

954

HJ

HB 983

(FILE NO. 3)

954

** Defendants with these characteristics (inside broken lines) are imprisoned or placed in Community Corrections, jail or placed upon Probation depending upon aggravation and mitigation surrounding current crime or criminal history.

*** Plus or minus numbers (\pm) represent years and correspond to the maximum variation allowed the Parole Board. These figures represent the customary variation from the presumptive sentences. If a greater variation above the presumptive sentence is desired, consider using a mandatory minimum. If a greater reduction is desirable, simply reduce the sentence as appropriate or recommend parole release below the guidelines.

Appendix D

WISCONSIN

JUVENILE ASSESSMENT

Client Name Last	First	M.I.	Client No.	D.O.B. (Month, Day, Year)
Date placed on parole or state probation supervision. (Month, Day, Year)		Agent Last Name		Area No.

For each item below, select the single appropriate answer and enter the associated code or number in the adjacent blank.

ASSIGNED LEVEL OF SUPERVISION:

1. Routine
2. Intensive

PROGNOSTIC RATING:

1. Very Positive
2. Moderately Positive
3. Moderately Negative
4. Very Negative
9. Not Reported

PARENTAL COUNSELING/SERVICES:

1. Offered and Refused
2. Offered and Accepted
3. Not Offered
4. Another Agency Is Delivering Service
5. Not Applicable
9. Not Reported

LIVING ARRANGEMENT:

1. With Parent(s)
2. With Other Relatives
3. Group Home
4. Foster Home
5. Residential Treatment Facility
6. Spouse
7. Independent or Alone
8. Other
9. Not Reported

NUMBER OF CHILDREN LIVING WITH CLIENT:
(Enter 99 for Not Reported)

NEED CHILD CARE:

1. Yes
2. No
9. Not Reported

LAST GRADE COMPLETED:

00. None
- 01-12. (Enter specific number)
13. High School Graduate
14. Some College
15. Ungraded
16. Special Education
17. GED or HED
18. Tech. or Voc. School
99. Not Reported

CURRENTLY IN SCHOOL:

1. Yes
2. No
9. Not Reported

CURRENT EMPLOYMENT:

0. Unemployed And Not Looking
1. Unemployed And Looking
2. Full-Time (35-40 hrs/wk)
3. Full-Time But Seasonal
4. Part-Time (20-34 hrs/wk)
5. Part-Time (less than 20 hrs/wk)
9. Not Reported

CURRENT MONTHLY EARNINGS:

1. None
2. \$1 - \$199
3. \$200 - \$399
4. \$400 - \$599
5. \$600 - \$799
6. \$800 - \$999
7. \$1000 or more
9. Not Reported

NUMBER OF INSTITUTIONAL STAYS:

0. None
- 1-7. (Enter specific number)
8. Eight or More
9. Not Reported

NUMBER OF PRIOR FORMAL PLACEMENTS:

0. None
- 1-7. (Enter specific number)
8. Eight or More
9. Not Reported

ATTITUDE:

1. Motivated to Change; Receptive to Assistance
2. Dependent or Unwilling to Accept Responsibility
3. Rationalizes Behavior; Negative; Not Motivated to Change
9. Not Reported

AGE AT FIRST DELINQUENCY ADJUDICATION:
(Enter 99 for Not Reported)

NUMBER OF PRIOR DELINQUENCY ADJUDICATIONS:

0. None
1. One
2. Two
3. Three
4. Four or More
9. Not Reported

ANY DELINQUENCY ADJUDICATIONS FOR AN ASSAULTIVE OFFENSE (The use of a weapon, physical force or the threat of force):

1. Yes
2. No
9. Not Reported

NUMBER OF PROBATION PERIODS UNDER THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES:

0. None
- 1-7. (Enter specific number)
8. Eight or More
9. Not Reported

NUMBER OF PROBATION PERIODS UNDER COUNTY:

0. None
- 1-7. (Enter specific number)
8. Eight or More
9. Not Reported

NUMBER OF STATE PROBATION OR PAROLE REVOCATIONS:

0. None
- 1-7. (Enter specific number)
8. Eight or More
9. Not Reported

INSTITUTION OF RELEASE OR TYPE OF PROBATION:
(See code list on reverse side of last page. If other or out-of-state, please enter 99 in the adjacent blank and specify below.)

MAJOR DELINQUENT ACT:
(See codes on reverse side of last page.)

INSTITUTION OF RELEASE OR TYPE OF PROBATION CODES

- 62 Camp Flambeau
- 61 Ethan Allen School
- 81 Lincoln Hills School - Male
- 87 Lincoln Hills School - Female
- 88 Interstate Compact - Parole
- 89 Interstate Compact - Probation
- 93 Juvenile Regular Probation
- 94 Juvenile Custody Probation
- 99 Other; Out-of-State; Not Applicable

MAJOR DELINQUENT ACTS CODES

Offense	Offense
000 Murder, Degree Unspecified	710 Narcotic Drug Use and/or Possession
001 Murder, First Degree	711 Narcotic Drug Sale, Manufacture, or Distribution
002 Murder, Second Degree	720 Marijuana Use and/or Possession
009 Attempted Murder	721 Marijuana Sale, Manufacture, or Distribution
010 Manslaughter, Abortion (Death of Mother)	730 Other Dangerous Drug Use and/or Possession
019 Negligent Homicide	731 Other Dangerous Drug Sale, Manufacture, or Distribution
100 Robbery (Unarmed)	740 Other Drug Violations (Specify, Statute Number _____)
101 Robbery (Armed)	750 Weapons, Concealed or Reckless Use of
200 Assault, Battery	760 Escape
201 Mayhem	801 Attempt, Except Rape or Murder
202 Aggravated Assault, Battery	802 Possession of Burglarious Tools
203 Injury By Conduct Regardless of Life	810 Abortion
204 Injury By Negligent Use of Weapon	815 Arson
301 Burglary (Armed)	820 Bigamy
302 Burglary (Unarmed)	825 Conspiracy, Solicitation, Bribery
303 Entry Into Locked Vehicle	830 Extortion (Threats)
400 Theft, Except Auto	835 Gambling
409 Receiving Stolen Property	840 Kidnapping, Abduction
460 Fraud	850 Malicious Destruction of Property
461 Embezzlement	855 Abandonment, Non-Support
500 Forgery	860 Perjury
501 Worthless Checks, Issuance of	870 Contributing to Delinquency of a Minor
605 Sexual Assault, First Degree	871 Enticing a Minor
606 Sexual Assault, Second Degree	910 Prostitution (Female)
607 Sexual Assault, Third Degree	920 Disorderly Conduct, Vagrancy, Drunkenness
608 Sexual Assault, Fourth Degree	981 Absconding
609 Statutory Rape	982 Illegitimate Pregnancy
631 Sexual Intercourse Without Consent	984 Problem Drinking
632 Incest	985 Uncontrollable
633 Indecent Behavior With a Child	986 Traffic Violation
634 Adultery	988 Truancy
635 Sexual Perversion (Sodomy)	989 Other Juvenile Rules Violations (Specify _____)
636 Lewd and Lascivious Behavior	
638 Prostitution, Pandering, Commercial Vice	
639 Obscene Matter	

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

ASSESSMENT OF CLIENT RISK

Client Name Last	Client Name First	Client Name MI	Client Number
Probation Control Date or Institution Release Date (Month, Day, Year)	Agent Last Name	Number	

Select the appropriate answer and enter the associated weight in the score column. Total all scores to arrive at the risk assessment score.

		SCORE
Number of Address Changes in Last 12 Months: (Prior to incarceration for parolees)	0 None 2 One 3 Two or more	_____
Percentage of Time Employed in Last 12 Months: (Prior to incarceration for parolees)	0 60% or more 1 40% - 59% 2 Under 40% 0 Not applicable	_____
Alcohol Usage Problems: (Prior to incarceration for parolees)	0 No interference with functioning 2 Occasional abuse; some disruption of functioning 4 Frequent abuse; serious disruption; needs treatment	_____
Other Drug Usage Problems: (Prior to incarceration for parolees)	0 No interference with functioning 1 Occasional abuse; some disruption of functioning 2 Frequent abuse; serious disruption; needs treatment	_____
Attitude:	0 Motivated to change; receptive to assistance 3 Dependent or unwilling to accept responsibility 5 Rationalizes behavior; negative; not motivated to change	_____
Age at First Conviction: (or Juvenile Adjudication)	0 24 or older 2 20 - 23 4 18 or younger	_____
Number of Prior Periods of Probation/Parole Supervision: (Adult or Juvenile)	0 None 4 One or more	_____
Number of Prior Probation/Parole Revocations: (Adult or Juvenile)	0 None 4 One or more	_____
Number of Prior Felony Convictions: (or Juvenile Adjudications)	0 None 2 One 4 Two or more	_____
Convictions or Juvenile Adjudications for: (Select applicable and add for score. Do not exceed a total of 5. Include current offense.)	2 Burglary, theft, auto theft, or robbery 3 Worthless checks or forgery	_____
Conviction or Juvenile Adjudication for Assaultive Offense within Last Five Years: (An offense which involves the use of a weapon, physical force or the threat of force)	15 Yes 0 No	_____

TOTAL _____

FACILITY OF RELEASE CODE LIST

- | | |
|---|--|
| 02 Wisconsin State Prison - Inst. Proper | 30 Black River Camp - Adult |
| 04 Wisconsin State Reformatory - Inst. Proper | 31 Camp Flambeau - Adult |
| 11 Wisconsin Correctional Inst. - Adult | 32 Camp Gordon |
| 12 Kettle Moraine Correctional Inst. | 33 Camp McNaughton |
| 15 Wisconsin Correctional Inst. - Y.O. | 35 Walworth Pre-Release Center |
| 17 Taycheedah Correctional Inst. - Female | 40 Community Correctional Center - Male |
| 18 Taycheedah Correctional Inst. - Male | 42 Abode |
| 21 Oregon Farm | 47 Women's Community Correctional Center |
| 22 Thompson Farm | 50 Baker House |
| 23 Union Grove Farm | 53 St. John's |
| 24 Winnebago Farm | 54 Black River Camp - Y.O. - Male |
| 25 Oakhill State Camp | 57 Goodland Camp - Y.O. - Female |

90 Probation
— Other (Specify)

THE PRECEDING DOCUMENT(S) MAY NOT FILM
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ORIGINAL.

PROJECT REPORT #14

A TWO YEAR FOLLOW-UP REPORT



DEPARTMENT OF HEALTH AND SOCIAL SERVICES

CASE CLASSIFICATION/STAFF DEPLOYMENT PROJECT

BUREAU OF COMMUNITY CORRECTIONS

DIVISION OF CORRECTIONS

THE WISCONSIN
CASE CLASSIFICATION/STAFF DEPLOYMENT PROJECT

Robert J. Capener, Director

A TWO YEAR FOLLOW-UP REPORT

JULY, 1979

PREPARED BY:

S. Christopher Baird, Research Director
Richard C. Heinz, Planning Analyst
Brian J. Bemus, Research Analyst

Department of Health & Social Services - Donald E. Percy, Secretary
Division of Corrections - Elmer O. Cady, Administrator
Bureau of Community Corrections - M. Edward Buehler, Director

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Further, we are grateful to Ed Buehler, Director of the Wisconsin Bureau of Community Corrections for his steadfast belief in our project.

Most of all, we acknowledge our debt to the many Wisconsin probation and parole agents and supervisors who willingly served on the committees and provided practical input throughout the developmental and implementation stages of the project.

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I. INTRODUCTION

The primary objectives of Probation and Parole are protection of the community and rehabilitation of the offender. To achieve these objectives probation and parole agencies exert controls and offer services. However, not all offenders require the same level of supervision or exhibit the same problems. Most experienced probation and parole agents utilize some intuitive system of classifying offenders into differential treatment and surveillance modes, usually based on subjective judgments of client needs and their perception of the client's potential for continued unlawful behavior. It seems reasonable to assume that without this type of caseload management, successes would diminish and failures increase. However, this untested, highly individualized approach cannot provide information necessary to rationally deploy staff. The criteria used in determining the appropriate level of supervision are probably as varied as agents' experiences, education and philosophical approaches to the job.

