

Lane County Adult Corrections Approach to Corrections

By Captain Doug Hooley

Operating according to correctional best practices is one of the top priorities for the Lane County Adult Corrections (LCAC) Division of the Sheriff's Office as we go about our mission to "make Lane County a safer place to live."

For years the debate has raged on, both locally and nationally, about what should go on in correctional facilities; is the jail a warehouse or is it a place of "rehabilitation?" Are there too many people locked up in Lane County? Are we supposed to be punishing people or trying to heal them and convince them that it is in our common interest that they should not break the law anymore? Is doing "hard time" in prison or jail effective, or should softer, alternative custody programs be utilized? Is the mission of corrections to hold people accountable, punish them, and prevent crime with incarceration or is it to rehabilitate people and decrease the rate at which they return to jail? Are offenders reformed, as some suggest, through talk therapy, art classes and electro shock therapy (**not** a practice at Lane County Adult Corrections), or does effectual reform happen through teaching offenders cognitive skills that they can use to change their lives? Does everyone need treatment and if not, who does?

In 2003, at the direction of the Lane County Public Safety Coordinating Council, a team of individuals made up of several local criminal justice agencies set out to conduct research in order to find the answers to these questions. A resource review was conducted and experts from the National Institute of Corrections were consulted. The team determined that corrections must no longer rely on anecdotal information or subjective ideas that simply "sound like they will work." It was decided that the Lane County Adult Correctional system should begin to work towards following strategies that had been scientifically proven to work elsewhere in the nation. This effort came to be known as the Defendant & Offender Management Center (DOMC).

The DOMC's efforts are not based on simple studies that support a special interest, but rather on meta-analysis by an objective third party that supports an evidence based system. Meta-analysis (mēt'ə-ə-nāl'ī-sīs) is the process or technique of synthesizing research results by using various statistical methods to retrieve, select, and combine results from previous separate but related studies.

The DOMC is a partnership between the Adult Corrections Division, including Lane County Parole and Probation, and the Lane County Circuit Court.

The purpose of the DOMC is to assess, place and manage defendants and offenders for the protection of the community and the integrity of the criminal justice system in order to achieve the following goals:

- Increase Community Safety
- Reduce Recidivism
- Increase the Rate at Which Defendants and Offenders Appear for Scheduled Court Proceedings.

There are specific strategies for meeting each one of these listed goals. Those strategies follow.

Goal #1: Community Safety

In keeping with the Sheriff's Office mission to "protect lives and property," the top priority of the Adult Corrections system is to ensure that we are providing the appropriate level of either supervision of offenders in the community, or physical separation of an offender from the public. Regarding public safety, not everyone who has committed a misdemeanor or even a felony needs to be held in jail or go to prison based on their future risk of being a danger to the community.

Because fiscal resources are very limited, resulting in inadequate jail capacity to accomplish all of our desired purposes, Lane County has been forced to prioritize for who jail beds are being used: #1) those offenders who are considered to be a danger to the community; #2) those offenders who would likely fail to appear in court; and, #3) those who would benefit from an in-custody program designed to reduce the likelihood that the offender will reoffend in the future.

In order to determine which offenders should be held in custody, a risk assessment tool is used. Each defendant and offender that books into the Lane County Jail on circuit court charges undergoes a risk assessment. The risk tool determines a defendant or offender's risk in three different categories: their risk of dangerousness to the community, their risk of recidivism, and their risk of failing to appear in court.

Because there is not enough funded capacity in the jail to hold everyone that should be held, only the most dangerous inmates are held. In order to accomplish this, inmates risk scores are compared to one another. Those offenders that are determined to have the lowest risk scores are released. Please see our Frequently Asked Questions section for an explanation of what things are considered when determining an individual's risk assessment score. At this time, because of a lack of capacity, the Lane County Jail is forced to release inmates that are determined to be at high risk for being a danger to the community. This means that after we have released all of the low and medium risk inmates that were in custody, that we still are forced to release some dangerous inmates.

Lane County currently has 507 jail beds. Only 405 of those beds are funded. It is estimated that Lane County needs closer to 1,200 jail beds in order prevent the release of any inmate that has been determined to be dangerous, prevent the release of an inmate that has been determined to be at high risk for failing to appear in court, and hold all sentenced inmates in custody that have been determined to be inappropriate for an alternative custody program. *For an explanation of how we arrived at needing 1,200 beds, please see our Frequently Asked Questions section.*

Goal #2: Reducing Recidivism

In order to fulfill the purpose of reducing recidivism, the DOMC has adopted an evidence based practices model that we are patterning our local system after, as resources allow. "Evidence based practice" as used here implies that 1) there is a definable outcome(s); 2) it is measurable; and 3) it is defined according to practical realities (recidivism, victim satisfaction, etc.).

