

**Arizona Supreme Court
Commission on Victims in the Courts**

February 5, 2010 Meeting Agenda
State Courts Building, Conference Room 345A/B
Conference Phone Number: (602) 452-3192 Access Code 1112

- Welcome and Call to Order**
- 10:00 a.m. Announcements Hon. Ron Reinstein, Chair
- Approval of November 2009 Meeting Minutes***
- 10:10 a.m. Legislative Update Ms. Katy Proctor
- Old Business**
- 10:20 a.m. **Children in the Court Update**** Hon. Ron Reinstein
Dr. Kathy Coffman
- Appellate Court Update
- New Business**
- 11:00 a.m. Evidence Based Practices Ms. Kathy Waters
- 11:20 a.m. Strategic Planning Ms. Carol Mitchell
 SAVIN project
- 11:40 a.m. **Workgroup Updates**
- Restitution* Mr. Dan Levey
- 11:45 a.m. **Call to the Public/Adjourn** Hon. Ron Reinstein

****Potential Voting items**

Next Meeting Date: May 14, 2010

Location: Conference Room 345
State Courts Bldg.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 5, 2010	<input checked="" type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Approval of COVIC November 2009 minutes

FROM: Commission on Victims in the Courts

PRESENTER(S): Hon. Ron Reinstein, Chair

DISCUSSION & TIME ESTIMATE: Review and approval of minutes from the November 6, 2009 COVIC meeting.

RECOMMENDED MOTION (IF ANY): Approve minutes from November 6, 2009 meeting as presented.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 5, 2010	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Update

FROM: **Administrative Office of the Courts
Government Affairs Office**

PRESENTER(S): **Katy Proctor, Legislative Liaison**

DISCUSSION & TIME ESTIMATE: **Update on pending victim-related
legislation. (10 min)**

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 5, 2010	<input checked="" type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Children in the Court Workgroup Update

FROM: Commission on Victims in the Court-Children in Court Workgroup

PRESENTER(S): Hon. Ron Reinstein and Dr. Kathy Coffman

DISCUSSION & TIME ESTIMATE: Discuss current options for addressing COVIC's recommendation for enhanced guidelines/standards of practice for attorneys who represent children in dependency, guardian and termination proceedings. (20 min)

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 5, 2010	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Strategic Planning-SAVIN project

FROM: Administrative Office of the Courts

PRESENTER(S): Carol Mitchell

DISCUSSION & TIME ESTIMATE: Discuss the concept of a collaborative project for a potential grant submission to enhance statewide victim notification. (15 min)

Link to grant application:

<http://www.grants.gov/search/search.do;jsessionid=ndT2LjhCkY92nST9TIYRLs6G0ksTtpZ469LKcbmylcdCknGRjl7!-1179711943?oppld=50692&mode=VIEW>

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 5, 2010	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Evidence Based Practices in Probation Supervision

FROM: Kathy Waters, Administrative Office of the Courts

PRESENTER(S): Kathy Waters, Adult Probation Services Division Director

DISCUSSION & TIME ESTIMATE: This presentation will explain the Supreme Court's commitment to Evidence Based Practices and its relationship to crime victims. (20 min)

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 5, 2010	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Restitution Workgroup Update

FROM: Commission on Victims in the Courts

PRESENTER(S): Dan Levey, Restitution Workgroup Chair

DISCUSSION & TIME ESTIMATE: Update to restitution-related matters. (10 min)

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts
DRAFT MINUTES
Friday, November 6, 2009
10:00 a.m. to 1:00 p.m.
State Courts Building
1501 W. Washington Street
Phoenix, AZ 85007
Conference Room 106

Members Present:

Ms. Patricia Bigwood
Dr. Kathryn Coffman
Ms. Sydney Davis
Ms. JoAnn Del Colle (telephonically)
Hon. Gary Donahoe
Ms. Karen Duffy
Cpt. Larry Farnsworth
Ms. Daisy Flores (telephonically)
Hon. Andrew Gould
Ms. Keli Luther
Hon. Anna Montoya-Paez
Hon. William O'Neil
Mr. Doug Pilcher
Mr. Paul Prato
Hon. Ronald Reinstein (Chair)
Hon. Antonio Riojas, Jr. (Telephonically)
Hon. Richard Weiss

Presenters/Guests:

Ms. D.K. (telephonically)
Mr. Gordon Mulleneaux
Ms. Julie Williams

Staff:

Ms. Carol Mitchell
Ms. Kimberly Reid
Ms. Amy Wood

Members Absent:

Mr. Paul Ahler
Hon. Lex Anderson
Mr. James J. Belanger
Mr. Michael Branham
Ms. Leslie James
Ms. Hilary Peele
Mr. David Sanders

I. Regular Business

A. Welcome and Opening Remarks

The November 6th, 2009 meeting of the Commission on Victims (COVIC) in the Courts was called to order by Chair, Honorable Ronald Reinstein, at 10:12 a.m.