Various types of classification instruments have been developed and utilized by field services. Many are based on a statistical measure of the client's probability of revocation which is used to aggregate offenders into high, medium, and minimum supervision groups. Tests of these measures have often demonstrated that they provide accurate assessment of risk, yet current utilization is limited. One criticism of predictive tables is that the criteria for success or failure are often limited to whether a revocation occurs during the period of supervision. Such a measure poses two problems: (1) the period of supervision varies depending on the sentence imposed by the courts, and, (2) decisions regarding revocation differ substantially between jurisdictions.

In some instances, revocation can result from a rules violation, while on other occasions an offender will be continued on probation despite being convicted of a new offense.

Prior classification efforts and risk assessment studies provide probation and parole agencies with three basic premises on which to base future efforts. These are:

1. There is little data available to suggest that a simple reduction in caseloads effects a corresponding decrease in criminal behavior. The number of contacts between offenders and agents is seemingly unrelated to success or failure when the assignment to a supervision level is made on a random basis. Evaluations of prior programs suggest that systematic case classification which identifies the type of cases upon which increased effort should be expended is essential.
2. Base expectancy measures appear to be the most promising form of risk assessment developed to date. The California Base Expectancy Tables, for example, have been tested using thousands of clients over a number of years and have been clearly validated.
3. The first six to twelve months of supervision are critical to successful completion of probation or parole. Violation rates tend to decline as time on supervision increases.

A classification system should, at a minimum, provide a rationale for deploying agency resources, enabling administrators to make efficient use of available staff, and to avoid providing services to offenders who do not require them.¹ A complete classification scheme can also assist probation and parole agents in identifying needs and problems of clients and provide a basis for more effective case planning.

The large number of offenders entering probation and parole systems usually requires that any classification instruments utilized must be administered by line staff. This is especially true of large county or state agencies.

Cost factors generally preclude the initiation of processes comparable to institutional classification systems where assessments are completed by highly trained staff at reception centers.

Perhaps the principal explanation for the failure of classification systems to gain widespread utilization is that while substantial effort has been expended to develop valid and reliable instruments, less effort has been devoted to implementation problems. Experience with initiating a comprehensive implementation hinges on five factors. They are:

1. The scoring system for any classification device should be simplified to the extent possible. Complex tabulations will reduce reliability. Even the most sophisticated and valid classification system is of no value if those charged with doing the classifying do not complete the scale(s) properly.

2. The classification rationale must be readily apparent and accepted by Probation and Parole staff. If line staff believes the classification criteria are inappropriate, the instruments simply become excess forms to complete. Proper attention may not be given to the classification procedure, thus diminishing its validity. Treatment recommendations may be ignored.

Alluding to such problems, Breed (1967) states that:

For research to play an effective role in the development of an increased body of knowledge in the field of corrections, it must become participating partners with operational staff in program planning, program development and program evaluation. This does not mean that theoretical research has no place in the future. It does mean that action or practice oriented research will become more important and meaningful in the years ahead. A classification system which is understandable and able to be communicated allows for far greater participation in the research process by line staff. They are able to report in definable terms what their goals for clients are -- the progress they are making towards their goals -- and impressions as to how their practical experiences relate to theoretical postulations. Research staff should be able to tabulate, scale, and present material in a form that can be used by operational staff.

Including probation and parole staff in the development of a classification device not only can strengthen the instruments but helps to instill confidence and ensure acceptance of the system.

3. Consideration of probation and parole agents' subjective judgment ought to be maintained. In an age of management by objectives, emphasis on accountability, and increasing utilization of standards, staff engaged in the provision

of direct services often feel professional discretion is being systemically eroded. Allowing agent impressions to effect the level of supervision can provide valuable input and gain agent support which is essential to successful implementation.

4. Periodic reassessments should be an integral part of any classification process. Reassessments compel probation and parole agents to regularly appraise client progress. This type of systematic assessment may not otherwise be done as agents tend to focus on the more immediate demands of a full workload.

Reclassifications are necessary because client's situations, needs, and risk of continued unlawful behavior may alter substantially over time.

Recurrent classifications will help move clients through probation or parole with greater precision. The agent's attention is often focused on a small number of problematic clients and investigations and as a result, relatively problem-free cases may be "carried" in the system because the agent has not taken the time to properly assess progress.

5. Classification should be incorporated into the agency's recordkeeping system. Paperwork is a sensitive subject in any organization and classification forms which add to the paperwork burden of line staff, rather than replacing old data collection documents wherever possible, are likely to

be resisted. Combining classification and data collection documents assures that classification is done for every case and prevents duplication of data collection tasks.

Classification should also be used by unit or office supervisors as the primary measure of accountability. A comprehensive classification system identifies client needs, problems, and risk of continued offending. It follows logically that the original case plan and subsequent reevaluation reports should deal with those needs, problems, and risk. This presents an ideal opportunity for supervisory input, including an assessment of agent effort, suggestions of alternative methods of treatment, and recommendations for additional staff training when it is needed.

11. OVERVIEW OF THE WISCONSIN CLASSIFICATION SYSTEM

The Wisconsin Bureau of Community Correction is responsible for the supervision of all adult probationers and both juvenile and adult parolees in Wisconsin. In 1979 the Bureau employed about 380 probation and parole agents to supervise approximately 18,000 adults and 1,000 juveniles. The State is divided into six regions with headquarters in the cities of Madison, Waukesha, Milwaukee, Green Bay, Eau Claire, and Rhinelander. The Milwaukee and Waukesha regions are almost entirely urban areas; the Madison and Green Bay regions, a mixture of urban and rural settings; and the Eau Claire and Rhinelander regions are, for the most part, rural areas. Hence, any classification system developed for Wisconsin had to

be applicable in the urban centers as well as the farming and recreation areas of the State.

The Wisconsin effort to develop a classification system began in 1975 as a result of a directive from the State Legislature to improve the effectiveness of service delivery to state probationers and parolees through establishment of a case classification system. The final product of classification was expected to be a method for deploying staff based on workload reported in each office.

Several aspects of the Wisconsin effort are noteworthy. First, while L.E.A.A. funds were obtained to provide research capabilities, the Division of Corrections, Bureau of Community Corrections, assigned eight agents to devote 50% of their time for a three-year period to the Case Classification Project. In addition, probation and parole staff, supervisors, and agents throughout the state served on various committees involved in the development of standards. Finally, an individual from top management (initially the deputy director of the Bureau of Probation and Parole and subsequently a former regional chief) was appointed as project director to coordinate work between research and line staff. All of these factors underscore the Wisconsin Division of Correction's commitment to develop a viable classification system through the involvement of Corrections' practitioners.

The Case Classification/Staff Deployment Project (CC/SD) began with the following objectives:

1. The development of a comprehensive classification process which assesses clients according to need for services and risk of continued unlawful activity.

2. Development of a classification process which would help agents to quickly determine an appropriate supervision strategy.
3. Development of structured levels of supervision including defined criteria for initial placement and movement between levels.
4. Establishment of standards for agent functions.
5. Determination, through time studies, of the time required by agents to meet agency standards.
6. Development of a data system which would enable the Bureau to budget based on workload.

Considerable emphasis was placed on implementing case classification in Wisconsin, with the realization that line staff support is essential to success. The system was initiated in one region at a time, and line staff was encouraged to suggest changes in both procedure and in the instruments used to classify. This process resulted in many improvements as more people and their ideas became involved in classification. Offices were revisited often to answer questions, solicit suggestions, and to help ensure a smooth transition.

In addition, classification forms were incorporated into the agency's data collection system to routinize classification and avoid duplication in paperwork. The results of these efforts is best judged by the fact that the classification system has been in place, statewide, for nearly two years

(for over three years in some regions) and that the Bureau of Community Corrections budget for the 1979-81 biennium is based for the first time on workload measures, rather than caseload count.

III. CLASSIFICATION INSTRUMENTS

The Wisconsin system assigns clients to different levels of supervision based on need for agency services and the risk of continued unlawful activity. Scales were developed to provide a measure of these dimensions.

Risk Scale

The Case Classification/Staff Deployment Project sought to avoid developing a risk assessment scale based simply on revocation or discharge as the outcome criterion, but one which would assess a client's propensity for further unlawful or rule-violating behavior. To accomplish this, analysis of the outcome measures included absconsions, rules violations, arrests, misdemeanor convictions, felony convictions, and revocations. After randomly selecting a construction sample (250 discharged or revoked cases), criminal history and socioeconomic factors were entered in a multiple regression analysis to determine the combination of variables that would best predict future behavior. Ten factors were isolated and weighted, many of which appear on other risk assessment instruments.

In the interest of community protection and at the behest of the Wisconsin Division of Corrections, offenders who have committed an assaultive offense within the last five years are placed under maximum supervision for (at

ASSESSMENT OF CLIENT RISK

Client Name	Last	First	MI	Client Number
Probation Control Date or Institution Release Date (Month, Day, Year)			Agent Last Name	Number

Select the appropriate answer and enter the associated weight in the score column. Total all scores to arrive at the risk assessment score.

		SCORE
Number of Address Changes in Last 12 Months: (Prior to incarceration for parolees)	0 None 2 One 3 Two or more	_____
Percentage of Time Employed in Last 12 Months: (Prior to incarceration for parolees)	0 60% or more 1 40% - 59% 2 Under 40% 0 Not applicable	_____
Alcohol Usage Problems: (Prior to incarceration for parolees)	0 No interference with functioning 2 Occasional abuse; some disruption of functioning 4 Frequent abuse; serious disruption; needs treatment	_____
Other Drug Usage Problems: (Prior to incarceration for parolees)	0 No interference with functioning 1 Occasional abuse; some disruption of functioning 2 Frequent abuse; serious disruption; needs treatment	_____
Attitude:	0 Motivated to change; receptive to assistance 3 Dependent or unwilling to accept responsibility 5 Rationalizes behavior; negative; not motivated to change	_____
Age at First Conviction: (or Juvenile Adjudication)	0 24 or older 2 20 - 23 4 19 or younger	_____
Number of Prior Periods of Probation/Parole Supervision: (Adult or Juvenile)	0 None 4 One or more	_____
Number of Prior Probation/Parole Revocations: (Adult or Juvenile)	0 None 4 One or more	_____
Number of Prior Felony Convictions: (or Juvenile Adjudications)	0 None 2 One 4 Two or more	_____
Convictions or Juvenile Adjudications for: (Select applicable and add for score. Do not exceed a total of 5. Include current offense.)	2 Burglary, theft, auto theft, or robbery 3 Worthless checks or forgery	_____
Conviction or Juvenile Adjudication for Assaultive Offense within Last Five Years: (An offense which involves the use of a weapon, physical force or the threat of force)	15 Yes 0 No	_____

TOTAL _____

least) the first six months of probation or parole. This policy is reflected by the last item on the scale which assigns 15 points for recent assaultive offenses, which automatically requires maximum supervision. At reevaluation, assaultive offenders are not assessed the additional 15 points, but are assigned to supervision levels based solely on risk and need scores.

The Wisconsin Bureau of Community Corrections has had over two years of experience with the risk assessment scale and it has proven to be a valid predictor of future criminal activity. Table 1 is based on the first termination documents received which could be matched with risk scores at admission and illustrates the strong correlation between revocations and initial risk assessment scores.

TABLE 1

REVOCATION RATE BY INITIAL RISK ASSESSMENT SCORES

INITIAL RISK SCORE*	NUMBER ASSESSED	NUMBER REVOKED	REVOCATION RATE
0-3	543	5	0.92%
4-7	124	28	2.49%
8-9	492	28	5.69%
10-11	387	38	9.82%
12-14	432	54	12.50%
15-19	498	78	15.66%
20-24	362	94	25.97%
25-29	252	94	37.30%
30 and Above	141	60	42.55%
Total Sample	4,231	479	11.32%

*Scores were aggregated (for this presentation) to the point where an additional increment in risk scores was accompanied by a significant increase in the revocation rate. The 15 points assigned to assaultive offenders were not included in risk scale computations because this item is not predictive of continued criminal activity.

