

Transition from Prison to Community Initiative

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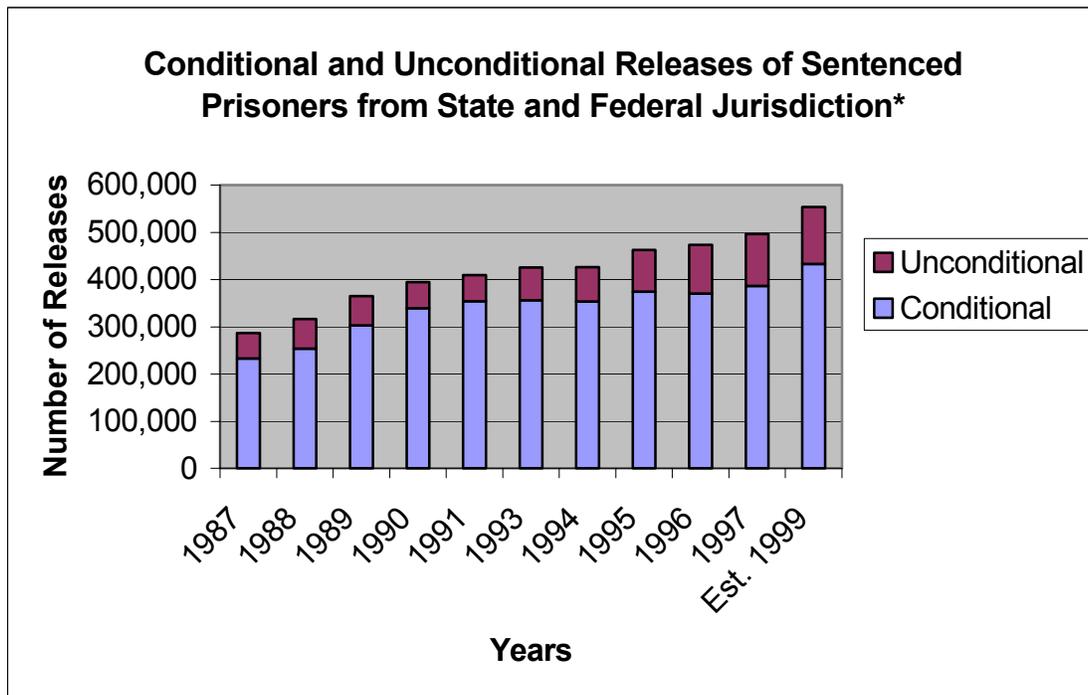
Transition from Prison to Community Initiative

National Institute of Corrections

Abt Associates Inc.

I. The Problem

The transition process—which includes how convicted offenders spend their time during confinement, how they are released from prison, and how they are supervised during their adjustment to life in free communities—is deeply flawed in most states, and must be strengthened in order to protect the public more effectively. Ninety-seven percent of the 1.3 million inmates now in prison eventually will be released and will return to communities. In 1999 alone nearly 600,000 prison inmates were released. Unconditional releases—that is, inmates who are released with no community supervision after serving their full sentence—are growing both in absolute numbers and as a percent of total released offenders. The number of offenders released from prisons will continue to increase in the future, as more inmates complete long prison terms.



* Sourcebook of Criminal Justice Statistics, BJA

These trends are the consequence of changes in policies and practices over the past three decades that have increased the frequency and duration of prison terms for convicted felons. These changes were driven by a growing public intolerance of crime, which led policy makers, criminal justice leaders, and practitioners to emphasize the goals of punishment, deterrence and incapacitation over rehabilitation. The development, evolution, and impact of these policies are complex stories, well beyond our capacity to describe fully here.¹ It is important, however, to summarize in broad terms how those policies have changed both corrections systems and inmates who leave prisons, in order to understand the challenges we face.

As prison populations exploded, the cost of building and operating prisons soared, making correctional budgets the fastest growing segment of public spending in many states. Interagency cooperation declined as human service agencies came to see corrections as a serious competitor for limited public funding. To cap operating costs, policy makers in many states decided to run austere, no-frills prisons, and cut back funding for programs and services. Increasingly, correctional agencies defined their missions in terms of operating safe, secure, and low-cost prisons.

Sentencing reforms reduced releasing discretion, either by instituting determinate sentences and abolishing parole release (and parole boards) or by setting high mandatory minimum sentences. Parole boards became more cautious in exercising their remaining discretion, and rates of discretionary parole release fell. Both determinate and high mandatory minimum sentences reduced inmates' incentives to obey rules while confined and to participate in the dwindling number of prison programs.

In recent years inmates released from prison have served longer periods of confinement, were more likely to have been convicted of drug or violent crimes, and were more likely to return to a small number of distinct neighborhoods. Community supervision has emphasized surveillance and control, with innovations like intensive supervision, electronic monitoring, and day reporting. Intensive supervision programs frequently drove up both the number of detected technical violations and the number of parolees revoked, thereby

¹ See, for example, Michael Tonry, *Sentencing Matters*, New York, New York: Oxford University Press (1996).

increasing re-imprisonment costs without improving public safety². As revocation rates rose, the number of “churners”—offenders caught in a repeating cycle of imprisonment and release—also increased.

While many agencies have a stake in the transition process, their priorities, policies and procedures relating to transition often are inconsistent or countervailing. The flow of information among these agencies is impaired by organizational boundaries, incompatible information systems, or conflicts in priorities. When offenders are released to community supervision, too often there is little continuity between their prison programs and activities, their reentry plans, and the type of supervision and services they receive once released.

II. The Solution

The National Institute of Corrections’ (NIC) Transition from Prison to Community Initiative (TPCI) will help states improve offenders’ transition from prison to communities, thereby increasing public safety, reducing recidivism and new victimization, and making better use of scarce resources in correctional facilities and communities. The TPCI will incorporate proven reforms³ (e.g., risk management, structured decision-making) as well as ‘best practices’ for managing high-risk and special needs offenders. It will cover offenders who leave prison on parole as well as those released after they have served their full prison terms.

The TPCI will be a sea-change for participating jurisdictions. It will mean a fundamental shift in the mission of correctional agencies, and, consequently, equally fundamental changes in agencies’ priorities, operating procedures, staffing and management practices. It will require corrections, releasing, supervision, and human service agencies to form strategic and tactical partnerships to integrate and coordinate basic policies, and to sustain and nurture those partnerships and policies over time. It will require many agencies to reallocate resources and to seek more effective and targeted ways to use them. Progress

² See Joan Petersilia, *Intensive Probation Supervision for High-Risk Offenders: Findings from Three California Experiments*, Santa Monica: The Rand Corporation, 1990; and Joan Petersilia and Susan Turner, “Intensive Probation and Parole”, in *Crime and Justice: A Review of Research*, vol. 17, ed. Michael Tonry, Chicago: University of Chicago Press, 1993.

toward the model envisioned by the TPCI will be difficult and will require administrative and political commitment over time. Transition reform is not for the short-winded or faint-spirited.

