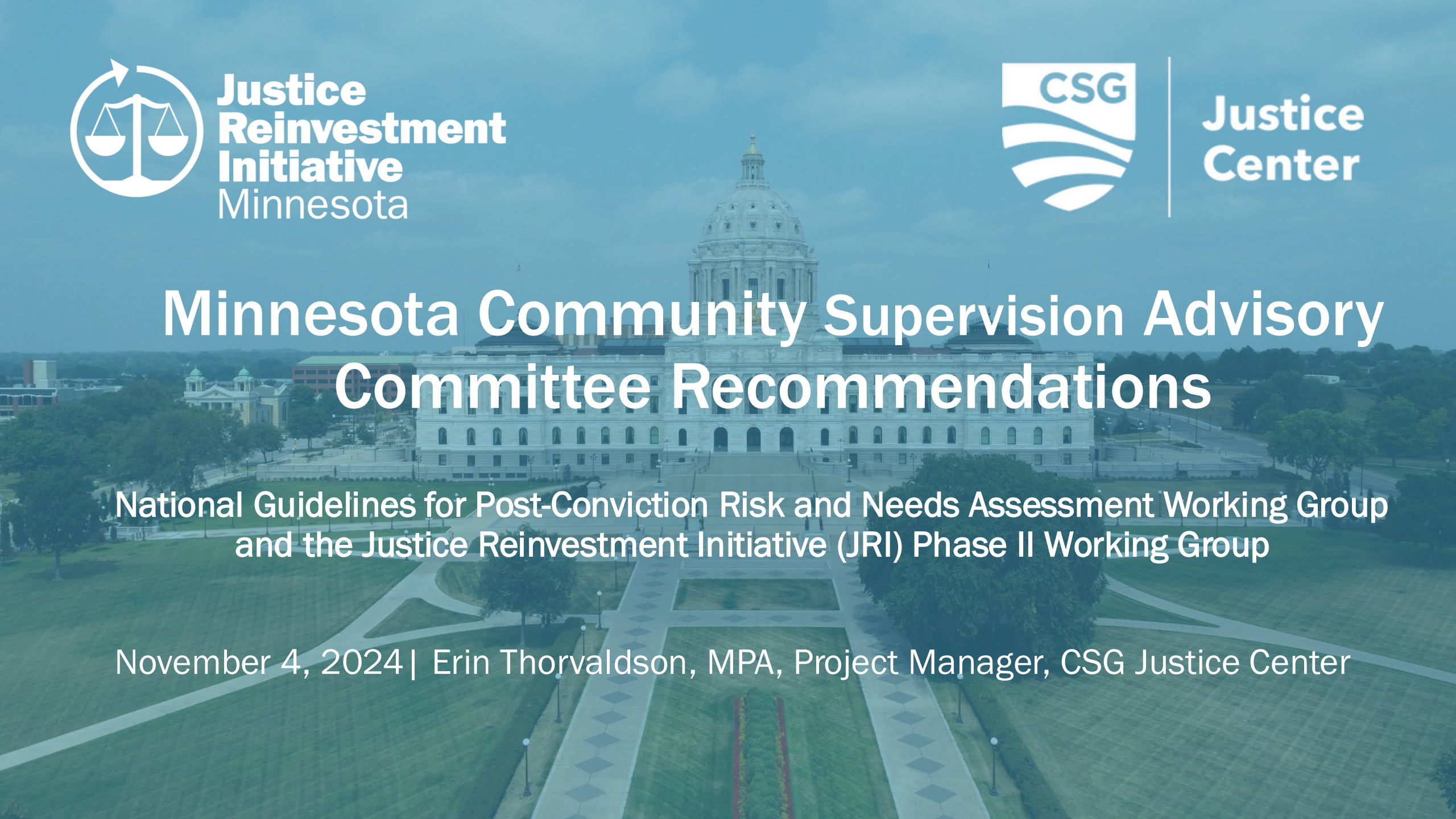


Justice Reinvestment Initiative Minnesota

CSG Justice Center

Minnesota Community Supervision Advisory Committee Recommendations

National Guidelines for Post-Conviction Risk and Needs Assessment Working Group and the Justice Reinvestment Initiative (JRI) Phase II Working Group

November 4, 2024| Erin Thorvaldson, MPA, Project Manager, CSG Justice Center

Justice Reinvestment Initiative Minnesota

Overview

1	Risk and Needs Assessment Recommendations
2	Case Planning Recommendations
3	Incentives and Sanctions Grid Recommendations

Justice Center

THE COUNCIL OF STATE GOVERNMENTS

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

Justice Reinvestment Initiative

How We Work

- We bring people together.
- We drive the criminal justice field forward with original research.
- We build momentum for policy change.
- We provide expert assistance.