B. Approval of September 11, 2009 Minutes

Minutes from the September 11, 2009 Commission on Victims in the Courts meeting were presented for approval.

MOTION: To approve the September 11, 2009 Commission on Victims in the Courts minutes as presented. *Motion seconded and passed unanimously.*

II. Business Items / Potential Action Items

A. Approval of 2010 COVIC Meeting Dates

The Commission will change from quarterly meetings to three meeting dates in 2010: February 5, May 14 and October 1.

MOTION: To approve the proposed 2010 meeting dates. *Motioned and seconded. Approved with no objections.*

B. Amendment to ACJA§ 5-204

As discussed at the September 2009 meeting, the proposed amendment to Arizona Code of Judicial Administration, Part 5, Chapter 2, Section 204, Paragraph K, "Restitution Payment Processing," is to raise the disbursement of restitution threshold from ten to thirty dollars and to clarify the use of business versus calendar days in the payment process. The current Code sets a mandatory threshold of ten dollars for the release of payments; however, Maricopa County has requested that the threshold be increased to thirty dollars. This change was discussed with the Clerks of the Court Association in their September meeting and was unanimously supported because it does not require any change to current practices. Dave Byers, Director of the Administrative Office of the Courts, gave his approval of this issue to go out to all of the committees for consideration as a change to the Arizona Code of Judicial Administration.

The current practice of restitution disbursements varies by county. Some counties will disburse restitution once ten dollars is received, whereas other counties disburse all restitution monies as they are received, no matter the amount. The proposed amendment does not require change by any Clerk or any court, but allows them to extend the threshold to thirty dollars if they wish.

The motivation for this amendment is due to budget/resource issues. There is the potential to save, specifically Maricopa County Clerk's Office, over one thousand dollars per month due to the reduction of the large volume of payments currently mailed to victims.

The restitution payment system used by Maricopa County Clerk's Office has the ability to manually send out checks of less than ten dollars if requested. In the past years, they honored all requests to do so. At the request of the COVIC Committee, Maricopa County has proposed new language in the code requiring notification be sent to parties receiving restitution of the change in the threshold amount.

Gordon Mulleneaux, of Maricopa County Superior Court Clerk's Office, has presented this proposed rule change to the Limited Jurisdiction Committee (unanimously supported) and will be presenting it to Committee on Superior Court and the Juvenile Court Committee in the next few days.

Discussion:

- Gordon Mulleneaux will follow up to determine whether functionality exists in Maricopa County Superior Court Clerk's Office automated system to allow a victim to request an automatic monthly disbursement for amounts below the threshold or if they will be required to make the request each month.

MOTION: To accept the amendment as written. *Motioned and seconded. Approved with no objections.*

A. Maricopa Master Calendar Update

Judge Gary Donahoe, Judge of the Superior Court of Maricopa County, gave an update on the Master Calendar system currently in use at Maricopa County Superior Court. This update is in relation to the petition for rule change that would require a case to be continued if it did not go to trial within three days of its firm trial date. For the week of October 26, 2009 through October 30, 2009, twelve cases were assigned for trial. Of those cases, seven went to trial on the firm trial date; four went to trial one day after the firm trial date and one went to trial two days after the firm trial date. Since the implementation of the Master Calendar system, Maricopa County Superior Court has heard 216 cases. Of those 216 cases, only eight have started more than three days after the firm trial date. The assignment judge notes the delays were due to prosecutorial trial date requests.

