
Problem

Many community corrections agencies lack a systematic approach to performance measurement that would enable them and their key stakeholders and constituents to effectively judge how well the agencies are accomplishing their goals. Where performance measures exist, most are primarily case flow measures (new cases received, cases discharged, cases remaining), activity counts (number of office or field contacts completed, number of drug tests administered), point-in-time snapshots (average caseload size, types of cases supervised), and other process measures. Such measures provide information about the agency workload, but fail to address the results achieved by the agency. The absence of outcome measures handicaps policy makers and others who wish to assess the overall performance of the agency, and also limits the ability of corrections executives to effectively manage their staff and resources. It is difficult for agency leaders to make optimal use of staff if they don't know which staff and programs are and are not meeting their goals.

Solution

Community corrections agencies should implement a systematic performance measurement model, which includes measures of outcomes in key performance areas. Such a model would provide regular, objective and quantitative feedback on how well agencies are achieving their goals. Such information would help agency managers and staff as well as the public judge how well the agency is performing, and would provide managers with accurate and reliable information on which to base their management decisions.

A comprehensive performance measurement system would address the many tasks that community corrections agencies are responsible for: tracking performance at multiple levels (individual cases, staff, units, programs and the entire agency) and examining both process and outcome measures. It is useful to begin with a more modest approach that identifies a small group of outcome measures for key performance areas. These can be implemented more readily and can form the basis for a larger system.

This provision:

- Requires offender supervision agencies to set up a system to track and report regularly on key performance measures as defined by the American Correctional Association.
- The measures are: recidivism, employment, substance use, payment of victim restitution, compliance with "no contact" orders, and the overall performance of supervised individuals as measured by the type of discharge from supervision.

Suggested Language

Section 101. Short Title.

This Act may be cited as the “Community Corrections Performance Measurement Act.”

Section 102. Definitions.

In this title:

(1) “Agency” means:

(A) The Department of Corrections or the state agency responsible for supervising individuals placed on probation by the courts or serving a period of parole or post-incarceration supervision after jail or prison; and

(B) Any regional county or local government agencies responsible for supervising individuals placed on probation by the courts or serving a period of parole or post-incarceration supervision after jail or prison, provided such agencies receive state funding.

(2) “Community Supervision” means:

(A) The placement of an individual under supervision in the community by a court for a specified period with conditions imposed, as a result of either a conviction and sentence to probation, or the suspension of criminal proceedings without an adjudication of guilt; or

(B) The placement of an individual released from jail or prison under supervision in the community for a specified period with conditions imposed by the releasing authority.

(3) “Supervised Individual” means an individual placed on supervision or probation by a court or serving a period of parole or post-incarceration supervision following jail or prison.

(4) “Performance Measurement System” means a systematic method of identifying, recording, compiling, analyzing, reporting and applying information about an agency’s activities and accomplishments, for both internal management purposes and for accounting to supervising and oversight agencies, legislative and executive bodies, constituents and stakeholders and the public.

(5) “Key Performance Indicator” means a measure that captures agency performance on critical variables that are central to the accomplishment of the agency mission and goals.

- (6) “Recidivism” means:
- (A) The arrest of a supervised individual for a new offense while under community supervision;
 - (B) The conviction of a supervised individual for a new offense while under community supervision; or
 - (C) The adjudication of a supervised individual for violation of the conditions of supervision while under community supervision.
- (7) “Employment” means that the supervised individual is employed
- (A) Full time (more than X hours per week) at legitimate employment; or
 - (B) Part time (less than X hours per week) at legitimate employment.
- (8) “Controlled Substances” means drugs and other illicit substances whose possession and use is controlled or regulated by the state.
- (9) “Substance Abuse Testing” means the administration of quantitative tests using urine, saliva or other approved methods to detect the use of controlled substances by supervised individuals.
- (10) “Victim Restitution” means court-ordered financial payments to the victim of a crime by the supervised individual for compensation of damage or loss.
- (11) “Victim Protection” means compliance with “no contact” orders by the supervised individual.
- (12) “Status of Discharge from Supervision” means the status of supervised individuals when they were removed from supervision. A successful discharge is one in which the supervised individual is removed from supervision at the end of the term or prior to the end of the term, having fully or substantially completed the requirements of supervision. An unsuccessful discharge is when the supervised individual is removed from supervision through revocation for violation of the conditions of supervision or for a new offense.

Section 103. Implementation of Performance Measures.

