

NIC Technical Assistance Report
NYC-DOP
13C1055

NIC and BJA have continued their joint venture, providing technical assistance to the New York City Department of Probation (NYC-DOP) for the implementation of Evidence Based Policy and Practice (EBPP) for the Adult Probation Population. It is recognized that NYC-DOP has initiated EBPP for the Juvenile Population through Family Court previously. This report focuses primarily on Adult Probation.

I was asked to review the progress of the implementation process and assess the impact of technical assistance to date. This review is for the benefit of the federal investors, their investment strategy and ultimately the effectiveness and efficiencies experienced by their client, the NYCDOP.

FINDINGS:

My primary contact for this assignment was Bob Costello, Assistant Commissioner for Training and Organizational Development. Since the departure of Kathleen Coughlin as Deputy Commissioner at NYC-DOP, Bob has been assigned, by the Commissioner, increased responsible for establishing the overarching implementation strategy for the agency. Bob manages many of the key tactics for successful implementation, through direct reports to himself but must coordinate others with people who occupy positions of various levels in a very hierarchical organization. Bob came to the agency without direct operational experience within Probation, but he had extensive OD experience working with clients to adopt new strategies, tactics and tools. He has extensive experience with the challenge of changing Organizational Culture to promote accomplishing a new business strategy. This is the same work required in this assignment.

While Bob's focus is on the broader Organizational Development strategies, the Commissioner responded to a recommendation to create a full time EBP Manager position. Vinnie Carrique, a long time BC, who had worked in multiple operational units and multiple Boroughs was selected for the position. He remains eager to learn KASs required to drive the EBPP adoption. Because he comes from the "streets" he has instant credibility with line managers in the DOP and can translate EBP principles to the specific operations of the DOP. The teaming of Costello, conceptual, and Carrique, operational, appears to work well. There is a healthy respect between the two, and both elements are essential.

The OD approach referenced above is reflected in the way the primary, general assessment tool was selected. A work group, made up of staff of various levels within the agency, selected the LSI-R and screener from several "current generation" general criminogenic assessment tools.

It is also reflected in how the tool was brought on-line. NYC-DOP has, among several strengths, the benefit of a significant cadre of full time training staff all of whom have field experience. Their approach to delivering "training" within the agency is generally well received by officers because it is recognized the trainers have actually done the line work at some time in their career.

As an aside, the disadvantage of having a talented, respected training unit is that too many business tactics will be defined as a training issue and assigned for delivery by the staff. This limits the effectiveness of what the unit has the potential to accomplish by using a cognitive learning approach to staff development rather than the traditional classroom instruction model.

One example of the new training model is reflected in the city wide implementation of the LSI-R and screener, now employed by all five Boroughs. Five trainers have been "certified" by the University of Cincinnati to implement the LSI-R. This is a cognitive staff development approach where knowledge is acquired and skill is practiced, reviewed, corrected and reinforced. It is an accepted behavior change model. The coaching is ongoing through October of this year with refreshers anticipated to follow.

All incoming cases are screened with a score of 4 and below being assigned to a reporting track and scores of above 4 being assigned to supervision. The supervision officer then administers an interview process to complete the full LSI-R. This is the existing Standard Operating Procedure (SOP) for the NYC-DOP.

While the Investors and their Client were both eager to see an acceptable assessment tool implemented throughout the city, the two concerns that accompany that implementation in all jurisdictions are quality assurance of the results of the assessment and insuring the assessment drives the case planning and management processes.

NYC-DOP has hired a person to manage the Quality Assurance Processes for the agency. The person made it clear that she was not there **to do** Quality Assurance and impose the results on staff. Instead she has been empowered to lead a work group to define what business practices need review, what the quality standard is for each and how each Borough is responsible for documenting their review process. In this way quality assurance is a responsibility of all staff regarding the work each performs and not the duty of an external agent. That process has been initiated. (The details of the process can be provided to the investors but were not collected as part of this assignment.) One of the practical results of this process has been the acknowledgement that the majority of the incoming cases score at or below the cut off score of 4. The initial question was should we lower the cut score and assign more cases to supervision because we have always assumed our population to be more serious (urban legend?). Instead the work group decided the cut off score should be maintained and the science tested rather allow the assumption to override the science.