REASSESSMENT OF CLIENT RISK

SELECT THE APPROPRIATE ANSWER AND ENTER THE ASSOCIATED WEIGHT IN THE SCORE COLUMN. TOTAL ALL SCORES TO ARRIVE AT THE RISK ASSESSMENT SCORE.

		SCORE
NUMBER OF ADDRESS CHANGES IN LAST 12 MONTHS:	0 NONE 2 ONE 3 TWO OR MORE	_____
AGE AT FIRST CONVICTION (OR JUVENILE ADJUDICATION)	0 24 OR OLDER 1 20 - 23 2 19 OR YOUNGER	_____
NUMBER OF PROBATION/PAROLE REVOCATIONS (ADULT OR JUVENILE)	0 NONE 2 ONE OR MORE	_____
NUMBER OF PRIOR FELONY CONVICTIONS (OR JUVENILE ADJUDICATIONS)	0 NONE 1 ONE 3 TWO OR MORE	_____
CONVICTIONS OR JUVENILE ADJUDICATIONS FOR (SELECT ALL APPLICABLE AND ADD FOR SCORE)	1 BURGLARY 1 THEFT 1 AUTO THEFT 1 ROBBERY 2 WORTHLESS CHECKS 2 FORGERY	_____
RATE THE FOLLOWING BASED ON PERIOD SINCE LAST CLASSIFICATION:		
PERCENTAGE OF TIME EMPLOYED:	0 60% OR MORE 1 40% - 59% 2 UNDER 40% 0 NOT APPLICABLE	_____
ALCOHOL USAGE/PROBLEMS:	0 NO APPARENT PROBLEMS 2 MODERATE PROBLEMS 5 SERIOUS PROBLEMS	_____
OTHER DRUG USAGE/PROBLEMS:	0 NO APPARENT PROBLEMS 1 MODERATE PROBLEMS 3 SERIOUS PROBLEMS	_____
PROBLEMS IN INTERPERSONAL RELATIONSHIPS (CURRENT LIVING SITUATION)	0 NONE 1 FEW 3 MODERATE 5 SEVERE	_____
SOCIAL IDENTIFICATION	0 MAINLY WITH POSITIVE INDIVIDUALS 3 MAINLY WITH DELINQUENT INDIVIDUALS	_____
RESPONSE TO COURT OR BUREAU IMPOSED CONDITIONS	0 NO PROBLEMS OF CONSEQUENCE 3 MODERATE COMPLIANCE PROBLEMS 5 HAS BEEN UNWILLING TO COMPLY	_____
USE OF COMMUNITY RESOURCES	0 NOT NEEDED 0 PRODUCTIVELY UTILIZED 2 NEEDED BUT NOT AVAILABLE 3 UTILIZED BUT NOT BENEFICIAL 4 AVAILABLE BUT REJECTED	_____

TOTAL SCORE _____

In total, utilizing cut-off points of 8 and 15, 1.98% of low risk clients, 9.15% of moderate risk clients, and 26.0% of high risk clients were revoked.

Reassessment Risk Scale

The predictive table used at intake emphasizes criminal history items. Therefore, persons with extensive prior involvement with courts and corrections will rate as higher risks than will most first or second-time offenders. However, a different scale is used at six-month intervals to reclassify clients. The reevaluation risk scale shifts emphasis from criminal history factors to items which reflect the client's overall adjustment while on probation or parole. It includes assessments of client's response to court or corrections imposed conditions of probation or parole, use of community resources, and interpersonal relationships. This type of assessment allows clients who have adjusted well in the community to progress to lower levels of supervision and can move clients who continue to exhibit problems to higher supervision levels.

Needs Scale

In developing a Needs Assessment Instrument, CC/SD sought to standardize the manner in which agents assess the problems and deficit areas of their clients. This objective led to the development of a table which identifies and assigns weights to eleven categories of needs commonly evidenced in probationers and parolees. The Need Assessment Scale, (see the following page), was the result of the cooperative efforts of Wisconsin probation and parole agents and research staff.

ASSESSMENT OF CLIENT NEEDS

Client Name	Last	First	MI	Client Number
Probation Control Date or Institution Release Date (Month, Day, Year)			Agent Last Name	Number

Select the appropriate answer and enter the associated weight in the score column. Higher numbers indicate more severe problems. Total all scores. If client is to be referred to a community resource or to clinical services, check appropriate referral box.

ACADEMIC/VOCATIONAL SKILLS				REFERRAL	SCORE
-1 High school or above skill level	0 Adequate skills able to handle every day requirements	+2 Low skill level causing minor adjustment problems	+4 Minimal skill level causing serious adjustment problems	<input type="checkbox"/>	___
EMPLOYMENT					
-1 Satisfactory employment for one year or longer	0 Secure employment, no difficulties reported, or homemaker, student or retired	+3 Unsatisfactory employment, or unemployed but has adequate job skills	+6 Unemployed and virtually unemployable; needs training	<input type="checkbox"/>	___
FINANCIAL MANAGEMENT					
-1 Long-standing pattern of self sufficiency, e.g., good credit rating	0 No current difficulties	+3 Situational or minor difficulties	+5 Severe difficulties may include garnishment, bad checks or bankruptcy	<input type="checkbox"/>	___
MARITAL/FAMILY RELATIONSHIPS					
-1 Relationships and support exceptionally strong	0 Relatively stable relationships	+3 Some disorganization or stress but potential for improvement	+5 Major disorganization or stress	<input type="checkbox"/>	___
COMPANIONS					
-1 Good support and influence	0 No adverse relationships	+2 Associations with occasional negative results	+4 Associations almost completely negative	<input type="checkbox"/>	___
EMOTIONAL STABILITY					
-2 Exceptionally well adjusted, accepts responsibility for actions	0 No symptoms of emotional instability, appropriate emotional responses	+4 Symptoms limit but do not prohibit adequate functioning, e.g., excessive anxiety	+7 Symptoms prohibit adequate functioning, e.g., latches out or retreats into self	<input type="checkbox"/>	___
ALCOHOL USAGE					
	0 No interference with functioning	+3 Occasional abuse, some disruption of functioning	+6 Frequent abuse, serious disruption; needs treatment	<input type="checkbox"/>	___
OTHER DRUG USAGE					
	0 No interference with functioning	+3 Occasional substance abuse, some disruption of functioning	+5 Frequent substance abuse, serious disruption; needs treatment	<input type="checkbox"/>	___
MENTAL ABILITY					
	0 Able to function independently	+3 Some need for assistance, potential for adequate adjustment and retardation	+6 Deficiencies severely limit independent functioning, moderate retardation	<input type="checkbox"/>	___
HEALTH					
	0 Good of physical health; seldom ill	+1 Handicap or illness interferes with functioning on a recurring basis	+2 Serious handicap or chronic illness; needs frequent medical care	<input type="checkbox"/>	___
SEXUAL BEHAVIOR					
	0 No apparent dysfunction	+1 Real or perceived emotional or social problems	+3 Real or perceived chronic or severe problems	<input type="checkbox"/>	___
AGENT'S IMPRESSION OF CLIENT'S NEEDS					
-1 Minimum	0 Low	+3 Medium	+5 Maximum		___

TOTAL _____

It was determined that crisis needs should not be considered as classification criteria. An immediate need for shelter or meal money, for example, is usually the result of a more extensive problem such as unemployment, drug abuse, or emotional instability. Although an important agent function, crisis intervention generally provides temporary solutions to problems symptomatic of more complex needs.

An extensive list of possible client needs was prepared and used to survey incoming clients over an eight-month period in Madison. The eleven categories of needs which comprise the final scale are thought to encompass the wide range of problems that are most commonly evidenced in probationers and parolees. The scale is designed not only to be a classification device, but to provide a common denominator for assessing the composite severity of problems, to aid in formulating a case plan, and to provide an instrument for uniformly assessing the progress of clients.

Periodic reevaluations are required at six-month intervals to reflect changes in the client's situation, service needs, and risk of continued criminal activity. Reclassifications also require the agent to review case progress and, if appropriate, alter the case plan, goals, and objectives accordingly.

The system is designed to move clients to lower levels of supervision as their need for services are met. Thus, while approximately 45% of new clients are initially placed in maximum supervision, about half move to lower supervision levels at subsequent evaluations. Table 2 illustrates the average change in need scores from initial classification to first reevaluation.

TABLE 2

CHANGE IN CLIENT NEEDS AT FIRST REEVALUATION

(Total sample - 2,827 clients)

INITIAL SCORE	AVERAGE CHANGE
30 and Above	-9.2 Points
25 - 29	-6.6 Points
20 - 24	-4.4 Points
15 - 19	-3.0 Points
14 and Under	+0.4 Points

VALIDITY OF THE NEEDS ASSESSMENT SCALE

Each item on the needs scale is assigned a weight based upon the relative time required by the supervising agent to provide service. Originally, the weights were selected by professional judgment backed by experience. To determine if the weighting system is a valid indicator of time required by clients, needs assessments of 482 individuals were cross-tabulated with time devoted to each client over a two-month period. The time spent should vary within each supervision level if the system is valid. Table 3 shows the relationship between time and needs.

TABLE 3

RELATIONSHIP OF NEEDS SCORES TO SUPERVISION TIME

NEEDS ASSESSMENT SCORE	LOW SUPERVISION	MEDIUM SUPERVISION	MAXIMUM SUPERVISION	AVERAGE
(Average Minutes Per Client Per Month)				
9 or Less	40.0	61.9	92.4	47.7
10 - 14	45.3	90.6	105.3	79.7
15 - 19	NA	69.7	116.9	86.8
20 -24	NA	95.4	184.3	142.0
25 - 29	NA	104.3	180.9	160.2
30 or More	NA	107.2	196.7	185.5

Generally, the average amount of time spent on clients increased as needs scores increased. In only two instances was this pattern reversed. The average time devoted to medium supervision clients with scores in the 15 to 19 range was lower than the time spent on clients in the 10 to 14 range; and less time was spent on maximum supervision clients with needs scores in the range 25 to 29 than individuals with needs assessment totals in the 20 to 24 range. Overall however, the study indicated that the weighting system utilized in the needs scale presents a reasonably accurate relationship between time needed for service delivery and overall need scores.

INTER-RATER RELIABILITY OF THE NEEDS ASSESSMENT SCALE

Extensive reliability testing of the needs assessment scale was undertaken to determine if the definitions associated with each need category result in consistent ratings when different agents assessed the same clients based on identical information.

Consideration was given to two different methods of presenting information regarding clients to agents participating in the study: Presentence Investigations and taped interviews. Other states have used presentence investigations to test the reliability of classification instruments. Missouri, for example, used presentence investigations to test the reliability of the Client Analysis Scale utilized in that state.³ Agents were asked to read presentence reports and make independent ratings of each scale item. This technique, however, was rejected by Case Classification/Staff Deployment staff on the basis that the agent writing the report had already selected information contained in the Social; hence a percentage of any reliability statistic attained could be attributed to this factor. The CC/SD Project chose to have agents independently rate clients' needs based on taped interviews between client and agent. A semi-structured format (of approximately 45 to 60 minutes duration) was used which, in most cases, covered all eleven categories of needs to be assessed. Of the nearly 200 interviews that were taped, nine were selected for use in this study. The selection was based primarily on the clarity of the tape, not on content or client characteristics. No attempt was made to use tapes where the existence and severity of problems was unusually apparent.

Groups of agents from ten different locations participated in the study. Efforts were made to obtain a reasonable mix of urban, rural, new and experienced agents.

