

Transforming Violation Reports: Incorporating Risk-Needs-Responsivity and Strength-Based Approaches into Reports

Prepared by Carey Group for the Pennsylvania Partnership for Criminal Justice Improvement

February 2025

Project Funding

This project was paid for by federal and state funds from the Pennsylvania Commission on Crime and Delinquency.



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Foreword

The County Chief Adult Probation and Parole Officers Association of Pennsylvania (CCAPPOAP) is proud to present *Transforming Violation Reports: Incorporating Risk-Needs-Responsivity and Strength-Based Approaches into Reports*. This Pennsylvania Partnership for Community Justice Improvement (PPCJI) document was developed to help agencies incorporate current research into violation reports to strengthen their usefulness during violation proceedings and with subsequent outcomes. Research-informed violation reports can assist the courts in determining appropriate response to probation or parole violations. Effective responses improve outcomes for the community and for people on supervision.

We would like to take this opportunity to thank PPCJI's Implementation Workgroup for their impressive work organizing the information and materials for this publication.



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Acknowledgments

CCAPPOAP wishes to express their deepest appreciation to the professionals who provided the leadership for the creation of this document:

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Consulting Team

Carey Group, a national justice consulting firm, assisted in the research, development, and writing of this document. Their expertise has supported CCAPPOAP's EBP implementation efforts.

Introduction

People placed by the courts on community supervision are usually required to comply with conditions or rules. There are two main types of conditions: supervision conditions (e.g., report as directed, test for drugs, do not possess weapons, etc.), which focus on ensuring that people remain law-abiding during the supervision period, and behavior-change conditions (e.g., enter and complete substance use treatment, enroll in an employment program, etc.), in which people are provided with the information, skills, resources, programming, and treatment to facilitate behavior change.

According to PA Act 44 of 2023, “Conditions shall be assessed and ordered based on individualized circumstances. Following an individualized assessment of the defendant, including the defendant’s history and the underlying crime or crimes committed, the court shall attach only those conditions that the court deems necessary and the least restrictive means available to promote the defendant’s rehabilitation and protection of the public....” When people under community supervision violate one or more conditions, they may be brought before the court for a hearing and possible court action.

The goal of this guide, which includes recommended practices, is to help agencies incorporate current research—specifically, related to the risk-need-responsivity (RNR) model and strength-based approaches—into their responses to violations and their violation reports. It, like the guide *Transforming Presentence Investigations: Incorporating Risk-Needs-Responsivity and Strength-Based Approaches into Reports*, which the Pennsylvania Partnership for Criminal Justice Improvement (PPCJI) released in December 2024, recognizes the importance of providing the court with documents that are research-informed. These documents help judges gain an understanding of the people before them so that they can develop appropriate responses that protect the community while providing the best opportunity for people to be successful.

RISK-NEED-RESPONSIVITY MODEL

Research shows that following the risk-need-responsivity (RNR) model improves justice system outcomes.

- The risk principle tells us to match the intensity of supervision and intervention to a person’s likelihood of recidivism based on an actuarial assessment.
- The need principle tells us to focus interventions on a person’s criminogenic needs, as determined by the assessment.
- The responsivity principle tells us to match programming and program delivery to people’s unique characteristics.

Recommended Practices

Collaboratively Develop a Standard Violation Report

The length, content, and format of violation reports, as well as the process for addressing violations, vary greatly across Pennsylvania. The agency, in consultation with the courts and other stakeholders, should develop a standard process: one that is supported by research and that improves efficiencies. This may include articulating which violations should not be formally pursued (i.e., when the response would lack a positive impact) and determining when a “short” report or process may be used due to the minor nature of the violation and/or when the person is considered to be at low risk for recidivism.

In terms of violation reports, it is sometimes difficult for stakeholders to come to a consensus on their content and format. This is why collaboration between the agency and courts is so essential when developing templates. Piloting new templates with one or two staff and judges can assist with buy-in.

Identify Drivers of Violations

Violations are often a reflection of the factors that led to a person’s involvement in the justice system in the first place. They may also reflect a stabilization need (e.g., housing, physical health, finances, childcare, etc.) or responsivity factor (e.g., mental health, gender, trauma, culture, etc.) that must be addressed. Officers should explore how these factors may have contributed to the violation—reviewing the results of the risk and needs assessment and possibly conducting a reassessment—and include this information in the violation report. Judges can then use this information to help determine appropriate responses to the violation.

