



Washington, DC 20534

DISCLAIMER

RE: NIC Technical Assistance No. 13C1055

This technical assistance activity was funded by the Community Corrections Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource person who provided the on site technical assistance did so through a cooperative agreement, at the request of the New York City Department of Probation, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.

The contents of this document reflect the views of Ms. Laura DiFelice Garay. Points of view or opinions expressed in the Technical Assistance report are those of the authors and do not represent the official opinion or policies of the U.S. Department of Justice. Upon Delivery of the final Technical Assistance report to the agency that requested the assistance, the report becomes the property of that agency. The National Institute of Corrections will not distribute the report to non-NIC entities, or consider it an agency record under the Federal FOIA, without the express, written approval of the agency.

**National Institute of Corrections
Technical Assistance Report
New York City-Department of Probation
13C1055-Phase II**

Since 2011, the National Institute of Corrections (NIC), Community Corrections Division, has been actively collaborating with the New York City-Department of Probation (NYC-DOP) by providing technical assistance for Adult Probation Operations in support of Evidence Based Policy and Practice (EBPP) implementation. This collaboration has included NIC's commitment of multiple on-site "Technical Resource Providers" (TRPs) to accomplish this.

Most recently, Keiser and Associates, LLC, namely George Keiser, has been on-site to "review the progress of the implementation process and assess the impact of technical assistance to date." George Keiser's assessment and recommendations are referred to as Phase I of this current collaboration. This writer reviewed the technical assistance report issued by Keiser and Associates, LLC from July 2013 to prepare for Phase II.

This writer was contacted by Bob Costello, Assistant Commissioner of Training and Organizational Development, and Vincent Carrique, Implementation Manager, Evidence Based Practices to provide technical assistance in the area of positive reinforcement within the framework of the Eight Principles of EBPP implementation. This technical assistance request specifically included;

- (1) Evaluating the working knowledge of Bob Costello and Vincent Carrique in the use of positive reinforcement skills by Adult Probation Officers with their clients,
- (2) Participating in "Q & A" sessions with NYC Administrative/Managerial and line staff,
- (3) Developing an implementation strategy to launch the use of positive reinforcement in a strength based approach by Adult Probation Officers with adult probation clients as a core correctional practice, and
- (4) Creating written evidence based practice organizational plan for NYC-DOP that further supports cultural change rooted in recidivism reduction efforts.

Subsequent to the telephone conference, this writer compiled an EBPP reference sheet, and outline of key elements necessary for implementing the use of positive reinforcement, a list of

questions for discussion with Bob and Vincent, as well as reviewing multiple pieces of literature and/or research on the use of positive reinforcement within adult probation services.

Findings:

Upon arrival to NYC-DOP, this writer was met by primary contacts, Bob Costello and Vincent Carrique, who provided the following overview of the agency.

Since 2009, NYC-DOP has been under the leadership of Commissioner Vincent N. Schiraldi whose vision has supported progressive probation practices including the EBPP efforts. This agency consists of Adult and Juvenile Probation staff. There is approximately 450 adult probation staff which is comprised of Adult Probation Officers, Supervising Probation Officers (SPOs), and Branch Chiefs (BCs) who report to the Assistant Commissioners (ACs) and Director of the boroughs. The ACs and Director report to the Associate Commissioner and Deputy Commissioner of Adult Operations who are amongst the Commissioner's Executive Team. NYC-DOP has a very seasoned workforce of which the average service is between 18 and 22 years. Of particular note is the supervisor to staff ratio which is one to five. This is an exceptional infrastructure that exceeds best practices in probation services where seven to one seems to be the targeted goal to support EBPP.

NYC-DOP has approximately 24,000 adult probation clients under their supervision. Of this population, approximately 69% are deferred to some track of their low risk monitoring program which is managed internally. The remaining 31% are supervised on medium, high, and specialized caseloads.

During the visit, this writer further conversed with Bob and Vincent about NYC-DOP's EBPP efforts during the past two and a half years in which they provided the following account.

In the past year, after a thorough assessment selection process and training roll out, NYC-DOP implemented the Level of Service Inventory-Revised: Screening Version (LSI-R: SV) and the complete LSI-R. The LSI-R: SV is utilized with all new referrals and the complete LSI-R is administered on about 16% of their probation clients. On-going coaching is performed by the certified LSI-R Training Staff in each of the boroughs. In addition, the agency has embarked on an Inter-Rater Reliability process to ensure consistency or "agreement" of the LSI-R: SV scoring among its' staff.