Two assumptions were made regarding the reliability analysis:

1. Taped interviews are not the best media for assessing inter-rater reliability. Ideally, a group of agents should participate in all client and collateral contacts for the first 30 days of supervision and then independently rate client needs. However, given the time constraints of field staff, the use of taped interviews was the best method available for testing reliability. It was assumed that because agents generally base actual needs assessments on more than one contact and on more information than was presented in the interview, agreement on the existence or non-existence of a problem (rather than level of severity) would be a sufficient measure of inter-rater reliability.
2. Certain need categories would be difficult to assess without verifying evidence. For example, if an individual was suspected of having mental deficiencies which severely limit independent functioning, agents would generally request intelligence testing for that client to determine the extent of the problem. Therefore, it was assumed that the reliability figure attained for some items (emotional stability, mental ability, and sexual behavior) would be lower than reliability attained in actual practice.

The results of the analysis are presented in Table 4. Each statistic represents the percentage of raters who agreed on the existence or non-existence of a particular problem for each client. (The rating cited by the majority of the agents was considered the "correct answer." In only one instance did half of the raters decide a need existed while half agreed there was no problem.) The overall percentage of agreement (87%) is considered by CC/SD staff to be quite acceptable for a subjective scale.

CLIENT MANAGEMENT CLASSIFICATION

The assessment of risk and needs provides a measure of the client's propensity for further criminal activity and an indication of the amount of agent intervention required to deal with a client's problems. These determine the level of supervision for each client but do not address the question of supervision strategy.

Exhibitionists, armed robbers, murderers, marijuana users, drug pushers, wife beaters, check writers, prostitutes, white-collar offenders, those who fail to pay support, burglars, are all labeled criminal. They differ considerably in terms of type of offense, living stability, acceptance of criminal behavior, likelihood of recommitting crimes, emotional needs, levels of education, work skills, honesty, and other factors. To deal effectively with this variety of people and problems requires both an understanding of the individual as well as knowledge and flexibility in applying different rehabilitation techniques.

Client-agent relationships have considerable impact on the eventual outcome of many cases. Agents need to understand their clients in order to know when to confront and when to support, when to be directive and when not to, when to

TABLE 4

INTER-RATER RELIABILITY OF THE NEEDS ASSESSMENT SCALE

PROBLEM/NO PROBLEM CHOICE

Percentage of Agreement

N =	54	54	49	57	45	48	46	47	49	449
Need Category	Tape A	Tape B	Tape C	Tape D	Tape E	Tape F	Tape G	Tape H	Tape I	Weighted Average
Acad/Voc Skills	87	NA	76	70	91	100	98	81	100	88
Employment	100	91	NA	98	96	85	100	62	84	90
Financial Mgt.	98	87	90	98	100	98	100	96	73	93
Mar/Fam Relat.	67	78	NA	95	100	50	100	100	92	86
Companions	83	91	80	88	93	88	95	83	98	89
Emot. Stab.	69	73	71	79	100	58	100	87	77	79
Alcohol Usage	96	80	96	86	100	98	82	100	92	91
Drug Usage	67	83	NA	82	100	100	100	86	85	91
Mental Ability	69	NA	86	NA	76	77	76	58	82	79
Health	100	100	100	91	NA	84	96	62	96	89
Sexual Beh.	98	94	100	96	64	89	75	55	83	84
Average	85	86	87	88	92	84	93	79	87	87

NOTE: NA in any column signifies that the interview did not present sufficient information to rate that item.

N = number of agents that rated each taped interview.

trust and when not to, when to recommend psychotherapy and when not to, when to set rules (and which rules) and when not to. Those who approach their job by relying too heavily on one method (e.g., always being quite controlling) tend to work effectively with some of their clients and not others. Agents who develop a better understanding of the individual client and utilize greater flexibility in applying different rehabilitative techniques can respond more appropriately to the needs of the individual and can be more effective with a greater variety of clients.

An agent often needs considerable experience with an individual to formulate an appropriate casework strategy. This can create problems when dealing with involuntary clients where time is somewhat limited, and the first few months of supervision are often critical to successful completion of probation and parole. Therefore, a method which would reduce the time required to develop casework strategies would be beneficial to Corrections. To this end, a classification tool was developed which could be easily administered by agents to 1) aid in assessing client needs, 2) provide an objective evaluation to help agents formulate goals at the start of probation or parole, and 3) provide agents with different supervision strategies appropriate to different types of clients.

This process (termed Client Management Classification) consists of a 45 minute semi-structured interview and utilizes a forced-choice rating instrument. Four groups of clients are identified based on supervision techniques used in working with each. They are:

1. Selective Intervention
2. Casework/Control
3. Environmental Structuring
4. Limit Setting

This classification helps agents anticipate clients' behavior and problems they may present and provide recommendations for dealing with each type of client. It does not contribute to the assignment of a level of supervision; it deals generally with how a particular client can best be supervised and does not specifically deal with the amount of supervision needed. Maximum, medium, and minimum supervision clients may be found in all four Client Management Classification categories.

IV. CLASSIFICATION STANDARDS

The initial assessment of risk and needs is completed by the supervising agent within 30 days of receiving the client on probation or parole. The client is assigned to the highest level of supervision that is indicated by either scale (Table 5).

TABLE 5

Risk and Need Assessment

CUT-OFF SCORES

<u>RISK ASSESSMENT</u>	<u>SUPERVISION LEVEL</u>	<u>NEEDS ASSESSMENT</u>
15 and Above	Maximum	30 and Above
8 - 14	Medium	15 - 29
7 and Below	Minimum	14 and Below

Based on scores from the risk and need assessment scales, offenders are assigned to maximum, medium, or minimum supervision. The client is assigned to the highest level of supervision indicated by either scale. However, if individual circumstances warrant the assignment to a supervision level other than what is indicated by the scales, an agent can, after obtaining supervisory permission, make the appropriate adjustment.

In general, maximum supervision clients either have a relatively high potential for continued unlawful behavior or have demonstrated substantial need for agency services. Medium supervision clients have relatively lower probabilities of continued criminal activity but still require ongoing agent involvement. Minimum supervision clients manifest relatively few problems and are very likely to successfully complete probation or parole. The minimum number of contacts required for each supervision level follow:

Maximum - at least one face-to-face contact every 14 days by a representative of the agency; home visits as appropriate; monthly verification of residence and employment; collateral contacts as appropriate; staffings at request of agent or supervisor; submittal of a monthly report.

Medium - at least one face-to-face contact every 30 days; monthly verification of employment and residence; home visits and collateral contacts as appropriate; submittal of monthly report.

Minimum - client shall be seen at least once every 90 days in a personal face-to-face contact by a representative of the agency; home visits as appropriate; verification of residence and employment every 90 days; submittal of a monthly report (by mail during "off" months).

Or - receipt of a mailed-in report every 30 days; home visits as appropriate; verification of residence and employment at least once prior to discharge.

V. EVALUATION OF DIFFERENTIAL SUPERVISION

SELECTION OF TEST REGIONS

The Southern Region was the first area of Wisconsin in which the classification system was fully implemented and where initial indications of relative success or failure would be available. A similar region was needed to provide a base for comparing the new system to existing standards. After surveying all six regions, the Eastern Region was selected based on a socioeconomic profile much like that of the Southern Region. Table 6 outlines the data analyzed in the selection procedure and depicts conditions in both regions at about mid point of the two year study period.

TABLE 6

COMPARISON OF TEST REGIONS

	SOUTHERN REGION	EASTERN REGION
Total Population	807,654	964,363
Population Density	93/sq. mi.	93/sq. mi.
Percent of Population Aged 18-24	28.5%	24.9%
Per Capita Income	\$5,294	\$5,003
Percent of Population Earning Less than \$6,000 Annually*	33.2%	31.8%
Unemployment Rate	5.4%	6.2%
1977 Probation/Parole Admissions Per 10,000 Population	19	14

*Based on 1977 Wisconsin Department of Revenue Tax Statistics.

A lower per capita income and a higher unemployment rate were reported in the Eastern Region. However, fewer people earned less than \$6,000 annually indicating a more equal distribution of total income. The higher proportion of low income people in the Southern Region correlates well with the higher percentage of population aged 18-34 since younger people, especially students, are more likely to fall into the lower income groups. The 18-34 age category is also considered to be a higher "risk" group relative to other adult offenders (in fact, in 1977, 4 of every 5 admissions to probation or parole in Wisconsin were 30 or under) and the higher admission rate reported in the Southern Region also reflects this higher percentage of young adults.

Both regions have reported relatively low staff turnover rates in recent years and the average agent in each region is nearly identical in terms of age, experience, and social worker classification. Profiles of staff from both regions are presented in Table 7.

TABLE 7

COMPARISON OF STAFF IN TEST REGIONS

	SOUTHERN REGION	EASTERN REGION
Number of Agents:	47	42
Social Workers I	9 (19%)	9 (21%)
Social Workers II	5 (10%)	4 (10%)
Social Workers III	33 (71%)	29 (69%)
Average Age	37.9 years	37.5 years
Average Years Employed by Wisconsin Community Corrections	11.1 years	11.5 years

MATCHING CRITERIA

To further control for differences between regions, and offender populations, a matched sample methodology was employed. Clients placed on probation or released to parole in the Eastern Region, May through August, 1976, were assessed according to the risk and need scales. However, supervising agents were not told of the resulting classifications and continued to supervise all clients according to former Bureau standards (one face-to-face contact per month for all clients). Clients from the Southern Region, where different standards for maximum, medium, and minimum clients were in effect, were matched on an individual basis to clients from the Eastern Region sample. The matching criteria utilized are presented in the following list.

1. Age (± 2 years)
2. Sex
3. Race
4. Probation or Parole Status
5. Supervision Level (Unassigned for Eastern Region Comparison Group)
6. Total Risk Score (± 3 points, but not across cut-off points for each supervision level)
7. Total Needs Score (± 5 points, but not across cut-off points for each supervision level)
8. Scores from the following items on the risk scale:
 - a. Age at First Conviction (or Juvenile Adjudication)
 - b. Prior Periods of Probation or Parole Supervision
 - c. Convictions for burglary, theft, auto theft, robbery, worthless checks or forgery
9. Scores from the following items on the Needs Assessment Scale:
 - a. Employment
 - b. Alcohol Usage
 - c. Drug Usage

This stringent matching was implemented to control for exogenous factors and to assure that the comparison of outcome data would be between very similar samples. Thus it was hypothesized that any differences in outcomes could be attributed primarily to differences in the level of supervision assigned.

OUTCOME DATA

A. Maximum Supervision Clients

The implementation of higher standards (doubling the required number of contacts) for clients classified as high risk and/or high need led to the following hypothesis:

The assessed criminal activity of a sample of individuals classified as requiring maximum supervision and subsequently placed under each supervision will be significantly lower than that of a comparison group so classified but supervised in the usual manner.

As Table 8 indicates, clients supervised under the new classification standards had significantly lower rates of criminal activity in five of seven categories analyzed. The other two categories, felonies and absconsions, were also lower under the new standards, but the differences were not significant at the .05 level. The number of persons convicted of a misdemeanor, or were arrested, violated rules of supervision, or were revoked was significantly lower in the Southern Region "experimental" group. The decrease in reported rules violations was perhaps the most surprising statistic, since other studies have indicated that increased contacts often result in the discovery of more rules violating activities.

TABLE 8

REPORTED CRIMINAL ACTIVITY

MATCHED SAMPLES COMPARISONS

(Maximum Supervision Group)

	EASTERN REGION COMPARISON GROUP 1 CONTACT/MO. REQUIRED	SOUTHERN REGION EXPERIMENTAL GROUP 2 CONTACTS/MO. REQUIRED
	N = 113	N = 113
Number With Any New Offense Reported	42 (37.2%)	20 (17.7%)**
Most Serious Offense Reported:		
Felony	19 (16.8%)	12 (10.6%)
Misdemeanor	23 (20.4%)	8 (07.1%)**
Number With Any Absconsions Reported During Supervision	13 (11.5%)	10 (08.8%)
Number With Any Arrests Reported		
Number With Any Rules Violations Reported (Other than Absconsions)	46 (40.7%)	31 (27.4%)*
Number Revoked	23 (20.4%)	12 (10.6%)*

*Difference is significant at the .05 level.