Mr. Doe violated his supervision with several positive drug tests for methamphetamine. He reported that he was laid off from work and was having problems paying bills. He could not afford his mental health medication, so he stopped taking it. As a result, he started experiencing periods of depression and was having problems coping with life stressors. He started using methamphetamine to help cope.

Involve the Person

The person who violated probation and/or parole may be able to provide insight into the reasons for the violation, for example, whether specific criminogenic needs, responsivity factors, or stabilization factors may have contributed to the violation. Include the person's insights in the violation report and involve them in the writing of the report. A collaboratively developed recommended sentence with conditions, where the person has buy-in, could be offered to the court.

Mr. Doe indicates that he feels that he would benefit from returning to mental health treatment.

Incorporate a Strength-Based Approach

Historically, most violation reports focus only on how the person violated their conditions of supervision. It is recommended that agencies consider including how the person has been successful.

At the beginning of the report, list conditions that the person has been able to complete or with which they've been able to comply and other ways they have been successful on supervision. Describe their strengths (e.g., self-reliance, employment skills, coping skills) and those of their family and community that have helped and supported them in behavior change or that have served as protective factors. Build on these strengths in the recommendation that you provide.

Mr. Doe reported regularly to his PO as directed. He completed outpatient drug and alcohol treatment, and all of the drug tests prior to him being laid off from work were negative. He enjoys being involved in treatment and has demonstrated an ability to use skills that he gains there.

Use Neutral, Nonjudgmental Language

When describing the violation, use neutral language, and focus on the behavior, not on the person. Focusing on facts helps to reduce the potential for bias and to increase the person's trust that they will be treated fairly.

Mr. Doe submitted drug tests on 9/10/24, 11/15/24, and 1/15/25 that tested positive for methamphetamine.

Follow Five Principles When Responding to Violations

The system can improve outcomes when it follows five principles in response to violations:

- **Swiftness.** Reduced time delays between violations and responses reinforce the link between behaviors and their consequences.
- **Certainty.** Increased certainty of responses reinforces the likelihood that all violations will evoke responses.
- **Consistency.** Similar decisions under similar circumstances by different people increase the perception of fairness.
- **Neutrality.** Processes viewed as impartial, logical, and fair increase the likelihood of compliance.
- **Proportionality.** Responses that match the level of intrusiveness/restrictiveness to the severity of the behavior promote fairness while also making effective use of resources.

PA Act 44 of 2023 created a presumption against confinement for technical violations of probation and established maximum terms of incarceration that the court must follow. There are some exceptions depending on the type of technical violation.

Several agencies have developed structured methods of responding to violations to ensure consistent, fair, and proportional responses. One method is using a matrix, with more significant responses the higher a person’s risk level and the more severe the noncompliance.

| RESPONSES TO NONCOMPLIANCE MATRIX | Severity of Noncompliance | Risk Level | | |
|-----------------------------------|---------------------------|-------------------|---------------------------|------|
| | | Low | Moderate | High |
| Low | Low response | Low response | Moderate response | |
| Moderate | Low response | Moderate response | High response | |
| High | Moderate response | High response | Very significant response | |

Use Accountability and Behavior-Change Responses

There are two primary goals when responding to a violation. The first is to hold the person accountable and to reinforce that rules matter and that there are consequences for violating them. Accountability responses include verbal/written warnings, extended supervision, periods of incarceration, etc. The second, and sometimes overlooked, goal is to bring about long-term behavior change. Behavior-change responses include treatment and

interventions that address a person’s criminogenic needs. Court responses should incorporate both goals.

Accountability Condition: *Mr. Doe is to submit to drug and alcohol testing as directed.*
Behavior-Change Condition: *Mr. Doe should participate in mental health treatment as directed.*

Reevaluate Assessment Results and Conditions

A violation of supervision provides the court with an opportunity to reevaluate the results of the risk and needs assessment and to address responsivity or stabilization factors.

After the court has found the person in violation, it can lesson or increase conditions. The court can remove conditions that were not impactful or realistic while imposing a limited number of individualized conditions that will increase the likelihood of success.

The court originally ordered Mr. Doe to perform 50 hours of community service. After reviewing the results of his assessment and the drivers of his violation, the court elected to remove this condition because it was not going to help him address his risk factors or his stabilizations needs. Mr. Doe also reported that the condition was adding additional stressors to his life.

Train Stakeholders

It is essential that stakeholders are trained in how to best respond to violations, using the violation report to help inform their responses. It is also important that they understand that the report is intended to enhance, not replace, the court’s discretion.

Don’t Forget the Goal

It is important that the system not forget the ultimate goal of community safety and long-term behavior change.