

Seeking Suitable Rewards and Punishments: Rochester's Swift, Certain & Fair Pilot Probation Pre- Launch Focus Group Report

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Abstract

In order to better implement a Swift Certain & Fair probation program, a focus group was held to gather input from probationers on effective rewards and sanctions. This focus group was held at the Monroe County Office of Probation on December 28th, 2015. The purpose of the focus group was to understand the needs for rewards and sanctions from the perspective of probationers, and the ultimate goal is to help create an effective behavior contract for the Swift Certain & Fair program launching in January 2016. In this focus group, participants provided information through group discussion. This report summarizes the discussions and findings of the focus group, it also offers suggestions for effective program implementation.

Key words: rewards, punishments, probation, individualize, behavior-contract

Swift Certain & Fair Program Background and Overview

The developing Monroe County Probation Swift Certain & Fair Model Pilot Program focuses on young persons who engage or continue to engage in gun-violence related violent behaviors, it is designed to help change the behaviors of those who may otherwise be unlikely to succeed under traditional probation supervision. This model extends program development and analysis of a program known as Hawaii HOPE (Hawaii Opportunity Probation with Enforcement) which focused on drug use. Swift, certain and proportionate responses to probationers' non-compliant behavior and violations are the basic features of this model. The successful implementation of a Swift, Certain & Fair model requires stakeholders' buy-in and program partners' consistently working on the delivery of sanctions and rewards. A graduated sanctions and rewards process needs to be established to ensure a successful implementation.

In order to develop an effective reward and sanction process that encourages probationers to achieve behavioral change, there's a need to understand program participants' perception of rewards and sanctions throughout their probation experience. Therefore, a focus group was recommended by program consultant Dr. Mark Kleiman to gather information from current probationers who share basic demographic characteristics with the Swift, Certain & Fair target population.

Focus Group Methodology

Sample Selection

The participants are selected from Monroe County Probation's Operation Nightwatch program. Monroe County Probation's Operation Nightwatch was designed to reduce violence incidents by young probationers who are 15-23 years old with a known/suspected history of gang affiliation and documented violent activity (i.e. Weapons/Assault/Robbery offenses). Its goal is to keep offenders off the street at night. Under this program, probationers' non-compliant behaviors (i.e. violating curfews) are to be responded to immediately with sanctions that may include a Violation of Probation (VOP) warrant and arrest. Although there are some differences in operations, Nightwatch and Swift, Certain and Fair program share some important features: both are designed to reduce violent crimes in the City of Rochester and both target young persons in the similar age group. Interim probationers in the Probation Operation Nightwatch

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program may also be considered eligible for Swift, Certain & Fair. These similarities were considered when the participants for the Swift, Certain & Fair focus group were selected from Probation Operation Nightwatch.

Focus Group organizers identified 10 probationers from the Probation Operation Nightwatch program based on probation officers' recommendation. All 10 of the probationers who participated in the focus group were identified and invited in advance by two Probation Officers. Each Probation Officer identified 5 participants for the focus group among their 30+ probation caseloads. Participants were identified based on their good rapport with the POs and their willingness to participate in the focus group. This focus group is, therefore, not based on a random sample of probationers. The possibility of the Swift, Certain & Fair focus group participants' opinions differing from the rest of the Operation Nightwatch probationers cannot be excluded. In addition, the focus group participants will not be eligible to participate in the Swift Certain & Fair program.

Among the focus group members, the average age of the selected participants is 19.2 years old, ranging from 16 to 22 years old; participants' average time spent on probation is 13.1 months, of which the shortest and longest are 2.5 months and 24.7 months.

Focus Group Implementation

Letters stating the purpose, location and time of the focus group were mailed to the participants two weeks before the planned date. Their assigned Probation Officers also encouraged and reminded them to participate. The focus group was set up to be held on December 28th, 2015 from 1:00 -2:30 pm in conference room 1123 at the Monroe County Office of Probation. Eventually, 9 participants showed up (90% of those who were invited), 2 of them left early due to time conflict with jobs (22.2% of those who showed up) and 1 participant arrived late (11.1% of those who showed up).