**Difference is significant at the .01 level.

B. Medium Supervision Clients

Because requirements for both the experimental and comparison groups were essentially the same for clients assessed as moderate risk and/or needs, the following hypothesis was made:

The assessed criminal activity of a sample of individuals classified as requiring medium supervision and subsequently placed under such supervision will be no higher than that of a comparison group so classified but supervised in the usual manner.

The outcome criteria analyzed indicated that while fewer people in the experimental group committed new offenses, more persons were convicted of felonies, more persons absconded, and more clients violated probation and parole rules (Table 9). However, the difference between any set of proportions was not significant at the .05 level.

TABLE 9

REPORTED CRIMINAL BEHAVIOR
MATCHED SAMPLES COMPARISONS
 (Medium Supervision Group)

	EASTERN REGION COMPARISON GROUP 1 CONTACT/MO. REQUIRED	SOUTHERN REGION EXPERIMENTAL GROUP 2 CONTACTS/MO. REQUIRED
	N = 71	N = 71
Number With Any New Offense Reported	13 (18.3%)	9 (12.7%)
Most Serious Offense Reported:		
Felony	2 (02.8%)	4 (05.6%)
Misdemeanor	11 (15.5%)	5 (07.0%)
Number With Any Absconsions		
Reported During Supervision	1 (01.4%)	4 (05.6%)
Number With Any Arrests Reported	13 (18.3%)	10 (14.1%)
Number With Any Rules Violations Reported (Other Than Absconsions)	10 (14.1%)	15 (21.3%)
Number Revoked	3 (04.2%)	4 (05.6%)

NOTE: No set of proportions were significantly different (.05 level).

C. Minimum Supervision Clients

Probationers and parolees identified as low risk and low need had required face-to-face contacts reduced from one per month to one every three months under the new case classification standards. It was hoped

that contact with this group could be reduced without adversely affecting outcomes. This objective led to the adoption of the same hypothesis that was made for the medium supervision group.

The assessed criminal activity of a sample of individuals classified as requiring minimum supervision and subsequently placed under such supervision will be no higher than that of a comparison group so classified, but supervised in the usual manner.

There were no new felony convictions reported in either the comparison or experimental group. Six clients in the comparison group were convicted of new misdemeanor offenses compared with only two from the experimental group. However, the differences in assessed outcomes from both groups, outlined in Table 10, were not significant at the .05 level.

TABLE 10

REPORTED CRIMINAL ACTIVITY

MATCHED SAMPLES COMPARISONS

(Minimum Supervision Group)

	EASTERN REGION COMPARISON GROUP 1 CONTACT/MO. REQUIRED	SOUTHERN REGION EXPERIMENTAL GROUP 1 CONTACT/3 MO. REQUIRED
	N = 58	N = 58
Number With Any New Offense Reported	6 (10.3%)	2 (03.4%)
Most Serious Offense Reported:		
Felony	0	0
Misdemeanor	6 (10.3%)	2 (03.4%)
Number With Any Absconsions Reported During Supervision	2 (03.4%)	2 (03.4%)
Number With Any Arrests Reported	6 (10.3%)	2 (03.4%)
Number With Any Rules Violations Reported (Other Than Absconsions)	2 (03.4%)	1 (01.7%)
Number Revoked	3 (05.2%)	4 (06.9%)

NOTE: No set of proportions was significantly different (.05 level).

CONCLUSION AND IMPLICATIONS:

Two years after the implementation of the case classification procedures and standards, data clearly indicate that assigning different levels of supervision based on identification of risk and need factors is having a significant impact on outcomes in Wisconsin.

Criminal activity declined significantly in the high risk/high need group when required contacts were increased. At the same time, decreasing contacts with low risk/low need clients had no perceivable adverse effects.

The implications for probation and parole systems are considerable. Accurate identification of clients who require more time from agency staff as well as identification of probationers and parolees who require few services and are very unlikely to recidivate can help an organization to better allocate its limited resources.

If trends noted in this two year follow-up continue, increased intervention with high risk/high need clients will be quite cost effective. A substantial proportion of the additional cost is immediately offset by reducing required contacts with low risk/low need probationers and parolees. But most importantly, the reductions in arrests, new convictions and revocations in high risk/high need clients will generate considerable savings and reduce jail and prison populations. An extensive cost-benefit analysis will be prepared following analysis of the third year of the study period.

VI. COMPUTATION OF WORKLOAD

While Corrections has long attempted to define the optimum, ideal, or maximum caseload that probation or parole agents should be assigned, many administrators have maintained that any standard client-to-agent ratio is an inadequate method of staff deployment because it assumes that all other workload is distributed equally. This, in fact, seldom occurs. The courts' utilization of presentence investigations, for example, can vary substantially among counties.

Perhaps the most conspicuous flaw in equalizing caseloads among all probation and parole staff is that differences in offenders are either ignored or it is assumed that cases are assigned randomly and therefore approximate equalization of workload is attained in the long run. Such an assumption ignores

administrative prerogative to utilize special abilities of staff members and, more importantly, it fails to recognize the effect of local problems, mores and law enforcement practices. However, consideration of local differences is vital if workload is to be equalized. Offenders placed on probation in rural Wisconsin are somewhat different in both need and risk factors from Milwaukee or Madison probationers.

The Wisconsin classification system is designed to identify differences in offenders which will have an impact on the amount of supervision required. It is then possible to ascertain the total workload of each probation and parole office by establishing time requirements for each supervision level, as well as for all other agency functions. Management can then allocate agent positions on a workload, rather than a caseload basis.

Time studies conducted throughout the state furnished an extensive data base for budgeting purposes. In the principal study, approximately 250 agents accounted for all time spent on ten randomly selected clients each, over a two-month period. Investigations, including 401 presentence reports, 221 probation socials and 49 admission investigations, were also time studied. These time studies yield the average amount of time devoted to maximum, medium, and minimum supervision clients and to the various types of investigations for which Wisconsin agents are responsible.

The following two adjustments were made to the raw time study data:

1. The time studies from which budget data were derived were longitudinal studies; i.e., agents were not required to account for all time during working hours but instead recorded to the minute, all time directly relatable to any client selected for inclusion in the study. Time spent waiting for clients who were late for or missed appointments and time between contacts was not recorded. It is reasonable to expect that employees who have contact with the public need time between contacts. This is especially true for employees who deal with involuntary clients. Consultation with the Dean of the College of Industrial Engineering, University of Wisconsin and the Director of Management Analysis, Wisconsin Department of Industry and Human Relations revealed that while the need for time between activities is well recognized, there appears to be no existing objective of how much time should be allowed.

In earlier time studies, agents were required to record all time during working hours, allowing short intervals between activities, (e.g., instructions to a secretary, conversation with a supervisor, etc.) to be included in the preceding activity time. Time per contact in these studies averaged nearly six minutes more than time per contact in the longitudinal studies. Hence, the longitudinal studies were adjusted to reflect this factor.

2. Records were deleted when the required number of contacts was not met since some agents who participated in the time studies had excessive workloads, and complete compliance with the standards was not possible.

The base time utilized for each level of supervision is a statewide average of client and collateral contact time, recording time and case study time. This amounted to 2.55 hours per month for maximum supervision cases, 1.02 hours a month for medium supervision cases, and 0.45 hours per month for clients in minimum supervision. The average travel time recorded in each region was then added to the base to derive the recommended standards for each region. To simplify the budgeting process, regions were combined under the same standards whenever possible. Tables 11 and 12 present the standards utilized for the 1979-81 biennial budget.

TABLE 11

WORKLOAD STANDARDS

By Level of Supervision

(Hours per Month)

	MAXIMUM	MEDIUM	MINIMUM
Madison, Waukesha, Milwaukee	3.0	1.2	.55
Green Bay, Eau Claire, Rhinelander	3.1	1.3	.60

TABLE 12

WORKLOAD STANDARDS

By Type of Investigation

Presentence Investigations	9.0 Hours
Probation Social Investigations	8.0 Hours
Admission Investigations	8.0 Hours
All Partial Investigation	5.0 Hours

NON-CLIENT RELATED STANDARDS

Wisconsin agents are responsible for carrying out many functions which cannot be related to an individual client. These activities can generally be categorized as program development, community development, and administrative tasks. The budget formula incorporates time standards for these functions. Time was also allocated for professional development (training) and for personal time. The development of these standard time frames is briefly outlined below.

STANDARD FOR PROFESSIONAL DEVELOPMENT: The method for computing time needed for professional development in each Region was designed in accordance with the Division of Corrections Training and Staff Development Plan and after consultation with Bureau of Community Corrections administrators and supervisors and the Project Steering Committee. The standard for professional development

is set at 7.6% of total time for the statewide average. However, this standard varies by Region in relation to staff turnover and the general experience level of staff. New agents are allocated more time for training than experienced agents.

STANDARD FOR COMMUNITY AND PROGRAM DEVELOPMENT: In time studies conducted in 1975 and 1976, agents reported 5.3% of their time in Community and Program Development. The Wisconsin Bureau of Community Corrections recently assumed many new functions placing more emphasis on the development of metro centers, halfway houses, work release centers, etc., all of which require substantial time for Bureau staff. This fact, coupled with the belief that strong relationships with the community, law enforcement and the courts can aid substantially in carrying out other agent functions and also help the general populace to understand the role of the probation and parole agent in the community, led to the establishment of a standard of 7% of total time for Community and Program Development.

In accordance with the union contract, a standard of 6% was established for personal time. In addition, 3% of total time was allocated for non-case related paperwork (expense accounts, daily logs, surveys, etc.).

VACATION, SICK LEAVE, HOLIDAYS, AND PERSONAL LEAVE: Sick leave used for the year 1977 was obtained for each agent and averaged for the whole state. Vacation time (1978 eligibility) was obtained for each agent and averaged for each Region. Holidays and personal time were added to these figures and "time off" per agent was computed for each Region.

VII. BUDGET DEVELOPMENT

A workload budget portrays the relationship between the average time required to perform required activities and total available time. Table 14 presents this process in step wise fashion. The standard time frames used for each level of supervision are based on weighted averages from the six regions of the State. This table does not list all of the functions for which Wisconsin agents are responsible, but presents an example of the type of computations undertaken to produce a workload budget.*

Table 13 illustrates the process for determining the number of agents needed to supervise clients at each supervision level.

TABLE 13

WORKLOAD COMPUTATIONS

	HOUR RATE	PROJECTED X NUMBER	AVAILABLE TIME	NUMBER OF POSITIONS
Maximum Supervision	3.03	6,096	116.5	158.5
Medium Supervision	1.23	7,746	116.5	81.8
Minimum Supervision	.55	4,610	116.5	21.8

The methodology utilized to continually track workload in each office is described in the Classification section of the Wisconsin Bureau of Community Corrections Field Manual (Appendix B).

*For further information, see the Bureau of Community Corrections 1979-81 Budget Report.

TABLE 14

STATEWIDE BUDGET

WORKLOAD STANDARDS

(Statewide Averages)

Maximum	3.03 hrs./mo.
Medium	1.23 hrs./mo.
Minimum	0.55 hrs./mo.

INVESTIGATIONS

Presentence	9.0 hrs.
Admission	8.0 hrs.
Probation	
Socials	8.0 hrs.