Discussion:

- Prior to the implementation of the new master calendar system there were complaints from victims regarding cases that were continued 20, 30 or even 60 days from the original trial date.
- The directive under the master calendar system is for the judge to take the case the day it is assigned unless there are extraordinary circumstances. An example of an extraordinary circumstance would be pre-trial motions which have not yet been ruled upon.
- Judge Donahoe is considering requiring a minute entry to be entered and forwarded to him each time a case is continued two or more days beyond the trial date.
- Judge Richard Weiss, Judge of the Superior Court of Mohave County, explained that the three day policy would be difficult to uphold in rural counties where there are not enough judges to hear all of the cases.
- Keli Luther described her experience with trials that are being held as scheduled. Arizona Voice for Crime Victims is changing their practices to keep up with the quick processing of cases.

- Keli Luther is concerned that some victims get confused with the change of judges that occurs, including the change from motion judge to trial judge.
- Judge Weiss asked how Maricopa County handles Notices of Change of Judges. Judge Gary Donahoe explained that the Notice of Change of Judge is issued to the parties before they leave the courtroom.
- Doug Pilcher, Court Administrator for Phoenix Municipal Court, explained that Phoenix Municipal Court also uses the Master Calendar system in place at Maricopa County Superior Court. They have found that it is helpful in monitoring which party has been delaying a case through filing multiple motions and the court has been addressing those issues.
- Judge Donahoe mentioned the Capital Oversight committee:

B. Capital Case Oversight Committee (new topic which did not appear on the agenda)

Judge Reinstein explained that the Capital Case Oversight Committee stemmed from the backlog of pending capital cases in Maricopa County. There are nine members on the committee, four of whom are on COVIC: Judge Reinstein, Judge Donahoe, Paul Prato and Dan Levey. The largest issue facing victims in capital cases is the lengthy time to trial; some cases take five years to make it to trial. The committee recently voted to recommend that the Supreme Court extend the maximum time to trial from 18 to 24 months. Judge Reinstein presumes that when the recommendation makes it to the annual Supreme Court Rules Meeting, it will be clear what effect the Master Calendar system is having on the processing of capital cases.

Discussion:

- Judge Donahoe explained that he voted against the time extension because he believes that the defense teams will procrastinate when dealing with the case. He cited the Martinson case as a prime example.
- Judge Reinstein explained his vote in support of the extension was because he wanted the Supreme Court to fully consider this issue and obtain input and public comment.
- Judge Donahoe encouraged COVIC to make a comment on the recommendation.
- Judge Andrew Gould, Judge of the Superior Court of Yuma County, explained that in rural counties, capital cases take time to be processed because most judges who lack experience with capital cases proceed extremely cautiously.
- Judge William O'Neil, Judge of the Superior Court of Pinal County, believes that there is a disregard to the 18 month rule. He believes that if capital cases can go to trial in 18 months in Maricopa, they can go to trial in any county.
- Paul Prato explained that at the Maricopa County Public Defender's Office, they are short-staffed when it comes to capital cases. They were recently unable to fill a vacancy due to lack of interest and are at their maximum caseload based on ABA standards.
- Keli Luther explained that 60% of Arizona Voice for Crime Victims' caseload is representing victims in capital cases.

C. A.R.S. § 13-1415 Testing Procedures

Judge Reinstein raised the issue of who pays for HIV testing when someone is in custody. At the last meeting, many counties reported that the County Departments of Health Services have been conducting and financing the tests.

Discussion:

- Dr. Kathy Coffman explained that the test she is most familiar with is OraSure or Oraquick. This test has minimal cost because there is no laboratory time and results are available in as little as 20 minutes. With minimal training, it can be performed by almost anyone. With the quick turn-around, if a test comes back positive, any potentially affected parties can be treated to prevent transmission.
- The main concern in Maricopa County has to do with what department will be financing the tests.

ACTION ITEM: Judge Reinstein will talk to Jerry Landau about the possibility of making a legislative change.

ACTION ITEM: Judge Donahoe will have Karen Westover contact Larry Farnsworth to set up a meeting with various agencies in Maricopa County to discuss how they will proceed.

D. New ACJA Forum

AOC recently developed a new electronic forum for pending Arizona Code of Judicial Administration proposals. The new ACJA Web Forum (similar to the Rules Forum) can be found at: <http://azdnn.dnnmax.com/Default.aspx?alias=azdnn.dnnmax.com/forumacja>.

This forum is designed to enable committee members and others to review and comment on proposed ACJA sections. Staff responsible for these sections will review comments in order to make modifications to drafts and bring issues forward for AJC. To comment on any proposed code section, registration is required; however, registration is not necessary for read only/ review access.