The overarching goals of the TPCI are for released offenders to remain arrest-free over the long haul⁴, and to become competent and self-sufficient members of their communities. That goal should provide a unifying vision to the many correctional, law enforcement and human service agencies that are part of the transition process. It should cause leaders of those agencies to re-think and revise their respective missions in order to support improved transition. For example, the mission of corrections should not just be to run safe, orderly, secure, and affordable prisons, but also to improve public safety by contributing to better offender transition via its assessment, classification, programming and release preparation practices.

The objectives of the TPCI are:

1. To promote public safety by reducing the threat of harm to persons and their property by released offenders in the communities to which those offenders return;
2. To increase the success rates of offenders who transition from prison by fostering
 - effective risk management and treatment programming;
 - offender accountability, and
 - community and victim participation.

The TPCI is based on the following premises:

³ In terms of “proven” reforms we will rely on the large and growing body of research on “what works” in corrections. This body of literature will be described more fully in the TPCI Implementation Manual. In terms of best practices, we will advocate reforms supported by a strong preponderance of expert practitioner opinion.

⁴ Ideally, we would like former inmates to be crime-free in communities. However, we have no reliable way to measure non-detected crimes, either for persons who have been previously convicted or those who have not. Hence, we would judge all citizens (the non-convicted and the previously convicted) by the same standard—freedom from future arrests for crimes.

- Corrections, law enforcement and human service agencies are stakeholders in the transition process. These stakeholders need to articulate and promote common interests, integrate and coordinate policies, and develop mutual ownership of an improved transition process;
- Stakeholders should freely share information relating to transition within and among stakeholders' organizations;
- Transition should be built upon proven reforms and best practices;
- Transition reforms should be affordable, transferable, and adaptable;
- Basic transition reforms should apply to all imprisoned offenders, including those given discretionary release and those who leave at the end of their prison terms; and,
- The allocation of resources for programming, supervision and services should vary directly with the level of risk that those groups of offenders pose.

NIC worked with over 35 expert practitioners and academicians during 2001 to define and flesh out a model of an enhanced transition process. In early 2002 NIC will test the model's initial implementation in selected jurisdictions, and plan subsequent phases of the initiative. Beginning in fall 2002, NIC will implement the model on a broad scale by providing technical assistance, training, and support to interested jurisdictions.

A. A New Model for the Transition Process

The National Institute of Corrections convened a preliminary working group, a project advisory board, and five working groups to develop a new model of the transition process. These groups worked on portions of the model between December 2000 and October 2001.

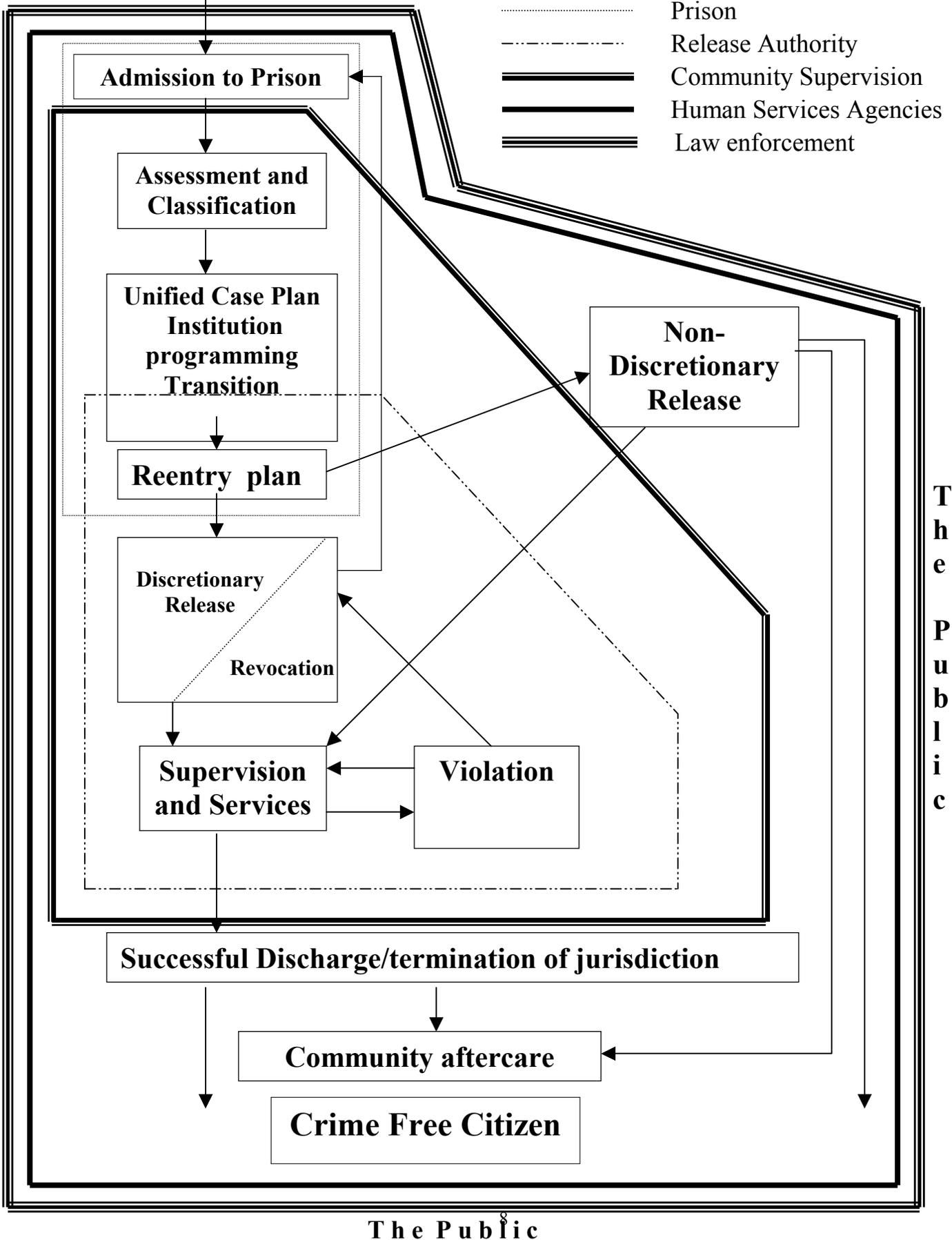
1. An overview of the Transition from Prison to Community Initiative (TPCI)

Figure 1 depicts the TPCI model developed by the advisory board and working groups. It consists of the following functions:

- classifying and assessing inmates,
- developing and implementing transition accountability plans,
- releasing offenders from confinement (via both discretionary and mandatory releases),
- providing community supervision and services,
- responding to violations of conditions of supervision,
- discharging offenders from supervision and terminating jurisdiction, and
- providing post-supervision community support and aftercare, leading to ex-offender autonomy and self-sufficiency.