TOTAL AGENT TIME AVAILABLE

52.2 weeks x 40 hours = 2088 hours/year
 (less vacation, sick
 leave, holidays) - 259 hours
 1829 hours/year

Less

<u>TIME REQUIRED FOR:</u>	<u>Pct.</u>	<u>Hrs.</u>
Professional Development Program and Community Development	7.6%	138
Administrative Tasks	3.0%	55
Personal Time	6.0%	110
	<u>23.6%</u>	<u>431</u>

Equals

TIME AVAILABLE TO SUPERVISE CLIENTS OR
 TO CONDUCT INVESTIGATIONS:
 1398 ÷ 12 = 116.5 hours/month

PROJECTIONS:

1980

End Point Caseload Presentence	18,442
Investigations	4,872
Probation Socials Admission	6,074
Investigations	1,230

PROJECTED CASELOAD BREAKDOWN:

Maximum Supervision	33%	6,086
Medium Supervision	42%	7,746
Minimum Supervision	25%	4,610

RESULTING AGENT POSITION REQUEST:

Maximum Supervision	158.5
Medium Supervision	81.8
Minimum Supervision	21.7
Presentence	
Investigations	31.4
Probation Socials	34.8
Admission	
Investigations	7.0

VIII. INFORMATION SYSTEM

The Case Classification/Staff Deployment management information system serves a two-fold purpose. One is the monitoring and evaluation of policies, procedures, programs, and contracts of the agency. The other is the analysis of client characteristics, problems, and needs.

The information system contains data collected on probationers and parolees from agency staff at admission, at termination, and from the courts at admission. The system is designed so that for each offender at the time of admission to probation or parole, a comprehensive client profile is completed. The profile includes demographic data, offense history, and sentence information, needs and risk data, and referral information. Data collected at termination is then merged with admission data providing a before/after record for each client. Data collected at termination includes needs and risk, termination type, new offense data, and information regarding the use of community resources. An overview of the information system is outlined in Appendix C.

Analysis of data falls into three categories: routine reports to management, evaluation of the system, and answers to special requests. Comprehensive periodic reports of admission and termination data for the entire state, for each region, and for each unit are prepared for various levels of management. These reports can be used to identify trends, project populations, examine usage of community resources and plan future purchase of service priorities. Special requests are similar to the reports for management but usually relate to a more specific geographical region, service delivery, client profile, or offense pattern. For example, a Regional Administrator could

receive a breakdown, by county, of the number of clients on supervision for sex crimes who had been referred to a particular community resource agency. This information could serve as a basis for an evaluation of that agency's services which could then be used to negotiate future contracts (Appendix C).

The information system design provides additional measures of agency effectiveness by giving an overall profile of the client at admission and again at termination. For each client, comparisons can be made regarding changes in classification, education, employment, alcohol usage, and other measures of adjustment. In addition, the scales used to classify can be revalidated and revised if appropriate by comparing outcome data (discharges, revocations, and new offenses, etc.) to admission information.

UPDATES AND CHANGES

The admission and termination data forms are revised periodically to remove items that have proved to be of little benefit and to reflect changes in the information needs of management. A major addition to the system is being planned at this time involving the addition of the reevaluation of client needs and risk to the automated system. This information will provide a more complete profile of clients while on supervision and provide current information for management and evaluation.

REFERENCES

- 1/ National Advisory Commission on Criminal Justice Standards and Goals, Corrections, U.S. Government Printing Office, Washington, D.C., 1973, p. 201.
- 2/ Breed, Allen F., The Significance of Classification Procedures to the Field of Corrections, The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C., 1967, p. 13.
- 3/ German, S., A. C. Mogah, and C. R. Tracer, Jr., Probation and Parole Supervision Classification: The Client Analysis Scale, Jefferson City, Missouri, Spring, 1975.

APPENDIX A

DEVELOPMENT OF THE WISCONSIN RISK ASSESSMENT SCALE

To aid in the assignment of a level of supervision, a method of assessing a client's propensity for further criminal behavior was developed. In addition to felony and misdemeanor convictions, the concept of criminal behavior was expanded to include absconsions, rules violations, and arrests. Each of these factors was then assigned a weight as illustrated by the following list:

Rules Violations	1
Arrests	1
Misdemeanor Convictions	3
Absconsions	5
Felony Convictions	7
Convictions for Assaultive Offenses	9

Each weighted occurrence was then added to a base score of 1. Scores were cut off at 30 in order to prevent a few very high totals from skewing the data.

Information was collected on approximately 250 randomly selected closed or revoked cases. The data analyzed were, to a large extent, determined by a committee of agents, supervisors, and research staff that was responsible for developing differential supervision levels and criteria for assignment to each level. The collective experience and expertise of that group suggested that "risk" could best be determined through the analysis of the following items:

1. Age at intake
2. Number of prior felony convictions
3. Number of prior misdemeanor convictions
4. Number of prior incarcerations - both adult and juvenile
5. Number of prior periods of probation/parole supervision
6. Number of prior revocations
7. Age at earliest arrest
8. Age at earliest conviction
9. Specific offenses (convictions)
10. Use of a weapon
11. Number of address changes in past year
12. Percentage of time employed
13. Problems in inter-personal relationships
14. Social identification (peer group)
15. Attitude
16. Emotional stability
17. Alcohol Usage/Problems
18. Drug Usage/Problems
19. Ability to meet financial needs
20. Ability to manage finances
21. Response to court or Bureau imposed conditions
22. Use of community resources

To select the items which would cumulatively provide the best scale for assessing client risk, a multiple linear regression analysis was implemented. Variables were entered in a stepwise fashion. The standard error of the estimate was minimized after seven variables were entered. The following table outlines the results:

TABLE A

	MULTIPLE R	R ²	SIMPLE R	F RATIO
Attitude	.6003	.36	.600	
Age at First Conviction	.7087	.50	.354	
Prior Revocations	.7268	.53	.350	
Alcohol Usage/Problems	.7412	.54	.421	
No. of Address Changes	.7513	.56	.351	
Felony Convictions	.7591	.58	.335	
Prior Periods of Probation/Parole	.7613	.58	.335	34.16*

*Significant at the .01 level.

Although factors analyzed explained only 58% of the variance in criminal behavior, the results proved sufficient to classify clients in less precise rankings. (The equation could be used to predict low, medium, and high degrees of criminal behavior rather than actual scores. "Low" criminal behavior meant a score of two or less on the criminal behavior scale. "High" criminal behavior was defined as a revocation or conviction for a new felony offense during the period of supervision.) Utilizing these rankings and comparing them to predicted scores indicated that, overall, 72% of the cases were "placed" correctly using the resultant regression equation.

Of the high risk clients misclassified as moderate risks, 3/4 had scores in the upper third of the moderate range. The substantial crossover between the high and medium risk classification scores indicates that this type of client will be the most difficult to classify accurately.

In an attempt to achieve better results, group means or percentages (depending upon the factor analyzed) were compared for all variables. Based on significant differences and simple correlation coefficients, three items were added to the risk scale. They were:

1. Specific offenses (Burglary, Robbery, Auto Theft, Forgery, Worthless Checks, and Theft)
2. Percentage of time employed
3. Drug Usage/Problems

All ten variables comprising the final scale were then assigned weights based on their correlation with criminal behavior. The scale was then tested utilizing the random sample of closed and revoked cases. While the percentage

of correct predictions actually declined slightly, it was felt that this may be due primarily to the fact that the weight associated with each independent variable was rounded to a whole number somewhat "blunting" the accuracy of the regression equation.

The following table outlines the results:

TABLE B

AMOUNT OF CRIMINAL BEHAVIOR PREDICTED	ACTUAL AMOUNT OF CRIMINAL BEHAVIOR REPORTED		
	Low	Moderate	High
Low (Minimum Supervision)	84%	10%	6%
Moderate (Medium Supervision)	32%	27%	41%
High (Maximum Supervision)	10%	24%	66%

CUT-OFF SCORES FOR EACH SUPERVISION LEVEL

The cut-off scores for each level of supervision were set somewhat low for two reasons. First, an important factor, the actual quality and quantity of supervision given each client, could not be included in the analysis. If a basic assumption of probation and parole (supervision will diminish criminal behavior) is at all valid, then successful completion of probation or parole should be strongly influenced by the degree and type of supervision. The regression analysis left 42% of the variance in criminal behavior unexplained indicating that agent intervention may be a significant factor

in decreasing criminal behavior. Secondly, all predictive devices will misclassify some persons. This is regarded as "error" and its probable limits can be stated. However, the "error" term can be manipulated -- and with a predictive scale that will result in an assignment of Corrections' clients to a structured supervision level -- such manipulation seems essential. It was assumed that in a test situation it would be better to over supervise than to under supervise. Hence, the cut-off scores for each level of supervision were lowered so that nearly all of the "error" occurred with clients being assigned to a higher level of supervision than strict interpretation of an individual score would indicate.

The low cut-off scores resulted in only 5% of the entire sample analyzed being classified lower than their actual probation/parole outcomes warranted. Experience has indicated that approximately 50% of all new clients will be classified as high risk.

3.07 CASE PROCEDURE AND PROCESS - Case Classification

3.07 CASE CLASSIFICATION

(1) General Statement

The purpose of Case Classification is (1) to improve the effectiveness of service delivery to the client and (2) to provide a data base for budgeting and staff deployment on a workload rather than a caseload mode.

All adult probationers and parolees must be classified by means of the need and risk scales and supervised according to the standards assigned to the appropriate level of supervision.

(2) Procedure

Form C-502 is the basic classification instrument, completed at the time an adult client is admitted to field supervision.

- (a) Risk Scale This classification device is designed to assess a client's propensity for further criminal behavior. Ten predictive factors are listed relating to criminal history and socioeconomic items. Each item is weighted and the total score is used to assign a level of supervision. In the interest of community protection, all assaultive offenses are weighted so that such offenders are placed in maximum supervision.
- (b) Need Scale This instrument identifies and assigns weights to eleven categories of needs most commonly evidenced in probationers and parolees. The eleven items are scored and the total is used to assign a level of supervision. Treatment plans are formulated on the severity of identified needs using guidelines set forth in CC/SD Project Report #10, "Treatment Guidelines".
- (c) Reassessment of Needs and Risk Clients are re-evaluated at six-month intervals as directed by the ledger schedule. This is accomplished by completing a needs scale and a re-evaluation of risk scale Form CC/SD 10, (C-91). This risk scale differs from the one used at intake by shifting emphasis from criminal history factors to items which reflect the client's adjustment while on supervision. This allows clients who have adjusted well since being placed on supervision to progress to lower levels of supervision and moves clients who continue to exhibit problems to higher supervision levels.

3.07(2)(F) CASE PROCEDURE AND PROCESS - Case Classification (Cont'd)

(f) Ledger Keeping

Each Unit Supervisor will designate a clerical person(s) as ledger keeper to maintain a follow system for classification.

The purpose of ledger keeping is to provide a running total of workload points for each agent, thereby enabling the Supervisor to assign new work and deploy staff. Ledger keeping will also establish a schedule of due dates for reassessment of cases and chronological summaries. The ledger will be maintained on Form CC/SD 12, (C-99).

At the beginning of each month, the Ledger Keeper will prepare a list, by area, of Periodic Summaries and Reassessments due during the month. The Ledger Keeper also prepares a weekly list of overdue C-502's and a monthly list of overdue Periodic Case Summaries and Reevaluations. The agent will receive the original of this listing while a carbon copy is kept by the Ledger Keeper and one carbon copy is routed to the supervisor.

(1) Workload Point System

The purpose of assigning points is to measure workload and in the basis for deployment and assignment.