The Research Assistant from Center for Public Safety Initiatives (CPSI) facilitated the focus group. The Deputy Chief Probation Officer, Probation Supervisor and two probation officers offered support in the preparing and implementing process. The list of discussion questions was developed through the Center for Public Safety Initiatives. During the focus group, Focused Deterrence Coordinator from Monroe Crime Analysis Center took notes of the

discussion. The Director of CPSI at RIT and the Director of Human Service Analysis at CGR observed and provided additional questions during the discussion.

Before the focus group started, a statement explaining the goals of the meeting and participants' rights was given by the facilitator. In the statement, the facilitator explained that 1) the goals of the meeting were to gather information from them and to help improve the current probation process; 2) participants had the right to decline participation and to choose not to answer any questions at any time, also their responses would be anonymous and confidential. Besides, participants who attended the focus group were encouraged by their Probation Officers and Supervisor to be honest and to take advantage of the chance to express their thoughts.

Focus Group Responses and Findings

See the appendix for the list of questions researchers prepared for the focus group. Based on the direction of the discussion, facilitators changed the order of some questions. During the discussion, observers and note-takers also raised additional questions.

CPSI reports on prior focus groups provided multiple suggestions for running a focus group with probationers, of which explaining the purpose of the focus group was one of the most important. Probation Supervisor and Probation Officers explained the purpose of the focus group very well in order to reduce participants' confusion and negative attitudes. After participants arrived, the Probation Supervisor and Deputy Chief Probation Officer once again did a thorough introduction of the focus group and Swift, Certain & Fair program. Researchers believed that this action helped reduce participants' reluctance therefore reduced the bias in the responses. Below are the questions and responses presented in the focus group:

How would you describe your experience on probation?

Overall, participants' description of their experience on probation was generally negative. The loss of freedom and the inconvenience of the probation process are the main reasons for these negative feelings. Words like "annoying" and "stressful" were mentioned by the participants, and one participant described his experience as "being locked outside" which was also agreed to by others: the requirements of probation forced the participants to "stay focused" at all times throughout their probation term; the various rules and curfews made the participants

think of probation as a “set-up” during which a “cage” is slowly built to eventually lock them up. Participants also described their dislike towards GPS monitoring: it feels like “being watched all the time.” In the end, most of the participants stated: although probation is a stressful process, they understood that it was because of the crimes they committed that got them into the situation. Most of the participants appreciated that they were given a chance in probation which was much better than going to jail/prison. However, few participants did mention that the long stressful process they had to go through made them feel like it’s almost better to go to jail.

What happened that made you think this way about your probation experience? In other words, when things were not going very well, what made you think so?

Since this is an extension of the first question, researchers encouraged the participants to give some examples. Participants mentioned that sanctions such as tightened curfew, imposed ankle bracelet, house arrest and increased office visiting frequency all made them feel that things were not going well. When asked the number one reason for getting increased sanctions, participant’ response included smoking marijuana, missing curfew, hanging with gang-affiliated people and having illegal weapons.

How long does it usually take for you to receive sanctions after your PO finds out that you have done something wrong? How did you communicate with your PO and did your PO reward your for telling the truth?

Participants didn’t seem to be very sensitive with the time between non-compliance and punishment; instead, they showed a sense of fear towards their PO’s supervision: they thought the POs “always know what’s going on” and honesty was the best way to communicate with their POs. All of the participants agreed that their POs always appreciated them for telling the truth, however, the “fuzzy” rules could really get them confused especially if they get punished for being honest. Some participants stated that knowing the rules and consequences could help them “stay on track”, and if their POs could give specific and detailed instructions they would have no choice but to respect the consequences/interventions imposed on them. Participants agreed that knowing the consequences helps them avoid taking risks in probation, the combination of deterrence and care delivered by the PO is also important in helping them stay

out of trouble. At the same time, feeling that POs were “over-caring” or “over-detering” in their orientation was not seen as helpful.

Was there anything or any feelings that you were struggling with while you were trying to do well in your probation? Putting in another way, what was the biggest obstacle in your probation?

Curfews appeared to be what the participants were struggling with, because it did not allow them to meet other needs in their life (e.g. spending time with families, conflicts with working schedules etc.): “People have other problems in their life to take care of (than probation)”, one participant mentioned. Another participant also discussed the probation related inconvenience in his life: his curfew was changed from 9pm to 7pm due to one violation last year, since then he had not violated for a long time, recently he just had a new baby and also got a job, he felt that he was trying to do better but the 7pm curfew made everything difficult. Participants generally thought that there should be some level of flexibility in their contract, and the POs should show some consideration in probationers’ life when making punishment decisions.