The second concern remains an issue for the agency. "How do we insure the assessment informs and becomes the base against which we plan and manage our cases on an individual basis rather than a series of formulaic recipes?" A new automated case plan (IAP) format has been introduced across the agency. There seems to be no pretense that it is well linked or integrated to the LSI-R assessment. Insuring the case plan is a relevant, dynamic management tool is a challenge for all agencies including NYC-DOP. Unless staff find that they have to use it regularly for real work, it will become an artifact created, set aside and dusted off on the rare occasion it documents a violation report or early discharge request. Agencies that have been most successful in creating dynamic case management informed, not dictated, by assessments (both general and specialized) are those that have user friendly automated operating systems where the daily real work takes place. The automated system then captures the data from the standard work documents and integrates it into reports and updates status reports for the officers and supervisors, making their work both more effective and efficient. This will take time, involvement of a thoughtful work group and talented automation staff and vendor(s). By their own admission the agency is not there.

This led to the identification of an even bigger concern. Even if all the strategies are well communicated and the tactics and tools are well integrated, but officers aren't skilled at and comfortable making judgement calls the potential of EBPP will be dramatically diminished. This is an Organizational Culture issue. Like many large Probation Departments, this organization has lived through the culture of becoming a hierarchical, rule enforcing business organization. In that business environment the focus was on activity more than outcome. The focus was on writing the rules that all staff are expected to enforce all the time. Exceptions are caught and discouraged. Officers are reinforced for instructing the person under supervision on the rules of conduct and understanding the officer's job is to catch violations. Violations in turn are reported to the Court, placing the responsibility on the Bench to exercise judgement on where to go from here. EBPP emphasizes a shift from activity to outcome. Activities now become important and are measured as they relate to how they improve outcome and not merely that they were completed. An example is the concept of contacts. During a period of our industry history, it was essential to document the frequency of contact consistent with the level of perceived or assessed level of risk to reoffend. Even where the assessment was predicated on sound static actuarial measures of risk, the focus was on insuring contact more than clarity of what should be accomplished by the contact. Contact focused on catching violations of rules rather than promoting behavior change that would increase the likelihood the person would live within rules as part of a new life style. This business environment was simpler in that it did not require judgements to be made. It rewarded those who were good at enforcement and documentation. While this may read like an indictment, it is intended to magnify the distinction between that business practice and a business practice that is about behavior change. Enforcement is never eliminated, but it becomes a means to an end, not an end in itself. It is not a threat but one of the tools available, if necessary. The change in focus requires far more of officers. They now have to know about the science of behavioral change. They have to be able to understand an assessment report not as

label for a person but as a set of clues on how they will manage a behavior change process that, with the probationer's buy-in, increases the likelihood the person can get out and stay out of the criminal justice system. This new business requires a different set of knowledge, abilities, skills and attitudes. The science now tells us that officers who spend more contact time focused on the factors that put the person at risk to reoffend than on "conditions" have a higher percentage of cases closed as successful than when the focus of the time is reversed. We did discuss some options to approach this issue which I will address in the recommendation section.

Finally we discussed their tactics for identifying to what degree those organizations providing services to the agency's clients are also pursuing an Evidence Based Approach, based on evidence being developed by their discipline. They have reviewed all the organizations to whom they refer people and have selected the top 150 based on total numbers of referral. These organizations include those with whom the NYC-DOP have contracts for service which they finance and those to whom they refer without a cash cost to the NYC-DOP. They have established a process by which they will first collect descriptive information of the organization, population served, modality of service, results they document, etc. The second phase will be to begin a qualitative review of the organizations. I introduced Bob to tools such as the CPAI and CPC. The benefit of those processes and tools is that many jurisdictions have used it as a way to insure the referring agency and the service provider go through the process together. It has the potential for improving the referral process, insuring understanding and agreement on the modalities of service and clarifying the intervention goals of both organizations. NYC-DOP is not ready yet to adopt one of these tactics but should make plans for instituting the process in the coming year. It makes sense to begin the process with those service providers to whom they are paying contractual fees to provide services to probationers.

