- Formal orientation:
 - Is not simply handing a piece of paper. The orientation should be delivered by someone with authority (judge, parole supervisor).
 - Includes simple language.
 - Is an opportunity for supervised people to ask questions and acknowledge they understand.
- In practice:
 - Conditions need to be carefully monitored and actually enforced.
 - Swift response could mean within hours or days, and is in contrast to weeks or months in usual practice.
- Every infraction is addressed, but sanctions are modest.
 - Does not need to be jail (confinement).
 - The purpose of sanctioning is to deter, not to incapacitate.
- Finally, the large body of research says that for many people, incentives are more effective than sanctions for modifying behavior.

Slide 6: Example Response Matrix (Jonathan Kulick)

- How is this put into practice?
- Again, the details will vary.
- Here is one example of a response matrix, including rewards and sanctions.
- It lays out for all parties how behaviors will be addressed. It is a fully transparent process with no surprises and all treated equally depending on their behavior (not on who they are, or who the judge is, or whether it's before or after lunch.)

Slide 7: Behavioral Triage (Jonathan Kulick)

- SCF also enables an efficient application of scarce treatment resources.
- How does this work? Often, at intake, everyone using drugs is assigned to treatment.
- What we have found in many SCF applications is that many can desist from drug use on their own when faced with credible, modest sanctions for continued use.
- Most SCF implementations use frequent random drug testing (like with a color-coded hotline). This chart shows results from one site.
 - Most participants were methamphetamine users.
 - Half had zero positive drug tests after being told what would happen if they tested positive. Another quarter had 1 positive, and 12 percent had 2 positive tests. These folks were not sent to treatment (unless they asked for it) because they had shown they did not need it.

- Also, we know that treatment can be more disruptive than helpful for people who do not need it.
- People with three or more positive tests had shown that they could not desist on their own, even when they knew there would be a swift sanction. They were referred to treatment.
- Again, every implementation is different, but “desistance curves” like this are typical.

Slide 8: Evaluation Results Mixed (Jonathan Kulick)

- Many SCF implementations have been evaluated – see the SCF Center website for a complete list.
- A 2007 study of SCF felony probation in Hawaii called HOPE yielded big reductions in drug use, technical violations, and revocations to prison:
 - High-risk, drug-involved probationers.
 - A few days jail for each low-level violation.
- A 2016 long-term follow-up in Hawaii found that even after completing probation, people who had been in HOPE had many fewer drug arrests,
- The U.S. Department of Justice followed the Hawaii evaluation with the Demonstration Field Experiment:
 - Selected four jurisdictions on the mainland (in Oregon, Texas, Arkansas, and Massachusetts).
 - Replicated HOPE to see if it would get the same results.
 - Lots of details, but overall, the study found that Hawaii's Opportunity Probation with Enforcement (HOPE) didn't do any better than probation as usual (PAU), which was very different among the four sites.
 - Final report is not complete yet.
- A 2015 study of SCF probation/parole statewide in Washington yielded substantial reductions in incarceration:
 - Did not specifically target drug use.
 - First sanction was a stipulated agreement.
- A 2017 study of SCF post-prison supervised release in Pennsylvania yielded substantial reductions in recidivism, escape, and incarceration:
 - Involved participants in work-release center with structured treatment.
- A 2013 study of SCF diversion for repeat driving under the influence and alcohol-involved domestic violence offenders in South Dakota yielded significant reductions in alcohol-involved arrests:
 - Involved breathalyzer tests at police station twice a day.
- Important lessons for those looking to implement an SCF model:
 - Do not blindly copy someone else's policies and practices.
 - Figure out what makes sense for your jurisdiction and agency, including:
 - The problem you are trying to solve;

- Resources and constraints;
 - Where you are starting from; and
 - Culture, community standards, and statutes.
- Again, see the SCF Resource Center website for many evaluations of different SCF implementations.