E. Strategic Planning Review

This item will be discussed at a future meeting.

F. Work Group Updates

1. Restitution

The restitution work group is in the final stages of reviewing the restitution webpage. The current focus is keeping the information as brief as possible so that readers do not have to search through pages of information. They also focused on using resources already available, for example, the website has a link to Maricopa County Adult Probation's page for frequently asked questions about restitution.

2. Children in the Courts

The Children in the Courts workgroup initially wanted to get the Child Dependency Attorney Guidelines reflected in court rules; however, the Arizona Judicial Council did not support the recommendation citing concerns for the attorney discipline issues and the impact to rural counties. The new focus is getting the guidelines implemented as Attorney Best Practice Standards.

At an earlier COVIC meeting, it was recommended that this be implemented as a change to the Arizona Code of Judicial Administration. The following judges will be consulted to help with this process: Judge Escher, Judge Brutinel, Judge Nelson and Judge Davis.

Discussion:

- This workgroup needs to be mindful of the challenges faced in rural counties when it comes to finding counsel for children.
- This workgroup might also want to look at attorneys for children in criminal and other legal matters.
- Judge O'Neil cautioned against trying to do too much. The focus should be narrow and once it is in place, it will be easier to build upon at a later time.

3. Administration of Justice

Judge O'Neil volunteered to chair the workgroup. One item that he would like to discuss is looking at how courts address victims' needs when there are both criminal and civil cases. In New Jersey, a criminal judge can establish an injury and place a judicial order of liability. Once the finding is established, the civil case solely needs to determine damages. This same idea may be helpful in a variety of case types in Arizona, including dissolution of marriage.

Please contact Carol Mitchell, Judge Reinstein or Judge O'Neil to participate in this workgroup.

III. Business

A. Next Meeting:

February 5, 2010
10:00 a.m.
State Courts Building
Phoenix, AZ 85007
Conference Room 119 A/B

B. Call to the Public

Ms. D.K. called in to give an update on her situation as described at the September 2009 COVIC meeting. She had several questions to be answered: Are all appellate opinions public? Judge Reinstein explained that they are public. She also asked, when a case is sealed in Superior Court, does the seal follow the case to appellate court? Follow up was done after the meeting to determine that the seal does not follow the case when it is appealed. Ms. D.K. also explained that she is still having problems removing her name from West Law. She and her sister are hesitant to get counseling through their private health insurance because of other stories they have heard about benefits being revoked. Arizona Voice for Crime Victims will reconnect with Ms. D.K. next week.

ACTION ITEM: Judge Reinstein will follow up with Judge Timmer on the progress of the volunteer work group that was assembled to review old opinions for information that needs to be redacted.

C. Adjournment

The meeting adjourned at 12:16 p.m.

DRAFT

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

ESTABLISHING STANDARDS OF
PRACTICE FOR LAWYERS WHO
REPRESENT CHILDREN AND
PARENTS IN DEPENDENCY,
GUARDIANSHIP AND
TERMINATION PROCEEDINGS

Administrative Order
No. _____

Pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that not later than July 1, 2010, the superior court in each county shall establish standards of practice for lawyers who represent children and parents in dependency, guardianship and termination proceedings including lawyers appointed as guardian ad litem.

At a minimum, these standards shall include provisions that:

- 1. Establish general authority and duties.** This should address the responsibilities of the attorney from appointment through dismissal of the case.
- 2. Establish minimum client contact/communication requirements.** This should address the contact/communication expected before and after substantive court hearings and when apprised of significant events impacting on the client.
- 3. Establish general training/competency requirements.** This should include ongoing educational requirements for attorneys practicing in this area as well as the training required for newly appointed attorneys.
- 4. Establish caseload requirements.** Attorneys representing children and parents must have caseloads that allow them to perform the duties required under these standards.

The Court recommends that each county take the following materials into consideration when developing standards: American Bar Association's *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* and *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases*; National Association for Counsel for Children's Revised Version of the ABA Standards; Arizona Administrative Office of the Courts' *Statewide Standards and Training Guidelines for Attorneys in Dependency Court*; the standards set forth in the National Council of Juvenile and Family Court Judges' *Resource Guidelines*; *The Child's Attorney* by Ann Haralambie; and Children's Action Alliance's *Hearing Their Voices – Children and Their Legal Representation in the Dependency Court*.