Recommendations:

- 1) To the degree possible, the NYC-DOP needs to suspend adoption of new programs and limit public relations events in order to have the time to devote to insuring the discipline required by being an EBPP Organization. As we all know this is difficult for public sector agencies to do when many mandates come from Executive or Legislative offices outside the agency. One of the concerns voiced by managers of long standing in the agency is, "We frequently invest too little into an initiative and don't stay with it long enough to see the results." The challenge is to develop the discipline of the basic business practices.
- 2) My second recommendation is to limit the number of different consultants being sent in or brought in to "help." As I discussed with Bob Costello, every consultant and, for that matter, every investor has an agenda. The ethical ones know what it is, acknowledge what it is and don't deviate from what it is (bait and switch). The client, NYC-DOP, has the responsibility to be the gate keeper in the terms of who they let or bring in and for what purpose. "Free" assistance that you don't plan to use or runs contrary to your course of action isn't free. It is also why the client must have a strong voice with the investors.

- 3) NYC-DOP has a positive working relationship with the people CJI has had on site to deliver assistance. This may reflect in part NYC-DOP financial commitment in that work. I suspect it also reflects different consultants with different KASs all working on a common plan and managed by a single "general contractor."
- 4) Given the concern expressed regarding a culture that has discouraged making judgement calls based on knowledge and the reality that the assessment process is now in play in all the Boroughs, line staff need to be provided a context they can relate to that pulls the individual pieces together in a relevant, coherent manner and leads them to planning and managing cases thoughtfully. I strongly encourage the investment in either the EPICS or SOARING2 staff development process as a model to accomplish this recommendation. This recommendation is not intended to contradict but compliment recommendation #1. Which ever model is chosen, the effective implementation should not be the adoption of a new program but should be the adoption of business practices that equip staff with tools that increase their effectiveness. NYC-DOP has had positive experience with the developers and providers of both of these models in previous work. The DOP has worked with the University of Cincinnati in the certification of the LSI-R Trainers and CJI in the "Academy Training." I understand CJI and the University of Cincinnati have a contractual agreement to deliver the EPICS model that would include: administrative overview, initial training for 140 staff, training of coaches and six months quality assurance follow through. The DOP has introduced SOARING2 into the NeONs. I'm informed this online model has a component for coaches and quality assurance as well. NYC-DOP, as the client, should be provided concise, clear presentations on the content, research foundation and methodology of each of these models. They need to be presented the initial cost of adoption and ongoing cost to maintain the skill level of staff and fidelity to EBPP. They also need to consider what these costs buy for the client and what the client possesses that may factored into the pricing negotiation process. I don't know enough about both of these models to recommend one over the other for this specific client. Acknowledging both models are recognized as quality products, the concern for building a coherent organizational culture leads me to strongly recommend the selection of one or the other to be adopted agency wide and not a little bit of both to try to keep everybody happy.

CONCLUSIONS:

I have to remind myself that New York City is the equivalent of a state composed of 5 counties. Even if the area of the "state" would make it the smallest, the population would rank between New Jersey (#11) and Virginia (#12). Dramatically changing business practices for such a long standing culture comes slowly. As an outsider making recurring trips to the agency, I see demonstrable progress. While the Federal investors see a relatively high degree of investment in a single agency, the amount invested is small by comparison to the agency's overall operating budget. I believe the investors have reasons to be impressed by the return on their investment.

I thank the Institute and NYC-DOP for the opportunity to provide this progress review.