The transition process exists to serve the broader community's interest in public safety, effective use of scarce public resources, and restoration of victims, offenders and communities. Members of the public, community and neighborhood organizations, and criminal justice and human service agencies all are stakeholders in how well the transition process functions.

Figure 1: The Transition Process



Within the transition process three separate authorities⁵ typically have primary responsibility for performing key transition functions. They are:

- a corrections authority (which operates prisons),
- a releasing authority (which makes decisions about release and revocation), and
- a supervision authority (which supervises offenders released from prison).

All three of these authorities must actively support transition reforms and must work together to coordinate their policies and practices if the TPCI is to succeed. In our model the leaders of these three authorities will *initiate* the TPCI. However, law enforcement and human service agencies also play major roles in the transition process—and they should become full partners as states develop their TPCI reforms. Law enforcement agencies have the same mission as corrections—protecting the public. Law enforcement agencies have important information about offenders’ behavior in the community, and many more “eyes and ears” on the streets than do supervision agencies. Collaboration between supervision agencies and law enforcement can increase the odds of detecting serious violations of conditions of release⁶ and that trigger effective and proportional responses that protect the public and improve odds of compliance and successful completion in the future. Human service agencies control information, services and resources that are vital to effective transition. Often offenders were clients of human service agencies before they became enmeshed in criminal justice, and many (perhaps most) will again be involved with human service agencies after their successful discharge from correctional supervision

⁵ In some jurisdictions one or more of these functions may be performed by the same agency. Even so, the functions are distinct, and the units that perform them often are semi-autonomous.

⁶ The objective, of course, is not to catch offenders committing a greater number of trivial violations. Rather, it is to hold offenders accountable, via appropriate, proportional, and cost-effective responses to detected violations, and to use detected violations as a launch pad to reinforce compliance for individual offenders, and to increase rate of compliance for groups of offenders.

The TPCI will require substantial political support in order to succeed. Initiators should brief the Governor and key legislators on the TPCI, and get their explicit approval to begin implementing the reforms. In the short-term this may keep transition reform from becoming a political issue, and may avert unexpected policy shifts that could derail TPCI reforms.

Different agencies perform different functions in the transition process. These multiple *stakeholders* need to act in concert to improve transition. The TPCI will draw these stakeholders into collaborative partnerships to craft a shared vision of transition, identify common goals, interests and benefits that can unite the partners, assess problems with the current transition process, plan changes to alter transition in the future, implement and monitor planned changes, and adjust reforms over time to move ever closer to intended outcomes. Over the long haul, these partnerships will build broader political support for transition reform by engaging state and local officials, agency leaders, community leaders, crime victims, faith-based and non-profit organizations, and offenders and their families.

Partners should integrate and coordinate transition policies and procedures both within and across agencies, so as to optimize attainment of the transition goals. Integration means that the policies and operating procedures of different stakeholders are aligned so that they contribute to attaining common goals. Coordination refers to the accurate and timely communication of requisite information and execution of specific activities and tasks across and between stakeholders, so that specific aspects of transition reforms can be carried out as intended.

2. Elements of the Transition Process

The Transition Process consists of seven elements: assessment and classification, transitional accountability plans, release decision making, community supervision and services, responding to violations of conditions of release, termination of supervision and discharge of jurisdiction, and aftercare.

a. Assessment and Classification

Assessment occurs soon after offenders are admitted to prisons and is the process by which information is obtained about offenders that is needed to make decisions about their placement, management, and programming while confined, and about the timing and conditions of their release to the community. Assessments are used to measure offenders' risk of engaging in behaviors of concern (e.g., escape while confined, recidivism after release, etc.) or the presence of specific strengths or deficits. Different assessments are used for measuring different aspects of offenders' strengths or needs. Instruments used to predict risk of recidivism should be empirically based, validated on the population of offenders to which they will be applied, and should rely on objective and uniformly accessible variables.

Classification is the process whereby specific jurisdictions use information about offenders to make decisions about the conditions under which they will be confined. Classification decisions focus on such things as inmate's custody level and specific housing assignment. Those decisions, in turn, strongly affect the transition process—for example, offenders may be unable to enter a vocational training program (needed to lower a dynamic risk factor—lack of employable skills) until they are transferred to a lower custody level.

Under the TPCI both assessment and classification are conceived to be continuous—or at least, periodic and reiterative—processes. Offenders are re-assessed to determine their progress on mitigating dynamic risk factors. They are re-classified to determine if their custody levels should be modified, based on their conduct and behavior in their current custody level.

The TPCI Model is organized around identifying factors that put offenders at increased risk of recidivism, *and* engaging those offenders in treatment, programming, or supervision strategies that modify those factors, thereby lowering their odds of committing crimes after release. Risk assessment is the core of the TPCI model. If jurisdictions assess offenders' risk poorly, effective transition reform will be impossible.

Effective assessment and classification practices can greatly improve correctional management by influencing decisions about how long inmates will be confined, where they will be held, which programs and services they will receive, and specific conditions

under which they will be released. Good assessment and classification practices can make corrections more efficient by reducing costly periods of confinement for lower risk offenders, and by ensuring that limited treatment and programming resources are allocated to offenders who most need them.

Improved assessment practices and information sharing will enable staff to decrease overall recidivism levels, improve offenders' success rates, decrease victimization and enhance public safety by informing decisions pertaining to:

- classification and reclassification,
- case planning and management,
- release decision making,
- community supervision and services,
- revocation decision making, and
- discharge from supervision or sentence.

The TPCI incorporates the following principles:

- **The Risk Principle** states that risk of criminal behavior can be predicted based on the presence of specific factors and that the offenders' risk of criminal behavior increases directly with the number and severity of risk factors that are present. 'Static' factors do not change via provision of treatment or services, and are used primarily to make initial decisions about custody levels and tentative release dates. Static risk factors include such things as:
 - age at first conviction,
 - number of prior convictions,
 - prior behavior during confinement,
 - severity of prior criminal convictions,
 - history of childhood abuse and neglect,
 - history of substance abuse, and
 - history of education, employment, family and social failures.

- **The Need Principle** holds that when ‘dynamic’ risk factors, or criminogenic needs, are effectively treated, offenders’ probability of recidivism declines. Treatment decisions should be based on individual offender’s dynamic risk factors discerned through objective assessment processes. Offenders should be re-assessed periodically on dynamic risk factors to inform decisions about changes in custody, placement, service or supervision. Dynamic risk factors include:
 - anti-social attitudes, values and beliefs,
 - anti-social peers and associations,
 - substance abuse,
 - educational deficiencies,
 - vocational deficiencies,
 - mental health problems,
 - life skills and social skill deficiencies, and
 - characterological defects (anger, aggression, egocentrism, impulsivity, etc.).