IT IS FURTHER ORDERED that each county shall provide a copy of its standards to the Chief Justice for approval by July 1, 2010.

IT IS FURTHER ORDERED that the Administrative Office of the Courts (AOC) shall establish a statewide training that may be used by counties in fulfilling their training requirements for newly appointed attorneys.

Dated this _____ day of _____, 2010.

REBECCA WHITE BERCH
Chief Justice

Statewide Standards and Training Guidelines for Attorneys in Dependency Cases

A. Statewide standards for attorneys in dependency cases.

1. Attorneys must be familiar with the standards for representation set forth in the National Council of Juvenile and Family Court Judges AResource Guidelines@.
2. Attorneys for children must be familiar with the American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases.
3. Attorneys appointed for children must clarify whether their appointment is as a GAL or as attorney and the ethical obligations associated therewith.
4. Attorneys have an obligation to inform their clients about the nature of the proceedings, the attorney=s role, the possible outcomes of each hearing, and the consequences of the clients participation or lack of participation.
5. Attorneys must participate in discovery, file the appropriate pleadings and develop the client=s position for each hearing. This may include identifying appropriate family and professional resources for the clients, as well as subpoenaing witnesses to testify in support of the client=s position.
6. Attorneys must personally meet with their client prior to the Pre-Hearing Conference. Attorneys for children, must meet with clients prior to a hearing. Pre-verbal client meetings should take place in the minor=s placement.
7. Attorneys must have some meaningful contact with their clients prior to every substantive hearing. There may be older children who cannot speak, but still should meet with attorney. To determine the pre-verbal child=s position, attorneys must contact caretakers, case managers, daycare providers, CASAs and relatives. If the minor=s placement is at issue, contact with the pre-verbal minor should be at the minor=s placement. Substantive hearings include all preliminary protective hearings, dependency contest, review hearings and motions involving placement, visitation or services.
8. To the extent possible, attorneys should attend or provide input to CPS staffings and Foster Care Review Board reviews.
9. Attorneys may use appropriately trained support staff to perform the contacts noted in items 4, 6 and 7 above. Support staff performing these contacts must adhere to the standards noted herein.

10. Attorneys should identify any potential and actual conflicts of interest that would impair their ability to represent a client. Specifically, attorneys for children should determine if the appointment of a guardian ad litem is necessary, or if the appointment of another attorney is required to represent siblings with different positions.
11. Attorneys for children should determine whether their clients should appear at Court hearings by assessing the client=s desire to attend, type of hearing, client=s age, emotional and intellectual functioning, and impact on the minor.
12. Attorneys should be knowledgeable of the child welfare and related systems serving children (i.e., behavioral health, DDD, AHCCCS) and should be aware of the State and local community based service providers and organizations that can assist clients regarding financial assistance, counseling support and other reunification services and know how to access these services.

B. Training Curriculum for Attorneys Appointed in Dependency Case Proceedings.

1. Attorneys must be familiar with the substantive dependency law. Attorneys have an obligation to stay abreast of changes and developments in relevant Federal and State laws, state regulations, and relevant court decisions. They should also receive training on child development, substance abuse, behavioral health and other common issues including the affects of child abuse and neglect.
2. Attorneys must attend an initial training program (such as the State Bar=s >Juvenile Dependency in a Nutshell= program) designed to educate them about dependency procedures and other related topics. (See Exhibit A)
3. The presiding juvenile court judge in each county may modify these standards for good cause.

C. Compensation

The juvenile court shall assist the attorneys to meet the standards by paying them in a manner commensurate with other attorneys providing indigent legal representation and assisting in developing or making programs accessible.