There are three basic foundational evidence based principles, which are necessary: 1) Collaboration between Agencies; 2) Organizational Development; and, 3) Adherence to Evidence Based Practices.

Collaboration: All agencies involved with the offenders must be on the same page and work together as one. This includes sharing information, sharing resources, and operating as a seamless system.

Organizational Development: People who work inside the system must become educated on and utilize the evidence based principles. Motivational interviewing techniques are among the skill sets that must be learned by everyone in the system who works with defendants and offenders.

Adhere to Evidence Based Practices: The basic evidence based practices and principles pertaining to the main purposes of the DOMC follow. It is important to note that whether treatment is provided internally, or contracted for, the following principles must apply if a meaningful reduction in recidivism is to be expected. The nationally recognized on-site assessment called the “Correctional Program Checklist” should be utilized on all contracted treatment services to determine if they are in fact “evidence based.” The following framework of principles is listed in developmental order and they are all highly interdependent.¹

1. Assess Actuarial Risk/Needs.

At the heart of the DOMC effort is a Risk Assessment Tool (RAT). This computerized tool is used to triage defendants and offenders as they are brought in to the jail by arresting officers. The tool is used to assess risk in three different areas: dangerousness to the community, risk of failing to appear for court appearances, and risk of reoffending or committing a new crime (recidivism). The risk of recidivism score is used to determine who to target for intervention. Research indicates that resources are used more effectively when they are focused on higher-risk rather than lower-risk offenders. Research also shows that more harm than good may take place when we take too much of a hands on approach with low-risk offenders.

We have utilized the RAT in Lane County now for several years. *Please see our Frequently Asked Questions section to learn more about this tool.*

Once we determine who to target, we need to know what to target. That is where a “criminogenic needs” assessment comes in. Criminogenic needs are directly linked to criminal behavior, as opposed to many physical or emotional needs.

Examples of criminogenic needs are: *antisocial personality, antisocial thinking, low self control, antisocial associates, dysfunctional family, impulsive behavior, substance abuse, lack of empathy, inability to gain satisfaction from pro-social leisure or recreation activities.*

¹ Document Title: Implementing Evidence-Based Principles in Community Corrections: The Principles of Effective Intervention. Author(s) Crime and Justice Institute

Examples of non-criminogenic needs: *Anxiety, low self esteem, creative abilities, medical needs, physical conditioning, employment, housing.*²

The difference between criminogenic and non-criminogenic needs is where the line between interventions and treatment targeted for the criminal population and non criminal populations must be drawn. This is the difference in purposes between human services agencies and public safety agencies.

2. Enhance Intrinsic Motivation.

This means motivating offenders on an individual basis. Self motivation can be achieved through motivational interviewing techniques. According to the National Institute of Corrections, “Research strongly suggests that motivational interviewing techniques, rather than persuasion tactics, more effectively enhance motivation for initiating and maintaining behavior changes.”

3. Target Interventions.

Interventions in offenders’ lives should be targeted according to five principles:

A. RISK PRINCIPLE: Prioritize supervision and treatment resources for higher risk offenders.

B. NEED PRINCIPLE: Target interventions to criminogenic needs.

C. RESPONSIVITY PRINCIPLE: Be responsive to temperament, learning style, motivation, gender, and culture when assigning to programs. The principle of responsivity also requires that offenders be provided with treatment that is proven effective with the offender population.

D. DOSAGE: Structure 40-70% of high-risk offenders’ time for 3-9 months.

E. TREATMENT PRINCIPLE: Integrate treatment into the full sentence/sanction requirements.

These evidence based principles indicate that clearly not everyone is appropriate for treatment. They also indicate that the correctional system needs to have access to the offender for a significant period of time. This is difficult in a county jail environment.

First, we cannot order pretrial defendants to participate in treatment. Second, all offenders sentenced for over one year, go into the state prison system. Finally, since we are so short of capacity, there are very few offenders that will have a high enough risk score to be held in custody for a long enough period of time to provide treatment to them that would work. However, since Lane County Parole and Probation supervise many offenders for several years, this principle can be put to work when offenders are being supervised in the community.