- Finally, **the Responsivity Principle** requires that the delivery of treatment programs based on identified dynamic risk factors should be consistent with offenders’:
 - learning abilities and styles,
 - motivation to change,
 - personality types, and
 - levels of interpersonal and communication skills.

General assessment instruments should gather information in the aforementioned areas and flag areas of concern that will be addressed through the administration of specialized assessment tools. Reception staff should have access to specialized instruments that assess the areas of mental health, substance abuse and dependency, sex offending, gambling, educational ability and vocational needs. Staff should be properly trained in the use and interpretation of specialized assessment instruments. Assessments should take offenders’ gender, age, culture and cognitive functioning into consideration and assess offenders’ risk of re-offending and flight. These measures should be assessed

at differing intervals to measure changes in offender's dynamic risk factors during their terms of confinement.

In an ideal scenario, all partners in the transition process would use a common instrument to predict the probability that offenders will re-offend after release from prison. This would put everyone on the "same page" and make it easier to share information about dynamic risk factors across agencies. Using the same dynamic risk factors will help agencies measure offenders' changes over time more accurately. However, agencies that have invested considerable resources and time in developing their own assessment instruments may be unwilling to develop new common instruments. If so, in the long run it is more important that risk prediction instruments be properly constructed and validated than it is for them to be uniform across agencies.

All risk assessment instruments should be normed and validated for predictiveness for the population on which it will be administered. To "norm" an instrument means to assure that it (e.g. LSI-R) has the same statistical properties (i.e. normal distribution) for the population to which it is to be applied as it did for the population on which it was originally developed and tested. Validation is a process that ensures that an instrument is measuring what it is intended to measure. Ideally, validation will occur before assessment instruments are applied to a specific population. If that is not possible, jurisdictions should immediately begin collecting data that will enable them to validate (and revise, if necessary) prediction instruments as quickly as practical. In addition, inter-rater reliability should be maintained through training, supervision and monitoring. If inter-rater reliability is low, the predictive power of assessments will decline, and the safety of inmates and staff will be diminished.

Training should be skill-based, using pre-and post-test to measure improvements in assessors' understanding of the language and the intent of the assessment instrument, their competence in understanding offender logic or criminal thinking, their ability to discern discrepancies in self-report data, and their interviewing skills. Quality control can be achieved through regular supervision and monitoring of staff assessments. Computerized assessment instruments should have event-driven help and definitions, as well as built-in error and logic checking.

Beyond the training provided by the DOC to its reception and classification staff, instrument vendors should provide technical assistance regarding the proper or intended administration of their assessment tools.

Participating jurisdictions should begin with a comprehensive review of current practices. They should inventory current reception procedures, classification and assessment instruments in use, the level of training and supervision for staff who perform classification and assessment intake function, and document current and projected workloads. States should document the information that is currently being collected as well as what information is lacking. Ultimately, the system should be changed to gather the needed information and make it available to other decision makers at key points.

To assist states review of current practice, NIC's TPCI will provide a glossary that defines information to be assessed and gathered. Consistent definitions will assist inter-agency communication and information sharing. For instance, commonly named data elements will be essential to any type of electronic data sharing.

b. The Transition Accountability Plan (TAP)

The Transition Accountability Plan (TAP) integrates offenders' transition from prisons to communities by spanning phases in the transition process and agency boundaries. TAP is a collaborative product involving prison staff, the offender, the releasing authority, community supervision officers, human services providers (public and/or private), victims, and neighborhood and community organizations. TAP describes actions that must occur to prepare individual offenders for release from prison, defines terms and conditions of their release to communities, specifies the supervision and services they will experience in the community, and describes their eventual discharge to aftercare upon successful completion of supervision. The objective of the TAP is to increase both overall community protection by lowering risk to persons and property and by increasing individual offender's prospects for successful return to and self-sufficiency in the community.

The TAP is structured around a target release date, which is established either by application of law (for example, the difference between a determinate sentence and any

legislatively-authorized credits, such as good-time, jail-credit, program-time, etc.) or by discretionary action of a releasing authority. The target release date is a cornerstone for transition planning. For purposes of TPCI the target release date is not intended to convey or expand a liberty interest for offenders. The target release date is not a guarantee. Rather, it connotes a strong expectation that all parties—the facility, the releasing authority, and the inmate—will abide by the terms of the plan, and that if the inmate achieves the elements described in the TAP and maintains good behavior while confined they will be released on the target release date.

The TAP process begins soon after offenders enter prison and continues during their terms of confinement, through their release from prison, and continues after their discharge from supervision as an evolving framework for aftercare provided by human service agencies or other means of self-help and support. At each step along this continuum TAP is administered by a Transition Management Team, whose members include prison staff, parole supervision staff, and community agencies and service providers. The membership of the Transition Management Team and their respective roles and responsibilities will change over time. During the institutional phase prison staff may lead the team. During the reentry and community supervision phase parole officers may lead the team. During the reintegration phase human services agencies or community services providers may lead the team. After offenders have successfully completed community supervision, their TAP may continue and be managed by staff of human services agencies, if the former offender chooses to continue to seek and receive services or support. At each stage in the process Team members will use a case management model to monitor progress in implementing plan.

TAP reduces uncertainty in terms of release dates and actions (and timing of actions) that need to be taken by inmates, prison staff, the releasing authority, community supervision staff, and partnering agencies. Increased certainty will motivate inmates to participate in the TAP process and to become engaged in fulfilling their responsibilities and will ensure that all parties are held accountable for timely performance of their respective responsibilities.

The TAP process is built on the following principles:

1. The TAP process starts during an offender's classification soon after their admission to prison and continues through their ultimate discharge from community supervision.
2. TAPs define programs or interventions to modify individual offender's dynamic risk factors that were identified in a systematic assessment process.
3. TAPs are sensitive to the requirements of public safety, and to the rational timing and availability of services. In an ideal system, every inmate would have access to programs and services to modify dynamic risk factors. In a system constrained by finite resources, officials need to rationally allocate access to services and resources, using risk management strategies as the basis for that allocation.
4. Appropriate partners should participate in the planning and implementation of individual offender's TAPs. These include the offender, prison staff, releasing authorities, supervision authorities, victims, offenders' families and significant others, human service agencies, and volunteer and faith-based organizations.
5. Individual TAPs delineate the responsibilities of offenders, correctional agencies and system partners in the creation, modification, and effective application of the plans, and holds them accountable for performance of those responsibilities.
6. TAPs provide a long-term road map to achieve continuity in the delivery of treatments and services, and in the sharing of requisite information, both over time and across and between agencies.
7. A case management process is used to arrange, advocate, coordinate, and monitor the delivery of a package of services needed to meet the specific offender's needs. During the prison portion of TAP, prison staff function as case managers. As offenders prepare for release and adjust to community supervision, their parole officer may become the case manager. When they are successfully discharged from supervision, a staff from a human service agency may assume case management responsibilities for former offenders who choose to seek services or support.