Participants were also worried about being caught hanging out with the “wrong crowd” (gang-affiliated person) especially when their families and close friends are labeled as “gang-affiliated.” However, when asked if the GPS monitor has helped them stay out of trouble, they strongly agreed that they had avoided many troubles due to their home confinement or curfew. Some noted that being on GPS sometimes provided an acceptable excuse for not hanging around with friends who they might get into trouble based on their supervision levels. Police also sometimes pose a problem for probationers: if their condition of supervision is to have no police contact, random police search/contact, which were often characterized as “disrespectful” could bring trouble.

Non-transparent procedures in probation were brought up as another thing that participants were struggling with. Participants described the probation process as not transparent and some of the POs were not “upfront” with their expectations. Even though knowing the decisions won’t change anything, participants would still like to know what’s happening to them. One participant mentioned that he was the last one to know his PO’s decision to put him on GPS

ankle bracelet, and when signing the papers, his PO always circled the parts that he needed to sign and rushed the signing process. He thought if the PO were to give him some more time to review the document he would have understood what's going on in his probation.

How would you feel about the behavior-contract if you are enrolled in Swift, Certain and Fair?

Participants responded that it would feel good to always know the consequences (good and bad) of behavior choices; however, some participants expressed their concerns about the idea of using behavior-contract. First of all, although participants thought it could be a clear contract, they still wouldn't trust their POs to always make the decisions based on the written rules. Second, the relationship formed between POs and probationers seemed more important to participants than the contract details. Last but not least, instead of using a standard contract for all the probationers, participants argued the necessity of individualizing it. They argued that each probationer's behavior contract would depend on PO's knowledge of that individual.

The discussion highlighted the importance of the relationship between the PO and probationers. This relationship, according to the participants, strongly affects the impact of rewards and sanctions imposed on the probationers. One participant used an example noting that if the probationer doesn't really care about being sent to jail, a short jail sentence is obviously not going to do anything to him/her. He then added that the consequences have to be somewhat flexible since "only your PO knows what works for you". Overall, participants' suggestions focused on the importance of considering probationers' personality and preference when customizing behavior contracts.

Researchers also noticed that the participants were irritated with terms like "good behavior", "bad behavior" and "behavior-contract". Some participants felt that the language used for rewards and sanctions in Swift Certain and Fair didn't reflect dignity or respect. Instead, it showed manipulation which made them feel like being "treated like dogs": "We treat you like dogs, if you do good you get a treat, if you do bad you get back to the crate" was used by one participant and it resonated with others.

Have you ever been rewarded for doing well in your probation? What was the most rewarding thing you ever received from your PO? How did that make you feel?

The group agreed that all their POs had occasionally recognized them for doing a good job. Researchers pointed out other possible options that could be perceived as rewards and asked participants if they have been rewarded by getting adjustments in curfew requirements, modification in electronic monitoring, reduction in number/frequency of required face-to-face contacts with PO, reduction in day reporting requirement and permission for travel or extended travel. Almost all participants agreed that they have been rewarded somehow except one participant who said that he had never been rewarded and explained that he had only been on probation for three months. Even though participants' comments on their probation experience were mostly negative, they used commendatory terms like "progress" "relieve" "free" "less inconvenience" etc. to express their feelings after getting rewarded.

In general, the consensus of the group was that the most desirable rewards would involve reductions in custody related requirements such as loosening of curfew times or reductions in required visits with their probation officer. Based on the previous discussion, freedom is the top priority for the participants, rewards that increase freedom (decrease restriction) will be a positive intervention that could possibly bring behavior change.

What are other kinds of rewards that you would like to receive? How would you feel if you were able to receive other types of tangible rewards, such as tickets to a concert/game/event or gift cards for shopping/dining?