- (1) The agency shall develop and implement a performance measurement system within [18 months] of the effective date of this Act.
- (2) The performance measurement system shall include, at a minimum, information on the following key performance indicators:
- (A) Recidivism of supervised individuals;
 - (B) Employment of supervised individuals;
 - (C) Substance use by supervised individuals;

- (D) Victim restitution paid by supervised individuals;
- (E) Compliance with “no contact” orders by supervised individuals; and
- (F) Status of discharge from supervision.

(3) The performance measures should be formatted and reported consistent with the following outcome measures prescribed in the *Performance Based Standards for Adult Probation and Parole Field Services* (4th edition) published by the American Correctional Association:

- (A) Recidivism – Performance Standard 1A, Outcome Measures 1 and 2, Performance Standards 2B, Outcome Measures 1, 2, and 3;
- (B) Employment – Performance Standard 2D, Outcome Measures 1 and 2;
- (C) Substance Use – Performance Standard 2D, Outcome Measure 3;
- (D) Victim Restitution – Performance Standard 2E, Outcome Measures 2, 3 and 4;
- (E) Victim Protection – Performance Standard 2E, Outcome Measure 1;
- (F) Status of Discharge from Supervision – Performance Standard 2A, Outcome Measure 1.

(4) The agency shall ensure that accurate, reliable and complete records are maintained on the key performance indicators.

(5) The agency shall report on agency performance on the key performance indicators at least annually to supervising and oversight agencies, legislative and executive bodies, constituents and stakeholders and the public.

(6) The agency shall utilize information on the key performance indicators for agency management purposes, reporting and reviewing performance on no less than a monthly basis.

Notes and Drafting Alternatives

Items in [brackets] are terms, figures and timeframes that states may wish to adjust to their individual preferences or circumstances, such as the capacity of their community corrections agencies to implement the policy recommendations.

Section 102 (1): This definition of agency is a placeholder designed to reflect the broad range of governing structures for community corrections in the states. States may wish to add the names of the relevant state agencies. Regional, county or local agencies may be included if they receive state funding.

Section 102 (2) (A): This definition reflects the fact that in addition to a formal conviction and sentence to probation, many individuals are placed under supervision without a conviction and sentence. These cases are typically called deferred prosecution, diversion or similar terms. The

individuals still are placed under supervision with conditions. Individuals who fail to comply with the conditions of supervision may be discharged from the program and their case returned to normal criminal case processing.

Section 102 (3): This includes the diverted or deferred cases as noted above.

Section 103 (1): Community corrections agencies have widely varying data capacities which can impact how quickly they are able to implement performance measures. This section recommends an 18-month period for development and implementation. Depending on data systems and other issues, states may wish to allot more or less time for the system to begin functioning.

Section 103 (2): A comprehensive performance measurement system would include many more measures than these six. This listing should not limit an agency in developing its performance measurement system. Other measures could include community service work, housing, and offenders' social networks.

Section 103 (3): These standards, attached as an appendix, were in final draft form as of December 2008. Regarding restitution, some probation and parole agencies do not collect the restitution payments; that function may be handled by the court clerk or some other agency. The supervision agencies should nonetheless be monitoring payments and taking action to enforce compliance with the payment schedule. Moreover, the ACA Performance Based Standards referenced above also include a measure for victim protection – the number of offenders who have “stay away from” or “no contact with” or “no violence toward” orders in the past 12 months, divided by the number of offenders who violated these orders in the past 12 months (2E(1)). These measures may be more difficult for agencies to institute than some of the other measures, and states may wish to provide a longer lead time than 18 months for agencies to implement them.

Section 103 (4): The agency should take proactive steps to ensure that data is complete and accurate.

Section 103 (5): This is a minimum recommendation for reporting. More frequent reporting is desirable.

Section 103 (6): Agencies should consider adopting “PerformanceStat” type management models to enhance the use and impact of the performance data within the agency.¹ Based on the “Compstat” model developed by the New York City Police Department, the model has been adapted by a number of probation and parole agencies.²

Rationale

Recidivism. Research shows that well-designed and well-implemented correctional strategies and programs can reduce offending by probationers and parolees.³ Since promoting public safety and reducing crime by offenders under supervision is a core mission of community corrections, measuring recidivism, or new criminal activity, often is regarded as the chief performance indicator. If community corrections agencies implement effective programs well, they should see a reduction in recidivism. To determine if recidivism is being reduced and by how much, it should be measured and reported on a regular basis. States may also wish to measure and report recidivism by offender risk levels.