Slide 9: How Does This Work with a Risk-Needs-Responsivity Model (Sandy Mullins)

- HOPE, the original evaluated application of a SCF model, was implemented with a seasoned, risk-needs-responsivity-based (RNR) probation department in Honolulu, Hawaii that was accustomed to assessing for risk and need and using tools such as motivational interviewing and other cognitive behavioral interventions. HOPE was born out of their request to a judge that the courts support their efforts by encouraging and rewarding positive behavior and sanctioning misbehavior as it occurred rather than letting many smaller violations add up to finally be addressed by ending probation and sending the probationer to prison. HOPE was designed to support and enhance their RNR model, rather than replace it.
- Almost all the jurisdictions we interact with through the SCF Center work, to some degree, within an RNR model. Some limit their SCF program only to those who are moderate or high risk. Many base the conditions on the assessed needs or the case plan built from their risk and needs assessment. By using SCF sanctions and incentives, often in addition to motivational interviewing, they have a mechanism to increase compliance. Jurisdictions report that their clients start showing up to their office visits, programming, and treatment, and showing up sober.

Slide 10: Applying an SCF Model (Sandy Mullins)

- Jurisdictions are now applying an SCF model to many different criminal justice-involved populations:
 - In Washington, almost all parolees are supervised under an SCF model.
 - In Arizona, two counties have applied the model to high-risk juveniles.
 - In Honolulu, Hawaii, the birthplace of the HOPE program, they are now applying the model to a pretrial supervision population.
 - In Pennsylvania and Nebraska, they have applied SCF in prison.
 - In many jurisdictions, SCF is being used with a probation population. In DeKalb County, Illinois, where Peggy serves as the program coordinator, the model is being tested with a select group of high- and moderate-risk probationers.

Slide 11: Other SCF Awards (Sandy Mullins)

- Previous awards have been to states, counties, cities, tribes, and territories. They have been received by courts, probation departments, state correctional agencies, parole boards, and even a police department.

Slide 12: Target-Population Examples (Sandy Mullins)

- Among these SCF awardees, there is also a broad range in target population goals. We encourage you to be thoughtful in determining what is feasible for your jurisdiction. More is not necessarily better. Even if you hope to eventually serve more people in your program or expand the model within your system, it can be helpful to start with a smaller target to work out the details.

Slide 13: Generalizability (Sandy Mullins)

- So, we have seen that this model can be generalized to a variety of populations, but that also means there is no one right way to apply SCF.
- As you are working on your proposal, it is helpful to start by thinking about these questions:
 - First, what is the problem you are trying to solve? In Hawaii, drug crimes are aggressively prosecuted, and probation sentences include long, open prison terms that can be administered if someone fails on probation.
 - The developers of HOPE were trying to reduce drug use, triage who needed treatment, and ultimately reduce prison time.
 - In my home state of Washington, we were far less aggressive in sentencing and revoking on drug use, but we were spending more than \$15 million each year renting jail beds for parole violators who were waiting to receive a hearing for their violation. We were trying to find a quicker and cheaper way to address violations.
 - Next, who is your target population? Logically, this should relate to your problem. If repeat violators are your problem, can you narrow this down?
 - Some jurisdictions have targeted by type of offense or age. The New Jersey Parole Board is currently testing the model on an opioid-addicted population.
 - What is your jurisdiction? In Washington, the Department of Corrections has the authority, in most cases, to administratively sanction parole violators, up to full revocation.
 - In many states, a parole board has this authority, or the courts.
 - Also, be able to articulate business-as-usual and how your proposed SCF program differs from this.
 - What are your resources and your constraints?
 - For instance, do you have a good mechanism to collect data, or do you need to include some IT or data collection support as part of your budget?
 - Do you have jail or work-release space for short-term confinement sanctions or will you need to identify non-confinement options for sanctioning?
- Overall, keep in mind that your proposal is relative to where you begin. You can read about how other jurisdictions have implemented an SCF model and it might help you develop your own, but your proposal should reflect the particular needs, authority, resources, and constraints of your jurisdiction.

- Now, I am going to turn this over to Peggy, who is the program coordinator in DeKalb County, Illinois, and who will walk through the grant requirements and share her insights on these requirements as applied to their application of the SCF model.