Participants' responses focused on three main aspects: 1) the need for individualizing rewards; 2) the desire of freedom; 3) the concern for financial support. Interestingly, participants didn't seem to favor any tangible rewards mentioned by the facilitator, indeed, some of them even thought that the tangible rewards would hurt their self-esteem. Compared with the amount of punishment they receive for a certain violation, the value of the tangible rewards mentioned above would not bring much excitement. Rewards like movie tickets or grocery gift cards were thought to be trivial and degrading: "I go to jail after I mess up, but I only get a ticket or a gift card for doing well?"

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Although less interest was shown for the tangible rewards, participants did think the only way for tangible rewards to work was to match them to each individual's needs: "You have to know me and know my life to know what I want/need". "If I don't need sneakers, why would you give me a Footlocker gift card?" was a great metaphor used by one participant to describe the necessity of meaningful rewards. If PO's decisions show care about probationer's life situation (e.g. give someone who takes care of new born a Babies R Us gift card; give someone who loves music a concert ticket; give someone who needs food a Wegman's gift card etc.), then the reward is truly valuable/meaningful to that individual. To participants, the meaning of the decision behind a tangible reward weighs much more than the price of it, and "care" should be the essential message delivered through the reward. This again, highlighted the importance of the relationship between PO and probationer which strongly impacts probationer's perception of care. Participants recalled their probation process and agreed that the building of the relationship did start from the very first day of their probation. Good relationship sets the base for mutual understanding which influences the effect of PO's decisions. If the relationship is great, participants feel great every time when they leave the probation office.

Other rewards supported in the focus group included getting waivers of supervision fees, getting linked to job opportunities, getting off supervision earlier and getting permission to travel out of town (with GPS ankle bracelet) were also raised by participants. Reduction in supervision fees was seen as important since these fees could sometimes put probationers in financial holes that were difficult to get out of. Overall, "subtraction" weighed more than "addition" to participants when considering getting financial support. Getting off probation-related debts was seen more important than receiving other types of tangible rewards.

Employment is the urgent concern for most of the participants, and their discussion emphasized the difference between job training programs and direct linking to jobs, of which the latter was thought to be useful. Although all participants were aware of the available job training programs, they didn't seem to be interested and didn't really see the benefit of it. In fact, none of the participants were actually enrolled in any job training program. Participants thought that the job training programs offered by the community service providers would take too long to finish therefore they didn't see them as rewards. POs or Probation supervisors were seen as more important: participants thought they were capable of getting information on open positions and

linking probationers to those positions; to participants, this “special power” was way more effective in helping them secure a job than any other forms of support. “Criminal background” was seen as their biggest obstacle in finding a job, and a “push” from their officers was thought to be the most meaningful support for them to be accepted in the job market.

The idea of reducing probation term as a reward was also highly supported by the participants: if a person could complete a year of probation with compliance, he/she should be considered for getting off supervision earlier. Consistent with the discussion on the struggles in probation, some of the participants expressed their frustration with the curfews and travel restriction especially during the holiday season. They then suggested that getting permissions for travel while being monitored through GPS should be considered as an option of reward. Throughout the discussion, the probationers made it clear that they applied the ideas of “swift, certain and fair” not only to the sanctions but also to the possibility of rewards.

Conclusion and Recommendations

In general, the focus group participants felt negatively about their probation due to the loss of freedom and the intensity of obligations in probation. Although they felt a lack of reward in their current probation program, a simple praise from their POs would still be viewed as a reward and gave them a sense of accomplishment. However, the language used to describe rewards and punishments didn’t seem helpful: words like “behavior contract” and “good or bad behaviors” were responded with negative comments; participants related these words to manipulation and discrimination. Although participants understood the path that led them to probation and would accept punishments when making wrong choices, their concern with being understood and respected was high. Therefore, it may be useful to limit use of the language of reward and punishment, and to consider alternatives in drafting the contract.

Participants clearly sensed that there were times when things were going well and times when things were not going well during their probation. Overall, participants who had been on probation for longer times felt they made some progress and received rewards in their probation through less reporting, home visits and fewer violations. Participants who were on probation for less than 6 months felt less or even no achievement and had no sense of being rewarded. Compared with sanctions, currently, incentives in probation are offered in a less swift manner

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and this affects new probationers' confidence. While being cautious about non-compliance, POs could put more effort in detecting compliance and responding to it with proper rewards in a timely manner. Consistency in the delivery of rewards and punishment is an issue of the utmost importance in implementing the Swift Certain & Fair program.