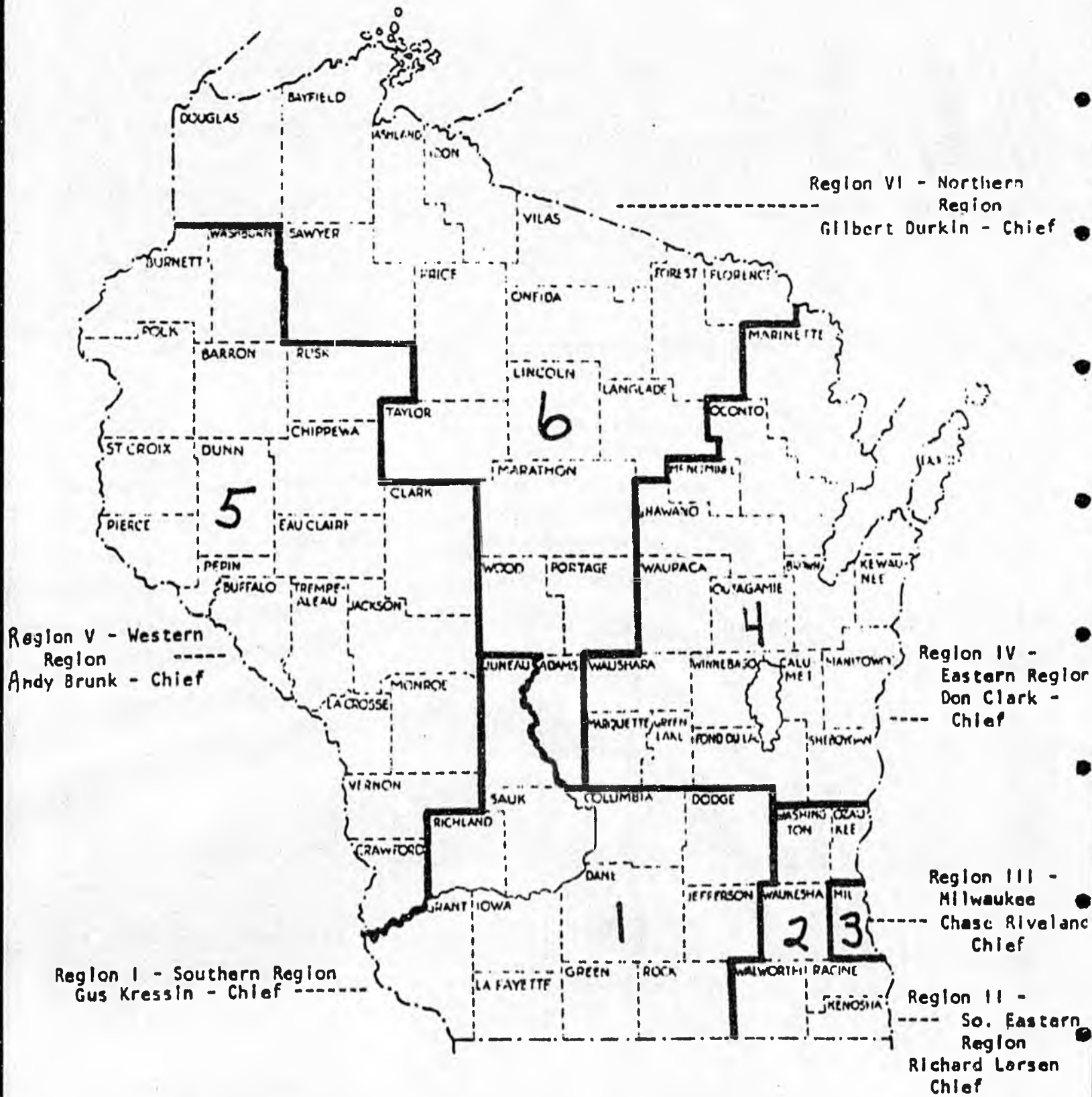
The workload points are as follows:

<u>WORKLOAD</u>	<u>ABBREV.</u>	<u>POINTS</u>
Presentence Investigation	PSI	16
Admission Investigation	ADM	14
Partial PSI Investigation	P/PSI	8
Partial ADM Investigation	P/ADM	8
Partial Prob. Soc. Investigation	P/PS	8
New Cases with Prob. Soc. Due	S/NEW	14
New Cases without Social (includes all Transfer-ins)	NEW	5
Maximum Supervision Cases	MAX	5
Medium Supervision Cases	MED	2
Minimum Supervision Cases	MIN	1
Juvenile Case	JUV	8
Institution Case (Juvenile)	INST-J	4
Institution Case (Adult)	INST-A	4
Absconder Case	ABS	4
Out-of-State Case	OS	4

(2) Monthly Ledger Summary

On the last working day of each month the Ledger Keeper will complete Form CC/SD 13, (C-100). Figures from this form are computer programmed to detect trends in workloads, regional variations, etc. to provide data essential for development of the Bureau budget.

BUREAU OF COMMUNITY CORRECTIONS



Client Name Last	First	MI	Client Number
Probation Control Date or Institution Release Date (Month, Day, Year)	Agent Last Name		Number

MENTAL HEALTH PROBLEMS

A. Check any of the following items which apply to the client:

- Suicidal Tendencies _____
- Prior Psychiatric Hospitalization _____
- Depression _____
- Passivity _____
- Hostility _____
- Thought Disorders _____
- Interpersonal Relationship Problems _____
- Court Ordered Treatment _____

B. 1. Will client be referred to Clinical Services or to a Community Mental Health Agency?
 (For Drug, Alcohol, MH or DD problems.)

Yes _____

2. If no, why not?

No _____

- Referral Not Needed _____
- Client Currently in Treatment _____
- Client Unmotivated _____
- Adequate Services Unavailable _____

REFERRAL INFORMATION

A. Select service(s) requested or currently received and enter appropriate agency code* in the space(s) provided:

REFERRAL AGENCY CODE

	#1	#2	#3
1. Consultation for Case Planning Assistance:	_____	_____	_____
2. Formal Evaluation (Clinical, Vocational, etc.):	_____	_____	_____
3. Vocational Training or Job Assistance:	_____	_____	_____
4. Mental Health Treatment:	_____	_____	_____
5. Alcohol Treatment:	_____	_____	_____
6. Drug Treatment:	_____	_____	_____
7. Developmental Disability Treatment:	_____	_____	_____
8. Educational Training:	_____	_____	_____
9. Special Services (Living Arrangement, Money, Food, etc.):	_____	_____	_____

***AGENCY CODES**

- A = Clinical Services (BPR)
- B = 51.42 Agency
- C = 51.437 Agency
- D = DVR
- E = State Mental Health Centers
- F = Job Service
- G = Volunteers in Probation
- H = County Welfare Agency
- I = District Vocational School
- J = Other (Specify Below)

1. _____ 3. _____

2. _____ 4. _____

In areas where Clinical Services personnel are available, complete the reverse side to make a referral.

Appendix E
PENNSYLVANIA

**Sentencing by Parole Board:
The Parole Revocation Decision¹**

John S. Carroll

Carnegie-Mellon University

R. Barry Ruback

University of Pittsburgh

**Chapter to appear in B. D. Sales (Ed.) Perspectives
in Law and Psychology, Vol. II: The Jury, Trial,
and Judicial Processes. Plenum.**

In most states and in the Federal system, the sentencing judge is not the sole determiner of how long a convicted offender will be in prison. Typically, the judge sets bounds on the time to be served (e.g., two to six years) without exactly specifying it. An administrative entity, the parole board, reviews the case periodically and decides exactly when to release the offender. Thus, judges and parole boards are jointly responsible for determining incarceration (Genego, Goldberger, and Jackson, 1975; Stanley, 1976).

Parole boards decide not only when to release an offender, but also if and when to place a released offender back in prison. If a parolee does not adhere to the conditions of parole, the parole board is empowered to revoke parole, return the parolee to prison, and specify the date on which the offender may be considered for reparole. This parole revocation procedure places the board almost exactly in the role of judge: they must evaluate evidence, consider mitigating factors, determine whether to incarcerate, and determine how long to incarcerate.

Revocation procedures are initiated against approximately one out of four parolees during their first year on parole (Neithercutt, 1972). These procedures can be the result of either technical violations or new offenses. A technical violation is any act committed by the parolee, other than a new crime, which violates any of the conditions of his parole. Some of the conditions are mandatory features of parole (e.g., in Pennsylvania, moving or travelling without written permission), others are placed upon the individual parolee by the board (e.g., must hold a job, must not use alcohol). Most

technical violations would not be criminal acts if done by someone not on parole. Conviction for any new offense is also a parole violation.

By the end of the first year on parole, 4% of the parolees across the U.S. have been returned to prison as convicted parole violators (CPV's), 8% have been returned as technical violators (TV's), and 4% are absconders (whereabouts unknown). However, roughly half of the technical violators have new convictions or are being returned as technical violators in lieu of prosecution for new offenses. . . By the end of the third year, 8% of the parolees have been returned as CPV's, 17% have been returned as TV's, and 5% are absconders (National Council on Crime and Delinquency, 1975).

This chapter focuses upon how the Pennsylvania Board of Probation and Parole makes revocation decisions about parolees who have been convicted of a new crime while on parole. A convicted parole violator is a true failure for the Board, which is mandated to protect society from offenders and to rehabilitate the individual offender. They have failed to reach either goal in the case of a CPV. The law in Pennsylvania [Pa. STAT. ANN. tit. 61, §331.21a (Purdon)] allows the Parole Board to recommit the CPV to prison as a parole violator and compel him² to serve the remainder of his sentence from the date of parole (i.e., the Board may eliminate any credit for the "street time" spent on parole). The Board may at any time grant a recommitted parole violator reparole, if it appears in the best interests of the prisoner and does not present a threat to the community.

The study described in this chapter was initiated because the Pennsylvania Board wanted to know about and control their own decisions. Because we had drawn upon the expert decision makers of the Pennsylvania system

in our own research for the past several years (Carroll & Payne, 1977; Carroll, in press), the Board asked us to collect data that would assist them in their policy evaluation. Their goals were to examine the current decisions of the Board members and Hearing Examiners in CPV revocation hearings, and to develop a set of guidelines to standardize these decisions and avoid any arbitrariness or unfairness among individual decision makers and cases.

In the remainder of this chapter, we will discuss the legal requirements and administrative procedures of the parole revocation decision in regard to convicted parole violators. We will then present our research on the determinants of the revocation decision and a discussion of how our research is being used in policy making by the Pennsylvania Board of Probation and Parole. It should be kept in mind that our conclusions are only relevant to the CPV since the Pennsylvania Board of Probation and Parole has established different procedures for technical parole violators, parolees with new criminal charges, and convicted parole violators.

Revocation Procedures

Prior to 1972, the parolee was granted few due process rights. This absence of constitutional safeguards was based upon the theories that parole is a privilege, that the parolee agrees to the terms of the parole "contract", that parole is still a form of custody, and that the board acts in the interests of the parolee's rehabilitation (Fisher, 1972). In 1972, the United States Supreme Court in Morrissey v. Brewer ruled that the due process clause of the sixth amendment as applied to the states by the fourteenth amendment "... requires that a State afford an individual some opportunity to be heard prior to revoking his parole" (Morrissey, pp. 472-473). Although parole revocation is not part of a criminal prosecution and therefore does not

4

constitutionally require all of the rights due a criminal defendant, it does impose a "grievous loss" on the parolee and the revocation must be in accordance with due process.

Specifically, the Court held that certain due process requirements are necessary at a preliminary hearing, after the parolee is arrested for a crime, and at the revocation hearing itself.

The Preliminary Hearing

The Court in Morrissey held that a preliminary hearing to determine whether there is probable cause to believe that there has been a parole violation is necessary when a parolee is arrested for a crime. If probable cause is found, the parolee is returned to prison to await the revocation hearing. Obviously, the preliminary hearing is necessary to insure that the temporary revocation of a parole does not occur unless the state has met its burden of proving probable cause. To further insure due process, the Court required that a person not directly involved in the case make the determination of probable cause. In addition, the parolee must be notified of the hearing and the charges against him, has the right to appear and present evidence and witnesses, has the right to cross-examine witnesses, and must receive a summary of the evidence including what supports the determination of probable cause. No preliminary hearing is required if the parolee has been convicted of a new crime, because the conviction provides probable cause that a parole violation has occurred.

In Pennsylvania, a parolee who has been arrested for a new criminal offense may be arrested and detained on a Board warrant pending disposition of the new criminal charges. This Board warrant may be issued under one of several circumstances, which are detailed in the Manual of Operations and Procedures of the Pennsylvania Board of Probation and Parole (1978). When

deciding whether to arrest and detain the parolee, the parole agent, his supervisors, and the Board consider the following eight factors:

- (a) risk to the community if the parolee is released.
- (b) sufficiency of evidence that the parolee has violated parole in a sufficiently serious manner to warrant his return as a technical violator;
- (c) history of the parolee while under supervision;
- (d) whether the parolee was in delinquent status by absconding at the time of arrest by the police;
- (e) seriousness of the offense for which the parolee has been arrested;
- (f) possibility that the parolee may abscond from parole supervision, if released;
- (g) whether the criminal charge involves an alleged use of a firearm or whether physical assault has occurred;
- (h) whether the parolee has other outstanding criminal charges.