Slide 14: FY18 SCF Solicitation Overview (Peggy Carey)

- Before we describe some of the specifics related to grant requirements, we want to take a moment to give you some important information about the fiscal year (FY) 18 SCF solicitation.
- There is a link on the slide where you can access the full solicitation. We would encourage you to read the solicitation fully and carefully.
- The deadline for applications is Monday, May 14, 2018 at 11:59 p.m. ET.
- Category One of this solicitation is open to units of state government, units of local government, and to federally recognized Indian tribes, as determined by the Secretary of the Interior.
- Applicants can apply for up to \$600,000 in funding to implement the SCF model.
- The duration of the grant will be 36 months, which will begin on or about October 1, 2018.

Slide 15: Grant Requirements (Peggy Carey)

- We are now going to discuss some of the specific requirements of the RFP.

Slide 16: Program Coordinator (Peggy Carey)

- When I first read the RFP, I wondered why a full-time coordinator would be needed. I assumed that once the project was up and running, there would not be enough work to keep a coordinator busy. I was wrong.
- It is imperative to have one person who is dedicated to knowing the who, what, why, where, when, and how of SCF. This person can see the big picture and help others understand what SCF means as policies/procedures are developed. This person is the one who assures that the project maintains fidelity to the model and that the services and sanctions clients are subject to are actually swift, certain, and fair. The local SCF Coordinator is the primary contact person for the technical assistance partner, other internal departments, and external partners as appropriate. This person is the ‘keeper of the flame.’

Slide 17: You Can’t Do It Alone (Peggy Carey)

- You cannot do this alone. All partners are important – they all need to have a voice. This slide shows the partners we work with locally and who provide input.
- These are the people we negotiate with. No decisions about policies and procedures are made without hearing from them.
- Your situation likely will be completely different. Determine who needs to be ‘on board’ with the project and listen to them. Work to understand their points of view. Set up short individual meetings with department heads or their representatives.

- Give them an overview.
 - Is there anything specific to their department they need to know?
 - What do they need to make it work?
 - Is there anything they cannot accept?
- This is not always easy. Sometimes we just do not like other departments, agencies, or people.
- Locally, we have one partner agency that has historically put up roadblocks that make it difficult for our clients to get the help they need. Our adult probation supervisor and I recently met with them to work out a way to get expedited services for SCF clients.
 - Once the meeting was scheduled, the probation supervisor saw me sigh. I admitted to him that I have some ‘implicit bias’ toward the agency after working in the community for 30 years and not seeing significant changes.
 - However, I went into the meeting with the expectation that we could work it out, and we are on the right road.
 - I will admit it is a hard thing to do, but if SCF is going to work, the coordinator has to work to bring people together.
- Once funded, continue to make sure you accept input from all partners throughout the entire planning and implementation process.
- Listen. Educate. Change things when you find out something does not work. The coordinator needs to negotiate diverse partner needs/expectations while keeping the focus on the principles of SCF.
- I am now going to give the presentation back to Jonathan, as he is the expert in the next two requirements: data and evaluation.

Slide 18: Data & Evaluation (Jonathan Kulick)

- We (the TTA provider) need to understand what is happening in your system so we can help you, not monitor you.
- You will need data to conduct evaluation, including a:
 - Sustainability plan;
 - Mid-term and final analyses; and
 - Final report.
- You will also need to calculate statistics for the BJA quarterly performance measurement tool.
- When preparing your proposal, think about demands on IT and including this in the proposal budget, if needed.

Slide 19: Grant Objectives (Emily Chonde)

- As you are developing your grant application, keep in mind the objectives of the grant, which can be found on page seven of the solicitation, to ensure that your application is consistent with these objectives.

Slide 20: Grant Deliverables (Emily Chonde)

- Also keep in mind the grant deliverables and how you intend to achieve these deliverables through the course of the grant.
- For example, as described in greater detail on page 14 of the solicitation, grantees will have 6 months from the award to develop an action plan that describes, in detail, how grantees will implement and evaluate the SCF principles. During this time, BJA will withhold all but \$200,000 of the grant award. Grantees will gain access to the remaining award amount after BJA has reviewed and approved the action plan.
- There is a sample program and research model in appendix D on page 46 of the solicitation that provides helpful information on some of the components that must be included in the action plan.
- I'm going to open the floor to Peggy to provide a little insight on her experience achieving some of the grant deliverables.