Participants apparently were more interested in rewards that increase freedom than in material rewards. Overall, participants preferred adjustment in curfew, reduced home visits, and permission to travel over gift cards and event tickets. However, they argued against a "one size fit all" contract in the Swift, Certain & Fair program and emphasized the importance of individualizing rewards and punishments. Apparently, to participants, the impact of PO's intervention is strongly affected by his/her ability to match the decisions to each probationer's needs based on PO's knowledge of probationers' life. Overall, participants have their own criteria for a useful rewards and punishments: a good reward should show the PO's understanding of individual probationer's preference/needs; a good punishment decision should stay away from areas that a particular probationer doesn't care about. For Swift, Certain and Fair project probation officers, formal and informal training that can help improve proactive interview skills should be provided and reinforced throughout the implementation.

Focus group participants made it clear that a good relationship between PO and probationer is essential in participants' probation. They perceived the legitimacy of the program mostly from their interaction with POs regardless of the program design. Along with other skills, POs' ability to gain trust and to bring out confidence most significantly affects the relationship. Therefore, motivational interviewing should be considered for inclusion in the training for Swift, Certain & Fair probation officers. The focus group also showed that issues of Procedural Justice can be expected to be significant concerns in effectively managing probationers in Swift Certain & Fair program. Participants also showed great reliance on their POs' deterrence messages to keep them from criminal behavior: a clear explanation of responsibilities and consequences should be repeated in the interviews and conversations. This reliance highlights the importance of POs' ability to balance care and deterrence components in his/her management.

Because of the selection process, the findings from this focus group are limited and may not generalize to future Swift Certain and Fair program participants' opinions. Participants were selected based on their good relationship with POs and willingness to communicate; most of the

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participants have been on probation for a long time, and their thoughts tend to be very different from participants who just started probation. This group focused on probationers' perception of current probation reward/punishment process to form an understanding of "what's working" in probation. The beneficial components should be taken into consideration in designing the Swift, Certain and Fair program. Finally, based on this research experience, researchers think that it can be beneficial to incorporate further use of focus groups in the Swift, Certain & Fair evaluation over the course of the program. Focus groups could be conducted in different implementation stages to track changes in participants and probation officers and in their relationship.

Appendix

Swift Certain & Fair Focus Group Questions (Original)

1. How would you describe your experience on probation?
2. Why do you think so? What happened that made you think negatively/positively about your probation? (What is the No.1 thing that you hate/love about your probation?)
3. Can you explain in detail the time when you think things are going very well in your probation? What makes you think that you are doing well?
4. Do you feel that your probation officer has ever recognized that you were doing well? Have you ever felt reward in your probation? Can you imagine feeling being rewarded, what would someone have to do to make you feel that way? What was the most rewarding thing you ever received from your PO? How did that make you feel?
5. So if you think it's a reward when your PO did ..., would you like to keep receiving this kind of reward?
6. How would you feel if you were able to receive other types of rewards like material rewards, such as tickets to a concert/game/event or gift cards for shopping/dining?/ So if you don't think you have been rewarded, what do you want to receive as an acknowledgement/encouragement/reward to keep doing well in probation in the future?
7. What else are the kinds of rewards that you would like to receive? Give me at least one example. Be creative and also realistic at the same time.
8. Was there anything or any feelings that you were struggling with while you were trying to do well in your probation? Put it in another way, what was the biggest obstacle in your probation?
9. Now, I know your probation may have been punitive directed. When it comes to the time when things were not going very well in your probation, what happened?/ What makes you think that things were not doing very well?
10. What was the reason for you to get punished? What punishment did you get?
11. How long does it usually take for you to actually receive your punishment after your PO finds out that you have done something wrong? How would you feel if we speed up this process and reduce the severity of punishment? Do you think that will help you maintain a good record/behavior during your probation?

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12. Did your probation officer do/say anything that helped you get back on track after your violation? If so, what did he say/do? If not, how do you think the probation officer could have helped you to do better without making you feel frustrated?

13. Now, imagine you are in Swift Certain & Fair program where you get punishment and reward immediately after every bad/good behavior (which could potentially help you avoid going to jail/prison for longer sentence), how would you feel? How do you want your Probation Officers and other agencies to support you?