The TAP unifies the elements of the TPCI model. It begins during the initial classification process, and covers four phases of offenders movement over time:

- **The institutional phase** describes actions, events and responsibilities that occur during the offender's term of imprisonment, from admission until the start of the reentry phase.
- **The reentry phase** begins approximately six months before the offender's target release date, and continues until their adjustment to community supervision has stabilized—e.g., six months after release from prison. In this phase the general

reentry elements defined in the institutional phase are made more specific and detailed.

- **The community phase** begins when the offender has stabilized on community supervision and continues until their discharge from supervision. This phase focuses on building on offenders' strengths and successes and improving their capacity for self-sufficiency.
- **The discharge phase** begins when the offender's sentence ends or when officials make a discretionary choice to end supervision. In this phase it is the responsibility of the former offender, human services providers, and the former offender's network of community supports, linkages, and mentors to continue relevant aspects of the TAP during the period of aftercare.

Elements of the TAP reflect concerns for accountability, public safety, restoration, treatment and offender success.

Accountability:	TAP's target release dates will vary in proportion to the severity of offenders' crimes;
Public Safety:	TAP's target release dates and conditions of supervision will vary directly with offender's predicted risk of re-offending;
Restoration:	TAPs may require restitution to victims, or service to the community, or both. TAPs will cover the eventual discharge of successful offenders from the terms, limitations, and stigma of their sentences;
Treatment:	TAPs will cover interventions intended to reduce offenders' dynamic risk factors and thereby reduce their risks of recidivism;
Success:	TAPs will cover interventions, services and information intended to improve offender's successful reintegration in communities and attainment of self-sufficiency. These include connecting offenders to supports, services and mentors, and helping them acquire skills to prevent relapse and to conform to conditions of release.

Content of TAP

1. TAP is a formal agreement based on negotiations between and signed by the correctional agency, the offender, the releasing authority, and relevant partners that defines roles and responsibilities, and variations in roles and responsibilities over time, for:
 - staff in the correctional agency,
 - the offender
 - the releasing authority
 - community supervision staff;
 - staff in partnering agencies, including
 - human services providers
 - criminal justice agencies
 - offender's families,
 - victims, and
 - other community organizations and significant individuals.
2. TAP establishes priorities based on offender's static and dynamic risk factors and strengths.
3. TAP sets offender-specific goals that are:
 - measurable,
 - realistically attainable,
 - time-delimited, and
 - regularly monitored and revised, as needed.
4. TAP defines clear and quantifiable outcomes for each offender based on their specific goals, defines actions to be taken by each party to the agreement to achieve each goal, and sets milestones that indicate progress toward each goal over time.
5. TAP describes how the transition plan will be implemented, including
 - preparing offenders for each phase-change,
 - orienting offenders when they enter each new phase,
 - providing intensive support and crisis management during early stages of the community phase, and
 - monitoring progress in meeting milestones across all phases, including
 - defining responsibilities of parties to the agreement,
 - providing feedback to all parties to the TAP, and
 - modifying TAP as required.
6. TAP defines how the transition management team will respond to failures by:
 - applying policies that link responses to the level of risk posed by the offender and the violation behavior,

- providing a graduated range of responses and interventions for violations of conditions of supervision (ranging from warnings, restructuring conditions of supervision, incremental added sanctions, improved supports, increasingly structured residential placements, and ultimately, revocation and return to prison), and
 - building communication linkages, so that TAP provisions relating to responses to revocation are consistent with policies established by the revocation decision making agency, and all stakeholders share timely information about alleged violations and case processing.
7. TAP describes the conditions of discharge and re-acceptance of the offender into the community.

c. Release

The TPCI requires that jurisdictions establish target release dates for inmates early in their terms of imprisonment. As noted above, the target release date is the benchmark around which elements of the Transition Accountability Plan are arranged.

In states with determinate sentencing, target release dates can be derived from existing sentencing law, guidelines, or practices. In states with indeterminate sentencing, the target release date can be set by the releasing authority, although the range of available discretion open to such agencies will vary across states. Target release dates should be established for individual inmates using processes that are fair, objective, equitable, and based on rational policy objectives (e.g., to impose just punishment, to protect public safety). The public and policy makers should understand that effective transition does not thwart Justice, but occurs after Justice has been served.

Releasing authorities can establish target release dates by release guidelines or by policy statements applicable to general categories of inmates. We recommend that states develop and use structured release guidelines that incorporate validated risk-prediction instruments, and that permit policy-guided overrides for exceptional cases.

We recommend that the corrections agency, releasing authority, and supervision agency have a consistent—even congruent—approach to risk assessment and risk management. Ideally, the partners in the transition process would use the same assessment instruments to predict risk of recidivism. This will reduce duplication and promote a consistent approach to risk management across agencies. If a common risk

instrument is not possible, the agencies should use generically similar information to assess offenders' risk.

In most states releasing authorities have discretion to specify conditions that released offenders must obey while under community supervision. Those conditions should be linked directly to the elements of each offender's TAP. Releasing authorities should set additional conditions of supervision only where needed to establish or maintain supervision or to give effect to some important element of the sentence. In particular, releasing authorities should avoid setting large numbers of conditions not related to elements of the TAP, which do little to improve public protection and whose practical effect is mainly to increase the offenders' odds of violation.

d. Supervision and Services

The Transition Accountability Plan is intended to help offenders become productive and law-abiding participants in society. In the community phase, the model proposes that supervision should be structured around a case management model. The case manager should develop a case plan for each offender, which shows how the community-phase of the offender's TAP will be implemented. The case management model we envision is consistent with the enforcement of elements of the TAP related to public safety. Case management should strive for parsimony, by allocating high-cost responses, interventions and services to offenders who pose the greatest risk.

The case plan is the foundation for monitoring each offender's progress in the community, to intervene when needed, to advocate on behalf of those affected by the case plan, and to refer offenders to service providers as required.

Monitoring

Monitoring consists of surveillance of each offender aimed at determining compliance with conditions of release and other contacts aimed at assessing their progress in achieving milestones. In short, monitoring is intended to identify and document what offenders are doing right and what they are doing wrong. Both

conditions of supervision and monitoring are linked to dynamic risk factors, and both can—and should—change as risk factors change.

Least restrictive options should be used to perform monitoring, and supervision strategies should be aimed at altering dynamic risk factors by giving releasees incentives and skills to make choices about environments in which they function that increase their odds of successfully completing supervision. The most cost-effective supervision options should be used—this means that supervisors need feedback on the quality of programs and services and on their cost.

Data needed to make decisions about monitoring, and data on the outcomes of monitoring choices, should be provided by community supervision agencies, and supplemented by partnering agencies and other networks within the community. Case managers should analyze monitoring data regularly to inform changes in monitoring elements and strategies, interventions, advocacy and referrals.