Employment. Individuals under probation or parole supervision are routinely required to obtain and maintain gainful, legitimate employment. This requirement is frequently a “standard condition” of supervision imposed by the sentencing court or paroling authority. There are many reasons that support such a requirement. Individuals who are unemployed pose a higher risk of reoffending.⁴ Obtaining a job reduces the individual’s risk of committing new crime.⁵ Having a job provides the individual with income, enabling them to support themselves and their dependents, pay taxes, pay restitution and child support, and generally be a productive member of the community.⁶ Lastly, the public expects individuals under supervision to be working and paying their way, not living off others or the state. Community corrections agencies should ensure that all able individuals under supervision are working, and should assist those who do not have a job in obtaining one. In a survey of state parole agencies in 2004, 78 percent of the agencies reporting required employment as a condition of parole, but only 21 percent tracked the employment status of the parolees.⁷ Employment rates of supervised individuals should be measured and reported on a regular basis. Some states may also wish to measure, and perhaps include with employment figures, individuals who are full-time students, whether in a community college or university setting, or in a trade or business school.

Substance Abuse. The correlation between crime and the use of illegal substances and abuse of alcohol is well documented. Estimates range between half to three-quarters of offenders have some connection to illegal drugs and/or alcohol.⁸ This connection may be the commission of a drug offense or an offense to obtain drugs, an active addiction or a history of abuse and/or addiction. Use of illegal drugs is prohibited generally for individuals under supervision by the requirement that they obey all laws, and specifically by a common supervision condition to refrain from use of illegal substances. Much of the work of probation and parole officers involves monitoring offenders for drug use and providing addiction counseling and referrals to treatment for those offenders who persist in using drugs. Most community corrections agencies conduct regular testing for drug use to determine whether offenders are using drugs.⁹ As a key indicator of criminal behavior, the results of drug testing should be compiled and

reported on a regular basis. The number of offenders who complete substance abuse treatment programs is another measure that could be used.

Victim Restitution. Payment of financial restitution by an offender to the victim of the crime to compensate for damage or loss is a fundamental principle of American common law. Every state has a set of legal rights for crime victims in its code of laws, often called a victims' bill of rights. These generally include the rights to restitution from a convicted offender. In addition to statutory rights of victims, 32 states have adopted state victims' rights constitutional amendments.¹⁰ Restitution is ordered by the court and incorporated into the conviction order. As a result, it is incumbent on community corrections agencies to monitor payment of restitution and take enforcement actions as needed to compel offenders to pay the restitution ordered. Timely and effective enforcement of restitution orders is essential to meeting the constitutional obligation to the victim and to maintaining the integrity of the court's order. The degree of compliance with restitution orders and the amount of restitution collected should be compiled and reported on a regular basis.

Victim Protection. Court or parole orders often includes a "no contact" condition designed to prohibit offenders from having any contact with the victim of the offense. Such conditions are critical to victim safety and peace of mind. Community corrections agencies should monitor compliance with such orders, and compile and report the results on a regular basis.

Status of Discharge from Supervision. The status of discharge from supervision provides another, broader measure of overall effectiveness of community supervision. "Successful" discharges are those supervised individuals who have completed their term without being revoked, or who have been granted discharge prior to the expiration of the full term of supervision for exemplary behavior and compliance with the conditions of supervision. Supervised individuals who are revoked from supervision for new criminal activity or for substantial violations of the conditions of supervision are categorized as "unsuccessful" discharges.

State Examples

Corrections agencies in several states have established performance measurement systems. The following are a few examples:

Arizona Department of Corrections

<http://www.azcorrections.gov/adc/reports/5YearPlan05.pdf>

<http://www.azcorrections.gov/adc/reports/CAG/CAGAug08.pdf>

Georgia Board of Pardons and Paroles

http://www.pap.state.ga.us/opencms/export/sites/default/resources/07Annual_Report.pdf

Iowa Department of Corrections

<http://www.doc.state.ia.us/Documents/2006AnnualPerformanceReport.pdf>

Maryland Department of Public safety and Correctional Services

<http://www.gov.state.md.us/statestat/reports/DPPvol2no15.pdf>

New Jersey Probation Services

<http://www.judiciary.state.nj.us/quant/cman0809.pdf>

Oregon Progress Board

<http://www.oregon.gov/DAS/OPB/GOVresults.shtml#top>

Texas Legislative Budget Board

http://www.lbb.state.tx.us/PubSafety_CrimJustice/2_Current_Corr_Pop_Indicators/Recidivism_tables.pdf

APPENDIX

Outcome measures prescribed in the *Performance Based Standards for Adult Probation and Parole Field Services* (4th edition) published by the American Correctional Association.