Our Goals

- Break the cycle of incarceration.
- Advance health, opportunity, and equity.
- Use data to improve safety and justice.

The Risk, Need, and Responsivity (RNR) model provides the core concepts of effective intervention for people who engage in criminal behavior.

Risk

A person's likelihood of reoffending

Static and dynamic factors

Need

Criminogenic factors related to a person's behavior

Responsivity

Tailoring interventions in a way to mitigate barriers for a given individual

General and specific responsivity

Justice Reinvestment Initiative

James Bonta and D.A. Andrews, *The Psychology of Criminal Conduct,* 6th edition, (New York: Routledge, 2017), 178–182.

RNR principles are the essential components of effective behavioral intervention.

THE RISK PRINCIPLE

- Dictates that the level and intensity of supervision, treatment, and other services should be proportionate to a person's assessed level of risk of recidivism.
- Treatment interventions should focus on people with the highest assessed risk of reoffending.
- Risk of reoffending consists of static and dynamic factors.

Justice Reinvestment Initiative

James Bonta and D.A. Andrews, *The Psychology of Criminal Conduct, 6th Ed.* (New York: Routledge, 2017), 178–179.

Risk of reoffending is composed of static and dynamic factors.

STATIC RISK FACTORS

- Criminal history
  - Number of arrests
  - Number of convictions
  - Type of offenses

DYNAMIC RISK FACTORS

- Antisocial personality pattern
- Procriminal attitudes
- Procriminal associates
- Substance use disorder*
- Family/marital stressors
- Poor school/work performance
- Few leisure or recreation activities

*The source uses the term *substance abuse* in place of *substance use disorder*.

James Bonta and D. A. Andrews, *The Psychology of Criminal Conduct*, 6th Ed. (New York: Routledge, 2017), 45-46.

The need principle directs us to focus on dynamic criminogenic needs directly associated with individual criminal behavior.

THE NEED PRINCIPLE

Criminogenic needs are dynamic risk factors that are associated with a person's risk of reoffending.

Criminogenic Risk Factors
Antisocial personality pattern
Procriminal attitudes
Procriminal associates
Substance use disorder*
Family/marital stressors
Poor school/work performance
Few leisure or recreation activities

Justice Reinvestment Initiative

*The source uses the term *substance abuse* in place of *substance use disorder*.

James Bonta and D.A. Andrews, *The Psychology of Criminal Conduct, 6th Ed.* (New York: Routledge, 2017), 180–181.

The need and responsivity principles highlight the importance of the aim and design of behavior change interventions.

THE RESPONSIVITY PRINCIPLE

Treatment intervention works best when it is individually tailored to learning styles, motivations, abilities, and strengths.

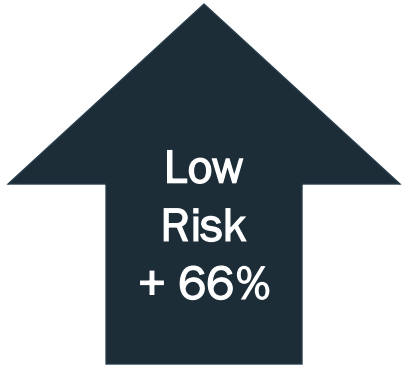
James Bonta and D.A. Andrews, *The Psychology of Criminal Conduct, 6th Ed.* (New York: Routledge, 2017), 180–182.

Failing to adhere to the risk principle can increase recidivism for people assessed as low risk.

People who are assessed as low risk:

- Can stop committing crime with minimal intervention in many cases.
- Have positive patterns of behavior that can be disrupted by intensive services and supervision.
- May learn more ingrained criminal behaviors when put with higher-risk individuals.

Risk of Recidivism for Individuals on Parole Placed in Residential Community-Based Correctional Programs, 2005—2011



Justice Reinvestment Initiative

James Bonta and D.A. Andrews, *The Psychology of Criminal Conduct, 6th Ed.* (New York: Routledge, 2017), 20, 177; Michael Ostermann, "Recidivism of Low-Risk People That Receive Residential Community-Based Correctional Programs: The Role of Risk Contamination," *Journal of Research in Crime and Delinquency* 59, no. 5 (2022); 659–695.