Interventions

Interventions are responses to monitoring that deal with:

- Accountability/punishment for violations,
- Rewards for positive accomplishments, and

Jurisdictions need to inventory responses that can be used as sanctions, positive reinforcements and treatments, and to develop additional responses to fill gaps. Jurisdictions need to develop policy governing the selection of specific responses. Supervision agencies should collect and analyze data on the application of responses and use this information to increase consistency between policy and practice within a supervising agent's caseload as well as across different agents' caseloads.

Advocacy

Supervising officers should be advocates for the offender, the victim, and the community, including the offender's family. Advocacy engages the supervising officer

in regular dialog with human service agencies, community organizations and networks, thus building and strengthening links among partnering agencies. Vigorous case-level advocacy also generates information that can be used to document gaps in services and support, and to identify where those gaps are most severe. Agencies' leaders can use this information to build support for changes in policies and resources.

Referrals

Referrals link offenders to needed services. For referrals to be effective the supervising officer must understand the problem prompting the need, and how that problem affects the need for services. Supervising officers also need to know what services are available within the community and about the effectiveness of service providers (or about their effectiveness in dealing with particular types of offenders).

e. Responses to Adjustment and Achievements on Supervision

States should develop structured policies to govern responses to offenders when they violate conditions of release as well as when they have significant positive accomplishments.

With respect to violations, policies should require swift and consistent responses to all known violations. Responses should be directly proportional to the seriousness and persistence of detected violations and the risks posed by the offenders. Hence, low-level responses (e.g., warnings, counseling, reprimands) should be imposed for violations that involve minimal harm and represent little risk to the public. Somewhat more serious violations might merit restructuring the conditions of supervision to tighten control or strengthen interventions. Slightly more serious violations might merit short periods of confinement, followed by release to re-structured conditions of supervision. Very serious violations, or violations committed by high-risk offender would merit swift revocation and return to prison. Policies might promote partnerships with law enforcement to target selected high risk cases for extra-intensive surveillance, joint supervision, shared

intelligence, etc. Revocations and re-imprisonment should be reserved for the most serious violations, for the most persistent violators, or for high-risk offenders.

States should develop an array of graduated responses to violations, so staff can match a response to the severity or frequency of the violation and the level of offender risk. Graduated responses should seek to:

- punish the instant violation,
- deter future violations,
- reduce the level of risk posed by any future violation, and
- prevent future violations by
 - teaching offenders to choose or manage their environment so as to reduce their risk of committing violations, and
 - intervening to change offenders' future behavior.

Agency rules or guidelines should also promote consistent and uniform responses for significant positive accomplishments. These responses could include such things as official or public recognition, tangible rewards (e.g., free passes to movies, pizza, etc.), reduction in levels of supervision, relaxation of conditions, and ultimately, eligibility for early discharge of supervision.

f. Discharge from Supervision

Just as release from prison gives inmates an incentive for good behavior and addressing risk-related problems, so discharge from supervision gives offenders incentive to conform to terms and conditions of supervision. In addition, discharge signals the end of supervision—the end of the active portion of the criminal sanction—and the beginning of a formal re-integration of offenders into the body of civil society.

In jurisdictions where officials can discharge successful offenders from community supervision, we recommend development of policies to guide discharge practices. Discharge should be a reward for offenders who have (a) completed a substantial period of community supervision without serious violations, and (b) who have successfully reduced their dynamic risk factors during their sentences.

Under such guidelines, the duration of successful adjustment on supervision before discharge might be proportional to the level of risk. Jurisdictions might choose not to discharge highest risk offenders, but to keep them on intensive supervision until their sentences expire. Conversely, lowest risk offenders might be discharged after relatively brief periods of successful community supervision.

States also could identify ways to make discharge from supervision a formal recognition of the offender's success in serving with the requirements of the sentence and a public and visible acknowledgment of his or her re-integration into the body of civil society.

In addition, states could take affirmative steps to restore civil and political rights for discharged offenders. Specifically, states could review existing laws that:

- limit ex-offenders' right to vote or hold office,
- identify circumstances for which a record of prior felony conviction is not a reasonable grounds for such exclusions, and
- build support for an initiative to revise those laws.

States also could review the processes by which discharged offenders may restore their civil and political rights, and, if deemed necessary, identify ways to simplify the procedures. Similarly, states could review laws and procedures affecting released offenders' access to housing, healthcare, food stamps, welfare benefits, and educational benefits.

States also could review laws restricting employment for persons convicted of felonies, and remove restrictions when the nature of the prior conviction is unrelated to a legitimate public purpose⁷. Existing procedures governing granting clemency and pardon, and expunging criminal records also could be reviewed, and changes proposed, if needed, to make these options more readily available to ex-offenders.

⁷ One may argue that some exclusions are reasonable, for example, prohibiting persons previously convicted of child molestation from employment as teachers, or prohibiting those convicted of embezzlement from working in banks.

g. Aftercare and Community Services

The transition process seeks to produce offenders who are law-abiding citizens with the strengths and skills to successfully manage the problems they will face daily. However, as with citizens generally, discharged offenders may require assistance and services from human service agencies. The offender's TAP contains a framework to guide human service providers, as well as a wealth of information they might need to respond to requests for assistance from the offender.

B. Implementing the Transition Model

The TPCI is a bold reform that will require substantial changes in the way corrections and human service agencies operate. Implementing the reform will require commitment, dedication, and persistence. This section describes some general themes all states will face in implementing TPCI.

1. Partnerships

To achieve the level of integration and coordination envisioned in the Transition Model stakeholders will participate in *partnerships* to:

- identify stakeholders' common and specific interests;
- articulate a common vision for transition;
- identify problems in existing policies and practices that need to be corrected;
- plan improvements and monitor their implementation;
- establish regular and continuing communication among stakeholders; and
- develop and implement policies and procedures that expedite information flow between and among stakeholders, and remove or minimize barriers to performing transition activities.

Partnerships should involve persons who represent diverse levels and functions within partnering agencies. Partnerships should structure their work to ensure continuity in the planning, implementation and operation of transition reforms. This can be done by

providing common leadership and staffing to support these diverse functions, by having members work on multiple functions, and by sharing information freely among the partnership members.

The partnership should adopt a continuous improvement model by developing performance measures for key transition functions, by having partnering agencies routinely collect data needed to monitor performance indicators over time, and by providing regular feedback that managers and decision makers can use to fine-tune operations or to revise reforms.

Partnerships should seek formalizing their operations in interagency agreements and contracts among partnering agencies. Partners should also amend their respective information systems, as needed, to facilitate information sharing with other partners and should remove or modify barriers to sharing information needed to operate the intended transition reforms.