Recidivism

- 1A. Members of the community are protected from crime.
 - (1) Number of offenders who were arrested for any offense in the past 12 months divided by the total agency caseload in the past 12 months
 - (2) Number of offenders who were convicted of any offense in the past 12 months divided by the total agency caseload in the past 12 months

- 2B. Offenders comply with conditions ordered by the sentencing court or releasing authority.
 - (1) Number of offenders found in violation of a new offense during the past 12 months, divided by the total agency caseload during the past 12 months
 - (2) Number of offenders found in violation of a technical violation only during the past 12 months, divided by the total agency caseload during the past 12 months
 - (3) Number of offenders who absconded during the past 12 months, divided by the number of offenders who were under supervision in the past 12 months

Employment

- 2D. Offenders are successful in the community during their sentences and after discharge.
 - (1) Number of offenders who were employed on a specified day in the past 12 months (single day count), divided by the total agency active caseload on that day
 - (2) Number of offenders who were employed upon discharge in the past 12 months divided by the number of offenders discharged in the past 12 months

Substance Use

- 2D. Offenders are successful in the community during their sentences and after discharge.
 - (3) Number of offender substance abuse tests for which the results were negative in the past 12 months divided by the number of tests administered in the past 12 months

Victim Restitution

- 2E. Offenders comply with all conditions of the court or releasing authority.
 - (2) Amount of restitution collected in the past 12 months
 - (3) Amount of restitution ordered in the past 12 months
 - (4) Number of offenders whose cases were closed with total restitution paid in the past 12 months divided by the number of offenders whose cases were closed with restitution ordered in the past 12 months

Victim Protection

- 2E. Offenders comply with all conditions of the court or releasing authority.
- (1) Number of offenders who had “stay away from” or “no contact with” or “no violence toward” orders in the past 12 months, divided by the number of offenders who violated these orders in the past 12 months

Status of Discharge from Supervision

- 2E. Offenders behave lawfully while under the supervision of the agency.
- (1) Number of offenders who successfully completed supervision in the past 12 months divided by the number of offenders removed from supervision in the past 12 months (discharged and revoked). (Comment: “discharged and revoked” includes offenders successfully and unsuccessfully terminated from supervision)

¹ Behn, Robert, *The Seven Big Errors of Performance Stat* (Cambridge, MA: Kennedy School of Government, 2008).

² Burrell, William and Adam Gelb, *You Get What You Measure: Compstat for Community Corrections*, Public Safety Performance Project, The Pew Charitable Trusts (Washington, D.C.: 2007).

³ Andrews, D. A. and James Bonta, *The Psychology of Criminal Conduct, 4th edition* (Cincinnati: Anderson Publishing, 2006); MacKenzie, Doris L, *What Works In Corrections: Reducing the Criminal Activities of Offenders and Delinquents* (New York: Cambridge University Press, 2006); Sherman, L.W., D. Gottfredson, D. L. MacKenzie, J. Eck, P. Reuter and S. Bushway, *Preventing Crime: What Works, What Doesn't and What's Promising* (Washington, D.C.: National Institute of Justice, 1997).

⁴ Gendreau, Paul, Claire Goggin and Glenn Gray, “Employment” *Forum on Corrections Research*, 10 (3) (1998).

⁵ Bushway, Shawn and Peter Reuter, “Labor Markets and Crime Risk Factors” in Sherman, Lawrence, et al, *Preventing Crime: What Works, What Doesn't and What's Promising*, (Washington, D.C.: Office of Justice Programs, 1997).

⁶ Krienert, Jessie L. and Mark S. Fleisher, “Economic Rehabilitation: A Reassessment of the Link Between Employment and Crime,” *Corrections Management Quarterly*, 5 (4), p. 54 (2001).

⁷ Rakis, John, “Improving the Employment Rates of Ex-Prisoners Under Parole,” *Federal Probation*, 69 (1), p. 11 (2005).

⁸ Belenko, Steven, *Behind Bars: Substance Abuse and America's Prison Population*, (New York: Center on Addiction and Substance Abuse, 1997).

⁹ Bonczar, Thomas P., *Characteristics of State Parole Supervising Agencies*, (Washington, D.C.: Bureau of Justice Statistics, 2008). All 50 state parole supervising agencies report testing parolees for drug use, p. 5.

¹⁰ Please see <http://www.ncvc.org/>