Exhibit A: Sample Training

Adoptions

Ethics

Juvenile Court Survival Training

Changes in Dependency and Severance Statutes

The Role of Mediation in Dependency Cases

Child Sexual Abuse and the Family B Treatment

The Use of Psychological Evaluations with Parents and Children

Domestic Violence

Bonding and Attachment Disorder

Kids Care

Center for the Difficult Child

Model Court Multi Disciplinary Training

The Realities of Addiction

NCJFCJ Mediation Training

Family Assistance Administration Eligibility

Contract Attorney Dependency Training

SUPERVISION THAT REDUCES CRIME: EVIDENCE BASED PRACTICES

Kathy Waters, Adult Probation
Services, Arizona Supreme Court

Sentencing Purposes

- ❑ **Public safety**
 - Protect public from this offender through control mechanisms
- ❑ **Deterrence/Punishment**
 - Deliver a message to offender and community that behavior will not be tolerated
- ❑ **Risk reduction**
 - Reduce likelihood that offender will commit future crime
- ❑ **Victim/Community restoration**
 - Hold offender accountable to victim and community he harmed by requiring actions to restore those he hurt

Why Policy Makers Care About EBP

- ❑ Improves outcomes, especially recidivism
- ❑ Reduces victimization
- ❑ Prevents harm
- ❑ Enhances collaboration
- ❑ Establishes research-driven decision making
- ❑ Targets funding toward the interventions that bring greatest returns

Definition

Evidence Based Practices: A progressive, organizational use of direct, current scientific evidence to guide and inform efficient and effective correctional services.

Forerunner Was Evidence Based Medicine

- ❑ 1836: Bloodletting was routine
- ❑ French physician Pierre Louis: One of first clinical trials in medicine
- ❑ Found bloodletting was linked to far more deaths
- ❑ **Too Late for George Washington:** Died two days after treated for sore throat by draining almost five pints of blood

What Have We Learned in the Past Fifteen Years?

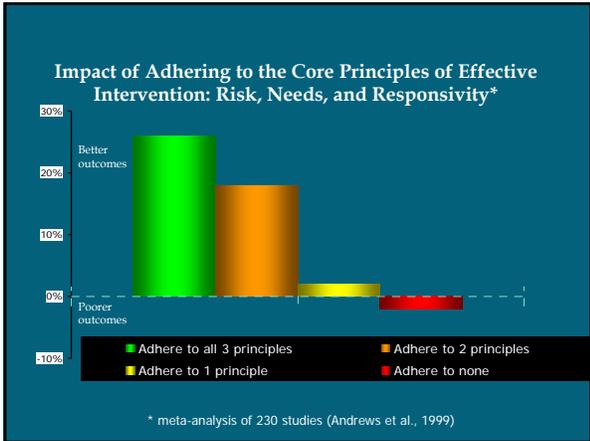


The 8 Principles of EBP

1. Assess risk/ need
2. Enhance intrinsic motivation (engaged in treatment)
3. Target interventions
 - Risk Principle
 - Need Principle
 - Responsivity Principle

The 8 Principles of EBP

4. Skill train (Practice)
5. Positive reinforcement
6. Support in natural communities
7. Measure process
8. Provide feedback



Assessment Is Based on the Risk and Need Principles

Risk is based on likelihood of re-offense

- ▣ Actuarial tools get better results
- ▣ Best if validated on own population
- ▣ Most tools do not distinguish on level of offense
- ▣ Some tools target kind of offense (e.g., sex, domestic, DUI)
- ▣ Risk tools do not serve as good institutional classification devices
- ▣ Cost and time are major factors
- ▣ Most need additional tools
 - E.g., Hare, SONAR, SARA, etc.

Assessment: Uses for Community Corrections

- Pre-sentence recommendations to Court (if permitted)
- Initial classification (level of supervision)
- Case planning/ determining interventions
- Progress monitoring
- Intermediate sanctions
- Recommendations for revocation/ disposition (if permitted)

Two Types of Variables

STATIC
 Historical, unchangeable
 E.g.: Age at first arrest
 Childhood factors

DYNAMIC
 Potentially changeable
 E.g.: Attitudes
 Use of substance
 Control of anger

Assessment is Based on the Risk and Need Principles

Needs based on life and personal conditions:

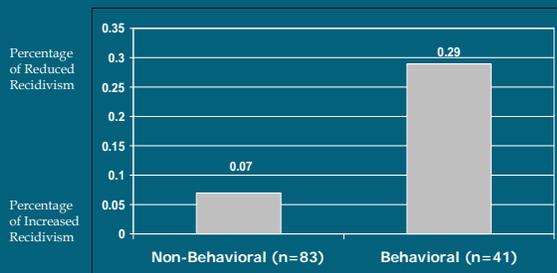
- ▣ Are dynamic as opposed to static
- ▣ Are predictive
- ▣ Provide the ingredients for a case intervention
- ▣ Can be measured over time to determine effectiveness
- ▣ If done correctly, can drive major correctional policy
- ▣ E.g., discharge, release, conditions, admissions