4. Skill Train with Directed Practice (use Cognitive Behavioral treatment methods).

Many programs and treatments that have been attempted in the past have not been effective for a variety of reasons. Evidence-based programming that emphasizes

² Improving the Effectiveness of Correctional Programs Through Research. Edward J. Latessa, Ph.D. Center for Criminal Justice Research Division of Criminal Justice. University of Cincinnati. www.uc.edu/criminaljustice. Email Edward.Latessa@uc.edu

cognitive-behavioral strategies and is delivered by well-trained staff are proven to be successful. To deliver this treatment to offenders successfully, staff must understand antisocial thinking, social learning, and appropriate communication techniques. Skills are not just taught to the offender, but are practiced or role-played and the resulting pro-social attitudes and behaviors are positively reinforced by staff.

Our strategy on how to accomplish this in Lane County has yet to be fully developed. There are several programs available, such as the National Institute of Correction's "Thinking for a Change" that, along with properly trained staff, have been shown to make a difference. Line staff supports this effort by being consistent with and reinforcing what the inmates are learning.

5. Increase Positive Reinforcement.

The data suggests that positive reinforcement should be used with offenders at a ratio of four to one over sanctions in order to assist an offender to change. This is an area where line staff may have the greatest impact. Again, this is where "Advanced Inmate Management" training comes into play. This training uses motivational interviewing skills, among others, to bring about desired results from offenders. Positive reinforcement encompasses not only the way that we communicate with inmates, but an entire philosophy of gaining compliance by rewarding positive behavior, rather than only holding the inmate accountable for wrong behavior (another evidence based practice). The concept of reinforcing positive behavior is also to realize that we are not agents of punishment.

6. Engage Ongoing Support in Natural Communities.

An offender's peer group is the leading predictive factor as to whether or not the individual will re-offend. Assisting an offender to change requires that the offender gets plugged into a pro-social community. Schools, places of worship, martial arts clubs, sports teams, many different volunteer organizations, AA groups, and others need to be engaged in order to assist in providing a pro-social structure. A mentorship training program, facilitated through Parole and Probation is a part of our future plans.

7. Measure Relevant Processes/Practices.

To determine whether any program is successful, its outcome data must be tracked. An important part of the Criminogenic Needs Assessment Tool accomplishes just that. As offenders undergo various interventions, tracking will determine the rate at which offenders return to custody.

8. Provide Measurement Feedback.

As data is collected and analyzed, adjustments can be made along the way. For example, have the questions being asked on the risk assessment tool actually been predictive of someone's level of recidivism? If not, questions that are shown to be more predictive but have been given less weight can be adjusted. Since the process covers two and three year periods of time, it is very slow.

Goal # 3: Decrease the Failing to Appear (FTA) Rate

Although the risk assessment tool has been validated to accurately predict who will not show up to their next court date if released, there simply is not enough jail

capacity to hold those offenders that, according to the risk assessment tool, are likely to fail to appear in court. Defendants and offenders failing to appear in court is very expensive and causes great inefficiency in the system. Warrants are typically issued when someone fails to appear in court, the person is rearrested and most often times lodged in jail. Most of the time the offender will soon be released again due to lack of capacity and expected to show up to court again on their own. This cycle can continue for months or years. This cycle involves the time of Judges, Court Clerks, Arresting Officers, Deputy District Attorneys, Public Defenders, and much needed jail capacity.

The main solution for fixing our failure to appear problem is to increase jail capacity to a level where those that a high risk for failing to appear in court would be held until their court date. Based on recent historical data, it is estimated that opening the remaining 72 jail beds that are closed due to lack of funding could provide enough capacity to keep those that are at high risk for failing to appear in court in custody until their court date. That would be in addition to keeping the remainder of those in custody that are still considered to be at high risk for being a danger to the community.

Summary

Just as in most professional fields, the field of Corrections has a very real science behind it. The Lane County Sheriff's Office has chosen to follow the science rather than using a "what feels right" or an anecdotal approach to Corrections. There are real evidence based solutions for addressing our community safety needs in an efficient manner. There is data available to determine what level of jail capacity is needed in Lane County. We can use jail capacity to target our specific community safety issues such as keeping dangerous offenders locked up, reducing the rate at which offenders return to jail, and increasing the rate at which offenders show up to court. We know what we need to do, proceeding from the science and measurable data, in order to address these issues. The problem is that we currently lack the resources to address the issues. Until the time that adequate resources exist, the Lane County Sheriff's Office is committed to using what we have been given in the most efficient manner as possible in order to make Lane County a safer place to live.