Individuals assessed as being at a low risk of recidivating are not necessarily precluded from needing treatment.

1. Risk level can be a factor of age. A young person with a lack of criminal history may score as low risk despite having treatment needs.

2. Some low-risk individuals may be assessed as having a high need in a criminogenic area.

3. A person's level of need may require an override of their assessed risk level to secure them a referral to treatment.

4. The presence of both a need and responsivity factor (e.g., co-occurring mental illness and substance use disorder) may necessitate an override of assessed risk to secure a referral to treatment.

Justice Reinvestment Initiative

Dynamic criminogenic risk and needs factors identify what should be targeted with programs and services.

Risk factors	Potential needs to be addressed
Antisocial personality pattern	Build self-management skills, teach anger management
Procriminal attitudes	Counter rationalizations with prosocial attitudes/build prosocial identity
Procriminal associates	Replace with prosocial friends and associates
Substance use disorder*	Reduce use; enhance alternatives to using substances
Family/marital stressors	Teach parenting skills; enhance capacity to care
Poor school/work performance	Enhance work/study skills and nurture interpersonal relationships at school or work
Few leisure or recreation activities	Encourage participation in prosocial activities, hobbies, and sports

*The source uses the term *substance abuse* in place of *substance use disorder*.

James Bonta and D. A. Andrews, *The Psychology of Criminal Conduct*, 6th Ed. (New York: Routledge, 2017), 181.