What Does Work

Features of Effective Interventions:

- ▣ Target criminogenic risk and need
- ▣ Cognitive/behavioral in nature
- ▣ Incorporate social-learning practices
- ▣ Balanced integrated approach to sanctions and interventions
- ▣ Incorporate the principle of responsivity
- ▣ Therapeutic integrity

Behavioral vs. Non-Behavioral



Source: Andrews, D.A.1994. An Overview of Treatment Effectiveness. Research and Clinical Principles, Department of Psychology, Carleton University.

Risk

- Assessment should be done as early on in the criminal justice process as possible
- Assessment should be conducted using a standard risk and need assessment
- Sentences should be based on that assessment
- Supervision should be based on that assessment
- Referrals for service should be based on that assessment
- Should be targeting HIGH RISK OFFENDERS for most intensive services

Lowenkamp 16

Dealing with Risk Levels

- ▣ Low Risk = Risk Management
 - Least restrictive intervention
- ▣ Medium to high risk= Risk Reduction
 - Reducing risk factors by targeting dynamic criminogenic needs
- ▣ Extreme High Risk = Risk Control
 - Use of external controls- not treatment



Strategies for Low Risk Offenders

- ▣ Fewer criminogenic needs
- ▣ Do NOT need intensive interventions/services
- ▣ Should receive services for a shorter amount of time
- ▣ Do not require as much monitoring/supervision as high risk offenders
- ▣ Consequences of placing low risk offenders into intensive programming:
 - At best, no change in their probability of re-offending
 - At worst, an increase in their probability of re-offending

Strategies for High Risk Offenders

- ❑ Should receive more intensive interventions for a longer period of time
 - Referrals/ orders to the treatment providers that have separate treatment groups for higher risk offenders
 - Make referrals/ orders so that higher risk offenders receive more services
- ❑ Should be monitored more closely
 - More contacts/reporting
 - More drug testing if necessary
 - Have strategy in place for violations

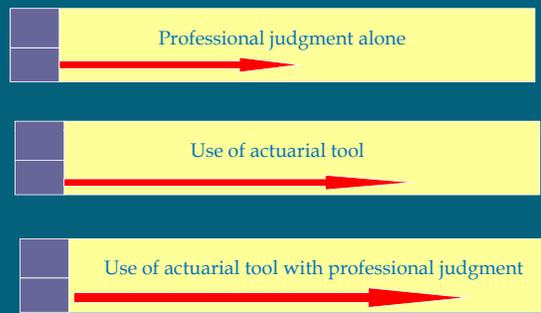
What Works?

- Target criminogenic risk and need based upon assessment
- Programming that is Cognitive/behavioral in nature
- Incorporate social-learning practices
- Balance sanctions and interventions
- Incorporate the principle of responsivity into treatment and case planning

Protective Factors

- ❑ Pro social family
- ❑ Pro social peers
- ❑ Performance in school or job
- ❑ Positive relationship with spouse
- ❑ Positive parental relationship
- ❑ No alcohol or drug problems
- ❑ Makes good use of time

Results Driven Practice



The Big Four

Criminogenic Need	Response
History of anti-social behavior	Build non-criminal alternative behaviors to risky situations
Anti-social personality	Build problem solving, self management, anger management, and coping skills
Anti-social cognition	Reduce anti-social cognition, recognize risky thinking and feelings, adopt an alternative identity
Anti-social companions	Reduce association with criminals, enhance contact with pro-social

Source: Ed Latessa, Ph.D.

The Next Four

Criminogenic Need	Response
Family and/or marital	Reduce conflict, build positive relationships and communication, enhance monitoring/supervision
Substance abuse	Reduce usage, reduce the supports for abuse behavior, enhance alternatives to abuse
School and/or work	Enhance performance rewards and satisfaction
Leisure and/or recreation	Enhance involvement and satisfaction in pro-social activities

Source: Ed Latessa, Ph.D.