Subsequent to the LSI-R: SV and LSI-R implementation, the agency modified the process for Individualized Achievement Plans (IAPs) with the expectation that the IAP be developed with

the results of the LSI-R: SV and/or the complete LSI-R. Case Planning Training is on-going and required of all staff.

Approximately two years ago, NYC-DOP initiated Motivational Interviewing Training. This training consists of two days of Instructor Led Training coupled with scenarios that provide for some experiential learning for approximately 30 participants. Approximately 300 staff have completed this two day training thus far. At the time of this writer's visit, there seemed to be some miscommunication within the agency about whether or not this training was a mandatory requirement for all staff. While a coaching plan has been in the development process, staff has not received any follow up to this training since it began.

NYC-DOP has also made considerable efforts in other EBPP areas which includes the categorization of service providers to make referrals to targeted interventions, the establishment of an agency EBPP Steering Committee, the prioritization of the Responsivity Principle, Quality Assurance Management of data collection and outcome measures, Soaring 2 implementation, and Case Load Explorer implementation to name a few.

While all of these efforts are gaining momentum in supporting a cultural change within the agency, some of the challenge of implementing EBPP is managing the resistance of the staff who don't want to change the way they do their business even though policy may require/mandate it. NYC-DOP is experiencing these "growing pains". Some staff are resistant to change their practice from monitoring and responding to probation violations to a more proactive role in supporting positive behavior change as a "change agent". There is also frustration around the use of positive reinforcement when working with clients. For example, why would staff use these skills when "I am asking the client to do what the "Court" had already ordered the client to do". In addition, there are many on-going initiatives; some may support EBPP and some may not. Competing interests may cause staff to become frustrated and overwhelmed which may further contribute to the resistance. There also seems to be a certain level of anxiety about the potential change of commissioner that may be contributing to the resistance of staff who have been slow in embracing EBPP.

These are very real challenges to an agency that has made a commitment to implement EBPP. While this technical assistance request was about developing a plan for the use of positive reinforcement, it is necessary to determine the "readiness" of implementing it.

Therefore, this writer spent September 24, 25, and 26 on-site at NYC-DOP's Central Office with Bob and Vincent gathering information, working collaboratively to identify strategies to address staff's resistance, and determining the necessary elements of an implementation plan for

positive reinforcement. This on-site visit also included a meeting with the Commissioner, a meeting with representatives of the Incentives Committee comprised of two probation officers, a Branch Chief, and the Director of Education, and a meeting with the Assistant Commissioners and the Associate Commissioner. A visit to a field office was planned but scheduling conflicts did not permit.

The time this writer spent with staff was invaluable. All participants were engaged in the process, spoke freely, without restraint, in a professional manner, and displayed a true commitment to their role in the agency.

Some of the initial feedback focused on how staff is currently feeling about their role in the context of all the change. Some of the feedback statements included, “the client is being treated better than me”, “other agencies are getting money”, or that staff believe they may not have the basic tools to do their jobs. Some of these statements seem to reflect their skepticism or lack of the basic understanding of EBPP, their concerns about where they appear on the City’s priority list, and where the agency’s commitment level is with respect to providing the tools necessary to do their jobs. When faced with managing staff resistance, mediating staff incentives can be an opportunity to enhance the working relationship through effective communication that conveys mutual respect. This can only enhance the agency’s ability to move forward in culture change and implementing EBPP.

Some additional feedback centered on duplication of work practices such as continuing to conduct “business as usual” even though new progressive practices have been put in to place. Some past practices such as completing quarterly client updates, even though it was helpful to the Supervising Probation Officer and Adult Probation Officer in completing caseload reviews, may not be necessary when the agency has implemented a case management information system that allows Supervising Probation Officers to review client case notes whenever necessary. In the midst of culture change, it is often difficult to see the clear priorities because of the constant state of change. Communication on effective probation practice should be clear in policy and reinforced within the supervisory structure to ensure that staff are regularly reviewing policy changes.

Lastly, these interactions revealed that from the mid management perspective, it is becoming apparent that staff is beginning to understand the framework of EBPP, using the language of EBPP more often, and trying to do things differently. While there is also a presence of uncertainty, or “chaos” which comes with this culture shift, there is also a sense of optimism; NYC-DOP is still on the progressive yet arduous path of EBPP implementation.