Each state must tailor their transition partnership to its own political, legal, and organizational environment. We cannot prescribe a detailed blueprint—each state will be different and will have to define their own plans for their policy-level partnership.

However, each state will have to:

- Initiate the policy-level partnership,
- Select a leader,
- Provide staff support,
- Identify members of the partnership,
- Facilitate decision making,
- Obtain Expert Advice
- Develop a mission statement,
- Establish a planning, program development, and monitoring process,

Initiate the Policy Level Partnership

The movement toward a policy-level partnership will be started by a small group of "initiators" who comprise the formal leadership of the corrections, parole, community

supervision and human service agencies whose agreement and cooperation are essential to reform the transition process. These initiators (in most jurisdictions, there will be at least four of them) will confer, as required, to reach a consensus to proceed with a system-wide transition reform. They will then need to obtain preliminary approval of political leaders to proceed with the next steps. In most jurisdictions political leaders will include the governor and selected legislators.

Select a leader

Once preliminary political approval has been obtained, the Initiators should select a Chairperson to lead the partnership. The chairperson should:

- (a) be passionately committed to improving transition,
- (b) be perceived as independent,
- (c) have enough "heft" to get the right people to the table, and
- (d) have political skills to resolve contentious issues that will divide members of the partnership, and to market the transition reform to political officials and the wider public.

Provide Staff Support

The Initiators will also select a staff director to work with members of the partnership to develop, implement, and operate the reform. Additional clerical, planning, and research staff support also will be needed, as determined by workload. Each jurisdiction will determine the best way to assemble the requisite staff—interagency transfer, new hires, temporary assignment of existing staff, etc.

Select the Members of the Partnership

The Initiators will identify persons to serve as members of the Transition Partnership. Each stakeholder should be represented by a person who is authorized by the stakeholder's formal leader to represent their agency's position before the partnership,

and empowered to act on matters pertaining to the stakeholder's interests. Potential members will represent all levels of government (state, county, local), and, within their partnering agencies, all levels of operation.

Facilitate Decision Making

The members and leaders may not have experience in organizing and operating a viable policy-level partnership. They may find it helpful to seek technical assistance to provide a facilitator experienced in partnership formation to advise the Chair and Staff Director on general issues relating to running effective meetings, and processing issues within the partnership. The facilitator may--at the request of the Chair or the Staff Director--lead members of the partnership through exercises to clarify positions, structure input, or reach consensus on divisive issues.

Obtain Expert Advice

The partners may need advice on a variety of topics to inform members on best practices, and on key issues and values involved in alternative practices, including such topics as:

Institutions: classification, risk prediction, assessment, population management, programming, education, vocational education, treatment, substance abuse treatment and education, disciplinary issues, and behavioral management regimens;

Parole Decision Making: release decision-making, structured revocation policies, and conditions of supervision;

Reentry: developing and implementing reentry plans, and community support and services.

Supervision: risk classification and supervision strategies, case management, and collaboration with other agencies.

Information: developing and analyzing data on offender populations, defining and implementing performance measures, conducting trend analysis, and sharing information across agencies.

Substantive experts may be provided by participant agencies or by NIC either as part of the TPCI staff or NIC's Technical Assistance division, or by various combinations.

Establish a Planning and Program Development and Monitoring Process

The Transition Partnership will have responsibility for: (1) planning, (2) developing, (3) implementing, and (4) overseeing the operation of a reformed transition process. The full array of partners might work on all three, or separate groups might be created to deal with each. **If separate groups are established, membership on those groups should be expanded to include important non-governmental and faith-based organizations that provide services or support to offenders in institutions or in communities.**

A **Development Group** might:

- draft a Mission Statement that emphasizes public safety via successful offender transition from prison;
- map the transition process, identifying all the decision points, the pertinent policies governing decisions at each point, and identify the individuals or organizations that control policies and decisions;
- collect and analyze available data on the flow of offenders through these decision points, and on the costs of existing practices;
- review policies related to, but not limited to:
 - Assessment and classification
 - Institutional case planning
 - Information Sharing
 - Continuum of services (following release)
 - Parole Release
 - Violation hearings
 - Termination of supervision
 - Social services in the community
 - Housing policies

- define the broad policies and outcomes that the jurisdiction wants to achieve in its transition reform.

An **Implementation Group** might:

- develop a plan to put into effect the policies established by the Development group;
- review the decision mapping information to identify procedures and practices that need to be changed, and to identify barriers to change;
- produce an action plan that covers all affected organizations at all levels in the transition process, and that identifies changes to be implemented at each decision point, barriers and describe strategies to overcome them, and milestones and deadlines;
- define performance measures that objectively assess the extent to which the TPCI is being implemented as intended at each decision point.

An **Operations Group** might:

- define detailed changes in training and practice that will be needed in order to put the initiative into effect; monitor the application of the TPCI, including obtaining data on performance measures;
- review monitoring data and will report its' findings and recommendations to the Implementation and Development Groups.

In addition, there may be **place-based groups** formed to carry out specific transition functions in particular locations. For example, a prison may form a group to deal with procedural changes needed to effectuate the policy changes endorsed by the implementation or operation group. The place-based groups may deal with issues that are affected by transition reforms, but which are peripheral to the transition process itself. Particular communities may form a place-based group to improve supervision and service delivery for released offenders. These groups will work to define specific jurisdiction-based tactics and procedures to give effect to the general transition reforms. These might

include designating particular staff persons in agencies as a contact person who will expedite specific requests, etc. Each of these place-based groups will function as a partnership. They will monitor aggregate supervision data to spot shortages in available resources needed to implement case plans. **Membership on place-based partnerships should include neighborhood and community organizations as well as non-governmental and faith-based organizations that deliver support and services to offenders.**

The Transition Partnership will form linkages with place-based groups to achieve continuity and consistency by sharing information and providing assistance as requested.

2. Overcoming Barriers

Jurisdictions that implement the TPCI Model will have to overcome barriers relating to organizational resistance, and lack of authority, resources, organizational capacity, and information flow.

In overcoming barriers, agreement by the partners on an overarching goal of the transition reform—a goal to which each partner can ascribe, and which transcends organizational boundaries—can be a powerful unifying force. Without such a unifying purpose, barriers will be more common and harder to overcome.

a. Resistance

Organizational inertia predisposes bureaucracies to resist change, whether imposed from within or without. But it is especially likely that the past relations of transition partners were marked more by competition and discord than by harmony and collaboration. Organization's boundaries define domains within which valued functions are performed, services are delivered—often to the same clientele—and employees' careers play out. Public agencies compete for a limited and fixed pool of resources. One partnering agency may have tried to wrest control over programs or services from another partner, or may have won a funding increase at the expense of a future partner's budget.