Need Principle

By assessing and targeting criminogenic needs for change, agencies can reduce the probability of recidivism

Criminogenic:

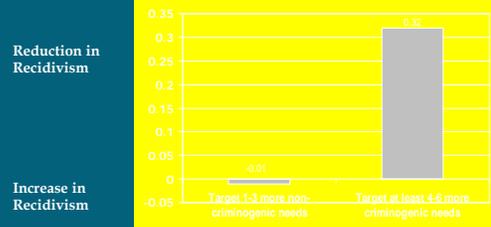
- Anti social attitudes
- Anti social friends
- Substance abuse
- Lack of empathy
- Impulsive behavior

Non-Criminogenic:

- Anxiety
- Low self esteem
- Creative abilities
- Medical needs
- Physical conditioning

Targeting Criminogenic Need

Results from Meta-Analyses



Source: Gendreau P., French S.A., and A. Taylor (2002). What Works (What Doesn't Work) Revised 2002. Invited Submission to the International Community Corrections Association Monograph Series Project

A Balanced Approach

Risk Management (low risk)

- Involves providing least restrictive, most appropriate sanctions & supervision

Risk Reduction (moderate-high risk)

- Involves determining criminogenic needs and reducing risk factors through effective intervention & appropriate supervision

Risk Control (extreme high risk)

- Involves techniques that control risk of re-offending while under correctional authority

Social Learning

- ▣ OBSERVATION AND MODELING of behavior, attitudes, and emotional reactions of others is the basis of social learning.
- ▣ Social Learning Theory suggests that most human behavior is learned observationally from others.



Cognitive Behavioral Approaches Based on Social Learning Theory

Cognitive Restructuring
(What we think: content)

Cognitive Skills Development
(How we think: process)

Behavioral Strategies
(Reinforcement and modeling pro-social behavior)

The Integrated Model



Best Sources for “Cleaned Up” Research

Links from NIC website: http://www.nicic.org/WebPage_387.htm

- ▣ Washington State Institute for Public Policy: Conducts evaluations of evidence-based offender treatment interventions in the State of Washington
- ▣ Center for the Study and Prevention of Violence, University of Colorado: Conducts studies, provides information, and offers technical assistance regarding violence prevention
- ▣ The Corrections Institute, University of Cincinnati: Assists agencies seeking to change offender behavior
- ▣ Bureau of Government Research, University of Maryland: Helps government agencies identify and implement "best practices."
- ▣ Institute of Behavioral Research at TCU: Studies addiction treatment in community and correctional settings
- ▣ Campbell Collaboration: Studies the effects of interventions in social, behavioral, and educational arenas
- ▣ National Criminal Justice Reference Service

Questions



2/4/2010

INCREASE IN MONIES FOR RESTITUTION COMING FROM THE DEPARTMENT OF CORRECTIONS

RESTITUTION PAYMENTS FROM THE DEPT OF CORRECTIONS TO THE MARICOPA COUNTY CLERK'S OFFICE

PAYMENT MONTH	Calendar year 2008		Calendar year 2009		# INCREASE		% INCREASE	
	ITEMS	DOLLARS	ITEMS	DOLLARS	ITEMS	DOLLARS	ITEMS	DOLLARS
January	3,095	\$55,893	4,177	\$69,745	1,082	\$13,852	35%	25%
February	3,044	\$54,145	4,399	\$94,634	1,355	\$40,488	45%	75%
March	3,099	\$56,453	4,543	\$101,722	1,444	\$45,269	47%	80%
April	3,137	\$64,396	4,470	\$93,061	1,333	\$28,666	42%	45%
May	3,118	\$63,240	4,388	\$87,041	1,270	\$23,801	41%	38%
June	2,980	\$56,249	4,349	\$94,849	1,369	\$38,599	46%	69%
July	2,954	\$62,060	4,300	\$89,501	1,346	\$27,441	46%	44%
August	3,188	\$46,794	4,222	\$84,021	1,034	\$37,227	32%	80%
September	3,467	\$51,109	4,255	\$87,849	788	\$36,741	23%	72%
October	3,547	\$55,718	4,231	\$86,031	684	\$30,314	19%	54%
November	3,498	\$48,419	4,213	\$89,588	715	\$41,169	20%	85%
December	3,623	\$59,367	4,344	\$114,457	721	\$55,090	20%	93%
Totals to date	38,750	\$673,843	51,891	\$ 1,092,499	13,141	\$418,655	34%	62%

DOC comparative payments 2008 to 2009

Submitted by Gordon L Mulleneaux