The three day visit to NYC-DOP also provided the opportunity to evaluate the working knowledge of both Bob Costello and Vincent Carrique in the use of positive reinforcement within in the framework of EBPP. Both were able to articulate all the aspects of their EBPP efforts and challenges thus far. By their accounts and evident in their statements, they remain current in reading the latest research and literature in the world of EBPP.

We spent a considerable amount of time discussing positive reinforcement and the value of validating small positive steps toward behavior versus waiting for something more significant to happen. Both clearly understand the value of the working relationship or the “therapeutic alliance” as foundational to impacting change, but that the relationship or connection with the client does not alone effect behavior change. They were able to explain that the use of motivational interviewing skills, specifically expressing empathy, as a key component in the working relationship and in furthering the EBPP efforts of implementing positive reinforcement. We also discussed the value of the 4:1 ratio of using four positive reinforcement statements to one negative reinforcement statement. They both understand the positive impact to the agency and ultimately recidivism reduction when these skills are modeled at all levels of an organization. This writer is confident in their knowledge necessary to implement this principle.

Recommendations:

- 1) **Become proficient in all current EBPP initiatives.** As discussed in the narrative, NYC-DOP has implemented a number of EBPP efforts including the assessment process that drives case planning coupled with the use of effective interviewing skills to assist the Adult Probation Officer in enhancing the offender’s intrinsic motivation. This is a great deal to balance at the “learning stage” on a daily basis. While a coaching process exists for the LSI-R: SV and the complete LSI-R, a very low percentage of complete LSI-Rs are administered which may make it difficult for officers to gain confidence in scoring the tool accurately. In addition, while the Motivational Interviewing training initiative began two years ago, no staff has received follow up to the training. This raises the question of “what is happening in the field relative to use of these skills?” With 30 participants per training session, it is difficult to achieve some level of transfer of learning and/or sufficient practice of the skills to have impact on the daily business. Experts suggest no more than 12-15 participants per training session to accomplish this. The agency may wish to consider retraining in the form of a “refresher” or “booster” for staff who were trained some time ago, but only when a coaching plan that includes a documented model of observation and feedback that allows Adult Probation Officers to see their progress in their skill level is established to immediately follow.

Working with clients in a “motivational” way is predicated on the establishment of a trusting working relationship that conveys mutual respect by showing and having empathy; understanding and sharing the feelings of another. Empathy is essential in using positive reinforcement skills because the validation that the officer gives to the client in making positive steps toward behavior change is genuine. This concept is foundational to all that is to be accomplished in EBPP and officers need to understand it, learn it, practice it, and incorporate it into their client interactions to effect behavior change. While the use of positive reinforcement can be used from the moment an officer meets the client, obtaining confidence/proficiency in the principle areas of assessment and enhancing client’s intrinsic motivation should be the priority at this time. As requested, I have attached a proposed plan that was developed collaboratively with Bob Costello and Vincent Carrique to assist the agency in using positive reinforcement skills in the future.

- 2) **Pro-social Modeling: Model the skills and principles at all levels of the organization that you want your staff to incorporate into daily business practice.** Changing the values, beliefs, attitudes, and behaviors of an organization occurs through pro-social modeling and positive reinforcement. Inconsistency in what staff is told to do versus what they are shown to do will impact culture change. From in-person interactions to telephone or email interactions to risk reduction newsletters, the modeling/message must be consistent.
- 3) **Provide Enhanced training and invest in the further development of all Supervising Probation Officers.** Supervising Probation Officers are the key to the successful implementation of EBPP. Cultural change is difficult without their support. They shape/influence the behavior of the staff they supervise. In reviewing and approving staff’s work, they are modeling what is expected of their staff. They mentor, support, and coach their staff daily. While additional development of this group should consist of all aspects of EBPP, particular attention should be given in developing their soft skills so they recognize the skill level of their staff and are able to suggest different strategies in working with the client. All efforts should be made to assist supervisors in obtaining proficiency in the use of LSI-R: SV and the complete LSI-R, and increasing their proficiency in the use of motivational interviewing and positive reinforcement skills so they are able to effectively quality assure their staff on an on-going basis.
- 4) **Reconvene the Incentives Committee on an on-going basis.** This committee was charged with creating a list of incentives for clients and staff. The committee presented

their work to management over a year ago. It appears that there has been no activity since then. If this committee resumes, it may be effective in bridging the gap between central office and the field by identifying what is important to the staff. It allows the voice of the field to be heard through a structured process. As staff incentives are negotiated and some are met, a positive working relationship that conveys mutual respect will be reinforced. This may also reduce staff's resistance to the culture change.