Hence, policy-level partnerships must work hard to overcome partners' resistance to collaboration. Several things must happen for this to occur. First, all stakeholders

must be invited to and actively participate in the partnership. Second, the leader of each partnering agency must formally and unambiguously endorse the goals of the partnership. Third, agency leaders must select a person to represent the agency before the partnership, and must empower that person to act on behalf of the agency. That person must be appropriately positioned in the agency to lead agency staff and influence partners, and be skilled in negotiation.

Fourth, in its initial meetings the partnership must identify and document sources of resistance. Often resistance is based on myths, misunderstandings, selective perception, and misinformation and can be defused simply by “ventilation”. Ventilation also lets agencies identify procedures that have caused problems for partners and to consider possible changes.

Partnerships must identify common interest and benefits that will provide the “glue” to bind the partnering agencies in the future. Eventually, the partnership will generate the will within and among participating agencies needed to remove other, less fundamental, barriers.

Finally, once partnerships have identified and overcome barriers between agencies, leaders within each agency must identify and overcome barriers with each agency. Mid-level staff must be engaged and converted. New staff roles may need to be created. Staff may need to be trained in new policies and procedures. Information systems may need to be overhauled to provide requisite data in timely fashion. Personnel systems may need to be restructured, so that job descriptions, performance reviews, promotions, and compensation reinforce the agencies’ mission with respect to transition.

Resistance to transition reforms may also emerge in the neighborhoods to which offenders return. Such resistance may be reduced by ensuring that neighborhood, community, and faith-based organizations are full members of the place-based partnerships that define how transition reforms will be implemented in specific neighborhoods.

b. Changing Offender Characteristics

The TPCI model assumes that states will concentrate their supervision, support, and assistance resources on higher-risk subsets of the offender population. These groups (e.g., sex offenders, substance abusers, etc.) will have different configurations of dysfunctions, strengths, and needs. Transition strategies will need to be tailored for each such group, and will have to evolve over time in response to changes in the population of confined and released offenders, and feedback on performance measures.

c. Lack of Authority

The partnership needs to review existing laws, regulations, and policies to identify those which need to be modified in order to perform the functions required by the Transition Model in an effective and affordable way. In doing so, the partnership needs to distinguish the extent to which resistance stems from inertia, turf protection, or lassitude, rather than authority. This will narrow the scope of required change (particularly legislative change) and speed the implementation of reforms.

d. Lack of Resources

The TPCI assumes that partnering agencies will need to change the way they operate with respect to transition functions, and that these changes will have fiscal implications, within and probably across agencies. We do not assume that the TPCI will require an increase in resources, within or across agencies. However, resources likely will need to be reallocated within agencies.

We believe that TPCI can be effectively implemented in states that are experiencing budget shortfalls. Indeed, when agencies fundamentally shift how they operate, new possibilities for cost savings and funding reallocations become more apparent. For example, structured responses to violations—a key element of TPCI—could cut return to prison rates dramatically, thereby reducing confinement costs without diminishing public safety, and freeing resources that could be reallocated to support other elements of the TPCI reform.

Indeed, it may be better to implement fundamental changes during periods of fiscal stress. When agencies' budgets are flush officials may be tempted to layer reforms

over existing incompatible practices, thereby diminishing the reform's effectiveness and prolonging resistance to change. TPCI will help states to document the need for resource reallocation and to develop rational plans to achieve it.

e. Lack of Organizational Capacity

The organizations that partner in the TPCI will need effective leaders and line staff who share a common vision of transition and who will provide a reasonable degree of continuity to the reform. Leaders will need political skills and sufficient standing within their respective organizations both to build policy support and to defuse opposition. Agencies will need to engage mid-level managers as advocates for and supporters of transition reforms. Line staff will need specific job skills and a coherent body of organizational policies and procedures that enable them to perform transition related functions effectively.

The TPCI is built on the concept of continuous improvement. Transition reform always will be a state of "becoming", not a state of "being." Hence, each state should create an ideal definition of its transition reform (that definition should be informed by and, we hope, be highly compatible with the TFPC model), and develop performance measures that will tell officials how close their actual practices are to their ideal at any point in time. In addition, each state's information systems should be revised to give managers and leaders periodic reports on these performance measures. Agencies should use these reports as management tools to improve overall performance.

Agencies implementing TPCI model should build their capacity to collect and report data on transition performance measures, and train agency staff in the techniques of performance-based management. Managers need to be skilled in evaluating the performance of both individual employees and units in terms of transition related performance measures.

Agencies need to establish conditions within their organizations that will allow transition reforms to work as envisioned. Each agency should modify its organizational structure to give transition priority commensurate with other core functions. Information systems should be revamped so that data needed to develop, implement, monitor and

modify TAPs is readily and freely available to those who need it, both within and across partnering agencies. Within each agency, staff at appropriate organizational levels should be identified and charged with developing and operating the transition reforms. These staff should be unambiguously empowered to discharge their assignments. Agency policies and procedures should be reviewed and modified as needed to support transition reforms. Agencies should routinely give managers feedback on system-level transition performance measures. Managers should use this data to fine-tune the transition process and TAP. Agency leaders should use the data to fine-tune broad procedures, policies, or elements of their transition reform.

As noted above, under the TPCI supervising officers would function as case managers. This, of course, means that personnel systems may need to be redesigned to support effective case management. Job descriptions may need to be rewritten. Recruitment practices may need to be changed. Training curricula may need to be revised to equip supervising officers with requisite skills. Personnel supervision and performance review practices may need to be revised.

f. Lack of Information Sharing

The reforms we advocate require accurate and timely information. In order to conduct offender assessments, to develop, implement, and revise TAPs, and to implement effective case management information must be shared between and across partnering agencies. In the past case managers have worked around information barriers in personal and ad hoc ways. Their solutions were fragile—often crumbling when personnel changed—and expensive—they were layered on top of existing information systems and staff worked hard to get needed information in addition to doing their other work. Hence, each jurisdiction must remove barriers to the flow of requisite information.

Unfortunately, organizational boundaries often serve as a firewall to stymie information sharing. Confidentiality requirements legitimately protect citizens' interests. But agencies often interpret confidentiality requirements expansively, and invoke them as blanket limits on information sharing. In other settings, (for example, police-corrections

partnerships) agencies that were committed to collaboration have found ways to enhance information sharing while meeting the letter of confidentiality provisions.

Officials implementing the TPCI need to make enhanced information sharing a core mission of their partnering agencies, and to embed information sharing solutions within existing management information systems to provide accurate data in real-time at minimal cost to the end-users.

The key to enhanced information sharing is not to solving technical problems: the key is *for partnering agencies to make a strong commitment to sharing information*. Partners will arrive at that commitment once they recognize the substantial and enduring benefits each will reap from enhanced information sharing. The overriding benefit is that each partner will heighten their case management capacity ***for all the clients they serve, not just for those who are offenders***. In addition, recent advances in software, hardware, and information infrastructure now make cross-agency information sharing much more feasible and affordable.