The Revocation Hearing

After the parolee is found guilty of a new criminal offense committed while he was on parole, the Board is usually notified within a month of the conviction. If the parolee had previously been detained by a warrant pending disposition of the criminal charges, the Board schedules a revocation hearing to determine what sanctions, if any, will be imposed for the violation. If the parolee had not previously been detained, the parole agent and his supervisor must decide whether or not the parolee should be continued on parole. Should they decide to continue the person on parole and the Board concurs with that recommendation, the parolee will be notified of the decision. If the Board does not agree with the recommendation to continue the parolee on parole or if the parole agent and his supervisor recommend that the parolee should be scheduled for a revocation hearing, the parolee will be arrested and a revocation hearing will be scheduled (Manual of Operations and Procedures, 1978).

According to Pennsylvania regulations, for parolees within the jurisdiction of the Pennsylvania Bureau of Correction the revocation hearing must be held no longer than 120 days after the Board receives official notice of

conviction, although the Board usually tries to hold the revocation hearing within 60 days of receiving notice. The hearing must meet the following due process requirements:

- (a) a written notice of the claimed violations of parole;
- (b) disclosure to the parolee of the evidence against him;
- (c) opportunity to be heard in person and to present witnesses and documentary evidence;
- (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation);
- (e) a "neutral and detached" hearing body such as a traditional parole board, the members of which need not be judicial officers or lawyers; and
- (f) a written statement by the fact finders as to the evidence relied on and the reasons for revoking parole. (Morrissey, p. 489)

The Supreme Court in Morrissey specifically cautioned that, although certain due process procedures are required, it did not equate the revocation hearing with an adversary criminal trial. Thus, not all of the rights attendant to a criminal trial (for example, the exclusion of inadmissible evidence) were required at the revocation hearing. In Gagnon v. Scarpelli (1973), the Supreme Court held that there was no constitutional right to counsel at all revocation hearings, and that the right to counsel should be determined on a case by case basis. The Court did, however, suggest that an attorney should be appointed when "fundamental fairness" required it, as when the parolee claims he is innocent, or cannot speak effectively regarding compelling mitigating factors.

The Supreme Court of Pennsylvania has ruled, in line with the Morrissey decision, that a parole revocation hearing is required for convicted parole violators (Commonwealth ex rel. Rambeau v. Rundle, 1974). The court in Rambeau held that, because the reincarceration of the parolee is discretionary, a hearing to gather all the facts should be required. In addition to the specifics brought forth at the criminal trial, information that would have

been inadmissible at the trial can be presented at this hearing. According to the Rambeau court, these relevant facts or circumstances outside the record of the conviction enable the Parole Board to make the difficult revocation decision.

The court in Rambeau also held that the parolee is entitled to representation by counsel at the revocation hearing. The court explicitly held that revocation was a "critical stage" because it involved the loss of the convicted parolee's freedom. Thus, the Pennsylvania court ruling in Rambeau requires counsel at all revocation hearings (unless this right is waived) while the national minimum standard stated in Gagnon v. Scarpelli requires counsel at only some hearings depending on the circumstances of the case.

The final requirement of Rambeau is that a quorum (three of five members) of the Parole Board must be present at the revocation hearing. The court in Rambeau based its decision on language in Morrissey stating that due process requires "the opportunity to be heard in person and to present witnesses and documentary evidence" (Morrissey, p. 489). The Pennsylvania Supreme Court held that the right to be heard in person is meaningless unless the criminal parole violator is heard personally by the people who must make the revocation decision, the Parole Board. As was true with the requirement of legal counsel, this requirement that the Board be present at revocation hearings goes beyond the minimum requirements set forth by the United States Supreme Court.

Before the hearing a representative of the Board notifies the parolee, both orally and in writing, of the purpose of the hearing and of his rights to a full Board hearing, to counsel, to speak on his own behalf, to have voluntary witnesses testify, and to present evidence at the hearing. A copy of the written notice is sent to the parolee's counsel or to a public

defender if the parolee is indigent and requests free counsel. About half the parolees waive their Rambeau rights and subsequently have revocation hearings conducted by a Hearing Examiner, whose job is to conduct various types of hearings on behalf of the Board. The waiver of the Rambeau rights to a full Board hearing and to counsel must be "knowingly, intelligently and freely made" (8 Pennsylvania Bulletin at §71.4 (5) (ii) & (iii)), and the parolee must sign the waiver of these rights.

At full Board revocation hearings (Rambeau hearings), the three Board members examine the facts alleged in the parole agent's report and the presentence report of the probation officer. The CPV and his attorney present his side of the incident, particularly any justifying or mitigating circumstances. After the information is presented, the Board makes a decision either to continue the person on parole or to recommit him to prison. Three members of the Board must agree upon any action. The actions of the Board are noted on the CPV's file and transmitted to him within a few weeks.

If the Rambeau rights have been waived, the revocation hearing is held before a Hearing Examiner³ or a single Board member. The parolee presents any information that may be relevant to revocation, such as any justifying or mitigating circumstances. At the conclusion of the hearing, the Hearing Examiner writes a summary of the hearing and makes recommendations. The narrative and recommendations are then sent to the Board in Harrisburg and read by three members of the Board. After reviewing the case, each Board member makes an individual decision and notes this on the hearing summary near the Hearing Examiner's recommendation. The three Board members meet to discuss the case only if there is disagreement on the disposition of the case or if one Board member would like to discuss the possibility of a special treatment program for the CPV. Once agreement is reached, the

decisions are noted on the CPV's file, and the CPV is notified of the decision within a few weeks.

Back-Time Setting

If the judgment of the Board member or Hearing Examiner at a revocation hearing is to revoke parole, there are a number of options available. The decision maker usually recommends that the offender be recommitted to prison with review of the case for possible reparole in a specified number of months. The Board may alternatively decide to revoke parole and require the parole violator to serve all of the remainder of his previous maximum sentence. Or, the Board may recommit the offender and reparole immediately. The decision to recommit and reparole is similar to the decision to continue parole in that the CPV leaves custody for the original offense. However, by recommitting the CPV, the Board extends the maximum sentence because the time the parolee was on parole no longer counts against the original sentence. This imposes an additional penalty on the CPV and provides a longer period of parole supervision which does not include any new time that a judge may impose for the new crime. These alternatives are decided upon at the same time as is revocation.

For those offenders who are recommitted, the Board specifies how much "back time" they must serve on their original sentence until they are eligible for release. Back time may be short--when the Board immediately reparaes the offender, longer--until the specified review date, or long--until the end of the original sentence. Back time is considered to begin when the parolee "is taken into custody to be returned to the institution as a parole violator" (PA. STAT. ANN. titl. 61, §^S331, 21a (Purdon)). Until 1977, this was generally construed to be the time of the revocation hearing. As a result of Mitchell v. Commonwealth (1977), the Pennsylvania Board has instituted new regulations requiring that back time be considered to start at the date the warrant is formally lodged by the Board. All of the cases in our study fall under the

old regulations.

Under Pennsylvania law (PA. STAT. ANN. tit. 61, §331, 21a (Purdon)), a recommitted CPV serves time on his original offense before he serves his new sentence if he had been paroled from a state institution and his new sentence is to be served at a state institution, or if he had been paroled from a county institution and his new sentence is to be served in the same county institution. Under these circumstances, the back time a CPV must serve is like a new minimum sentence, an immediate penalty for violating parole. If the CPV is sentenced to (a) a county institution after being paroled from a state institution, (b) a state institution after being paroled from a county institution, or (c) a different county institution than the one from which he had been paroled, he must serve the new sentence before he can serve the back time.

Evaluating Parole Revocation Decisions

The Chairman of the Pennsylvania Board of Probation and Parole first approached us about this project in early 1977. He expressed the Board's concern about anecdotal evidence indicating that back-time decisions sometimes failed to reflect important factors in CPV cases. The Board desired a set of guidelines which would relate back time to important features of the case. The Board wanted these guidelines to focus upon offense types graded by severity, with more severe offenses receiving more punishment. These guidelines would make Board policy explicit, help standardize decisions, and help in the training of new Board members and Hearing Examiners.

The Pennsylvania Parole Board was familiar with an analogous series of studies of the parole release decision by Gottfredson, Wilkins, and their colleagues (Gottfredson, Hoffman, Sigler, & Wilkins, 1975). Their approach formed the basis for the present efforts. Gottfredson et al. worked with the United States Board of Parole to "structure and control discretion--thus strengthening equity (fairness)--without eliminating it" (p. 41). They first identified the primary factors that decision makers considered important, using data from subjective ratings of actual decisions over a six-month period. These factors were the severity of offense, parole prognosis, and institutional behavior of the parole applicant. The second step of their approach was to provide objective criteria for the subjective factors. Thus, time served was considered to be the objective index of severity, and a prediction device was constructed to provide an objective risk prognosis (e.g., aspects of prior record, education, parole plan). Institutional behavior was allowed to remain a subjective determination.

The next step was to relate the severity and risk indices to an amount of time in prison. This was accomplished by tabulating severity and risk scores and actual decisions for a large sample of cases. The result was a two-dimensional system which relates the offense severity and risk prognosis of any parole applicant to a "discretion range" of time to serve. For example, a "moderate" severity offense (e.g., vehicle theft) and a "fair" probability of a favorable parole outcome would give a 20-24 month range of time to serve. This system was implemented, beginning in 1972, as a set of decision guidelines. Hearing Examiners complete an evaluation form for each parole applicant which yields a range of time to serve. Should the recommendation be outside the guidelines, the Hearing Examiner must specify the reasons for the judgment.

The final step in the Gottfredson et al. procedure is guideline modification. Over time, the Board experiences a series of agreements and disagreements with the guidelines. Tabulations of these outcomes provide objective records of disagreements. The Board periodically meets to discuss any changes in the perceived seriousness of a crime, the patterns of time served, the importance to the Board of the severity or risk factors, or discretion ranges that are found to be too broad or too restrictive. Feedback from actual decisions or changes in the explicit policy of the Board can result in modification of the guidelines. Thus, the complete procedure is a self-perpetuating cycle of policy generation and policy evaluation.

The Pennsylvania Board adopted the following plan: (a) we would make a study of current revocation and back time-setting decisions, to illuminate the factors now influencing such decisions, and then, (b) the Board would consider whether this "implicit policy" was reasonable, and perhaps make a new "explicit policy" which would seek to change the relationship of certain

factors to the decisions.

A Study of Revocation Decisions

In order to identify the important factors in current decisions, we designed a one-page questionnaire to be filled out by each decision maker immediately after each revocation hearing. This initial pilot questionnaire contained our impressions of what should be important in revocation decisions, based upon past studies of parole boards and our discussions with Board members.

A meeting with the five Board members was arranged in which the revocation questionnaire was discussed. Four sample CPV cases that had recently been decided were treated as if they were now in a revocation hearing. Each Board member made recommendations about each case, and filled out our pilot questionnaire. Each case was then discussed until consensus was reached. This helped clarify and make salient the factors under consideration. By the end of this meeting, we had a list of factors the Board considered important.

We modified the pilot questionnaire to contain those factors that had emerged in the previous meeting, and added some factors which impressed us after listening to tape recordings of the meeting. This modified questionnaire was sent to the Board for additional changes, thus producing our final questionnaire.

The final questionnaire contained over 40 items in several categories:

- a) the new offense—the nature of the crime and the trial;
- b) the criminal record, including the original offense, prior offenses, and outstanding charges or detainers;
- c) previous parole performance and evaluations of recidivism risk;
- d) other factors and treatment needs;
- e) time remaining on the original sentence (back-time owed); and
- f) recommendations to re-