This process is equally essential to establishing client incentives to incorporate into the use of positive reinforcement efforts. It provides an opportunity for staff to identify what is important to their clients which will, in turn, motivate their clients. It also allows a structured process to review or evaluate, "what's working" with incentives for clients and make necessary changes.

Conclusions:

In 2011, NYC-DOP embarked on an extraordinary mission to implement EBPP. In a very short period of time, they have accomplished a great deal of success. Everyone with whom I interacted was welcoming, professional, and dedicated to their role in the agency in making NYC-DOP one of the best probation agencies in the country. It is apparent that this is well underway.

I thank both the National Institute of Corrections and NYC-DOP for the opportunity to be a part of culture change in probation practice.

Implementing Positive Reinforcement for Effective Probation Practice

In May of 2011, the Crime and Justice Institute conducted a survey for NYC-DOP that measured their level of readiness to implement EBPP. These early statistics revealed that 68% of staff agreed that the agency needed “guidance in matching client needs with services”, 71% of staff agreed that the agency needed “guidance in measuring client rehabilitation, and 69% of staff agreed that the agency needed “guidance in developing more effective supervision strategies”. These numbers clearly identified the level of staff motivation necessary to embrace a culture shift within the agency and move toward EBPP change.

NYC-DOP is preparing to implement use of positive reinforcement skills. An understanding of the below concepts will support the move toward the use of positive reinforcement in probation practice.

- 1) **Redefine or Define the Role of the Probation Officer**- The Probation Officer (PO) is now a Change Agent. It is important for the agency to define the new expectations for the officer in being able to see the global picture as well as how it is integrated into all daily work. This should be reinforced at all junctures of EBPP. Once the agency sets out on the path of EBPP, the path is a continuous learning and improvement process that allows for staff growth and development.
- 2) **Develop and Maintain a Therapeutic Alliance**- Establishing a trusting working relationship which provides from non-judgmental communication that conveys mutual respect and **EMPATHY** is necessary in developing the alliance. Empathy is essential in conveying a genuine concern for the client. However, the relationship does not alone impact behavior change. This relationship does however allow the PO to appropriately challenge pro-criminal comments in the use of positive reinforcement skills. The PO must have a positive working relationship in order to determine what incentives or rewards would be effective with an individual client.
- 3) **Pro-Social Modeling**- POs should model values and behaviors that they want your clients to exhibit. Evidence suggests that this is of particular value to involuntary clients in recidivism reduction and that people best learn through positive reinforcement rather than negative reinforcement. Clients are aware when POs are late for their meeting or don't keep appointments with clients, or follow through with referral documentation. POs should do what they say they are going to do. This modeling is also significant when modeled from all levels of an agency.

- 4) **4:1 Ratio** – When trying to promote behavior change, most of us try to provide feedback on behavior we don't want. The 4:1 ratio helps POs reinforce more of the behavior we do want from clients. Make four positive reinforcement statements to every one negatively reinforced statement. The evidence suggests that this positively impacts behavior change.

- 5) **Reinforcement through Body Language**- One of the obvious ways that a PO provides reinforcement is by using body language. This is conveyed through smiling, nodding, attentive listening, and sometimes in leaning forward. This lets the client know that what they are saying or doing is being validated by the PO. This also works in reverse so if the PO smiles or laughs when the client has made a pro-criminal statement, it negatively reinforces that thought.

- 6) **Use of Incentives/Rewards**-One of the most powerful rewards that the PO can use is their ability to reduce the frequency of reporting. They also have the ability to recommend a step down in the client's risk level. It is important to "link" the reduction in frequency of contact to the pro-social activities of the client. Rewards should be contingent upon the behavior.

Strategy

Once the agency is prepared to move forward with the use of positive reinforcement, a training session should be developed that incorporates all of the above components. Conveying to POs the value of the small positive steps that clients make toward behavior change which I prefer to call, "baby steps" should be built in to a training lesson plan. In some way they are almost more significant than larger events because they are incremental and build upon the previous step.

This training roll out should be more focused on practice of these skills in the form of role plays rather than instructor led training. Keep in mind that no more than 12-15 participants per training session is suggested. The training should be followed with the same level of coaching support as suggested with the motivational interviewing training where the POs are observed and provided feedback so they are able to gauge their progress. Supervising Probation Officers should be the primary coaches for on-going quality assurance once the PO has shown some level of proficiency.