Slide 21: What an Application Should Include (Emily Chonde)

- There are a number of key application components, consistent with the goals and objectives of the grant program that applicants should be cognizant of in their proposal.
- One of the application components that I want to call your attention to is the commitment to hire a full-time, onsite program coordinator. A question we have received in the past from applicants and grantees is what exactly we mean by onsite and what level of flexibility there is in meeting this requirement.
 - The intent of requiring an onsite program coordinator is to ensure that this person is accessible to project partners and members of the SCF team and is fully immersed in the day-to-day decisionmaking, partner engagement, and coordination efforts that are required to successfully stand up the program.
 - For example, it may be the case that there are five field offices implementing SCF responses. It would be perfectly appropriate for the program coordinator in this scenario to be located at the central office to be well positioned to coordinate efforts across the five offices.
 - There is some flexibility with applying this requirement to meet the needs of a particular jurisdiction, and we are always willing to answer questions and troubleshoot to figure out the best approach for your jurisdiction.
- Please be sure to review and be responsive to all of these application components.
- These can be found in greater detail on pages eight through nine in the solicitation.

Slide 22: Application Elements (Emily Chonde)

- The application and submission information starts on page 16 of the solicitation. Applicants are strongly encouraged to carefully walk through all the required elements.

- If an application is missing some elements, it could adversely affect the review, and if an award is made, there may be special conditions that could delay an awardee's access to or use of grant funds until the missing elements have been provided.
- If an application is missing any elements identified as critical, which include the abstract, program narrative, budget detail worksheet, and budget narrative, those applications will not be passed through to peer review.

Slide 23: Application Elements (Cont.) (Emily Chonde)

- I am going to turn things over to Peggy, who is going to provide you with some practical reminders and tips for submitting an application.

Slide 24: Things You'll Need (Peggy Carey)

- Read it all and read again.
- Follow all the rules. You want the reviewers of your application to focus on the merits and not procedural errors.
- Times New Roman, 12-point font. Not 13. One-inch margins. 400 words or less – not 430. It may seem silly, but it matters.
- Don't ever write "please refer to section one, point B." Write the answer out each time even if the question seems redundant.
- Be as specific in your answers as you can. If you do not know, ask for help.
- Meet with partners for specific letters of support as early as possible. We still refer to them 18 months later when a department needs a gentle nudge.
- Do not wait until the due date. The system gets overloaded. If you are not an IT genius, have IT staff ready to step in. They can decipher connections, help get attachments in the right place, and help unfreeze stuck pages.
- Be patient with the entire process. You apply and wait months for an answer. You get funded and then wait months for money to be released, etc. It will all happen, but it just takes time. Be patient with team members, other departments, and yourself. It is all a learning process when you are starting something totally new.

Slide 25: Technical Assistance (Jonathan Kulick, Peggy Carey)

- **(Jonathan Kulick)** If you get the grant, the SCF Center will be your technical assistance (TA) provider.
- Every step of the way (strategizing, planning, startup, and fidelity monitoring).
- As little or as much as you need – some grant requirements.
- Onsite workshops and site visits.
- **(Peggy Carey):** We have used our technical assistance team since we received the grant. We would have used them earlier if I had known we could. Even though we are a very small jurisdiction, they came and spent a day observing our court and talking to the administrators of our probation department. They answered questions and helped us get a better grasp on

what SCF is. They then came back and met with our partner team for two half-day planning sessions. Throughout that process, they again answered any question we had, but kept reminding us that there is no one right way. They kept us focused on our local needs and our local population while keeping us on track with the model. Since then, we regularly email about specific situations that arise. There is a real difference between putting a project on paper and how it works when you start working with real clients. New situations arise weekly where we realize, “I never thought of that.” Sometimes we can come up with answers on our own, but it is not unusual for me to say, “Let me email Jonathan and Sandy.” They are so supportive that they know the names of many of our clients.

Slide 26: Never Forget...

- No notes.

Slide 27: Questions

- No notes.

Slide 28: For More Information (Emily Chonde)

- Thank you again for joining us this afternoon. Should you have any questions about the solicitation or the application process, there is contact information on the screen where you can submit questions and find more information.