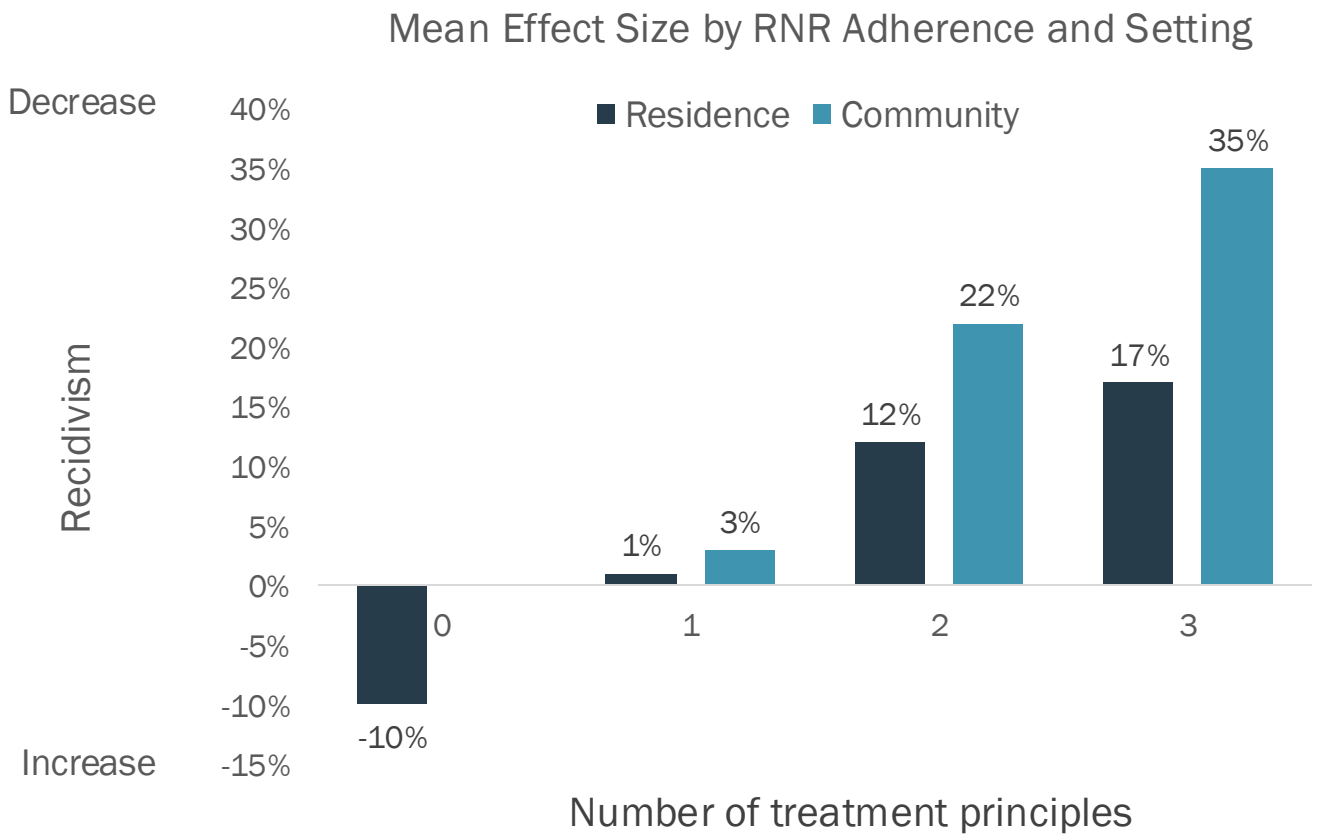
Justice Reinvestment Initiative

Strong adherence to core RNR principles increases the effectiveness of recidivism-reducing programming.

- Reductions in recidivism are seen when the RNR model is **implemented with fidelity** and **consistently used across correctional settings.**
- Maximum recidivism reduction is achieved when RNR programs are delivered in the community after release.

James Bonta and D.A. Andrews, *The Psychology of Criminal Conduct,* 6th Ed. (New York: Routledge, 2017), 233.

Strong adherence to core RNR principles increases the effectiveness of recidivism-reducing programming.



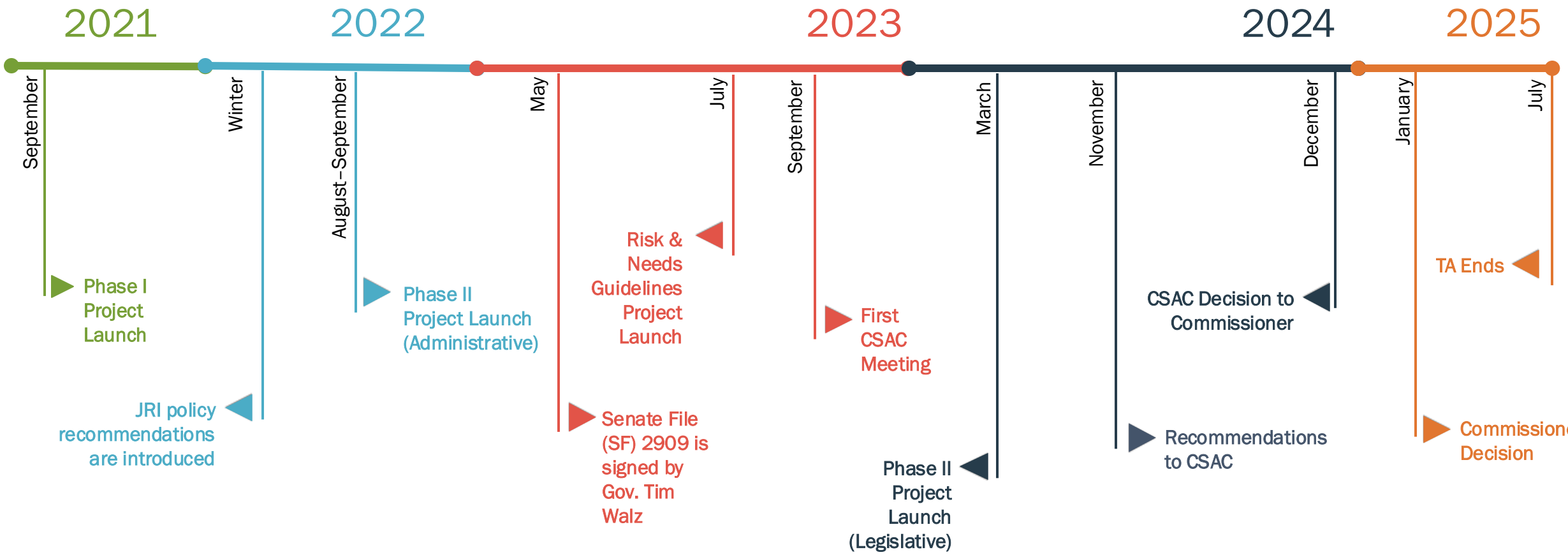
James Bonta and D.A. Andrews, *The Psychology of Criminal Conduct,* 6th Ed. (New York: Routledge, 2017), 233.

The Risk and Needs Working Group and the JRI Phase II Working Group consist of stakeholders from all three delivery systems.

Recommendations were developed through multiple working group meetings and collaboration with related committees and stakeholders.

- Deliverable 2 – Requiring CCA and non-CCA jurisdictions to use the same agreed-on risk screener and risk and needs assessment tools as the main supervision assessment methods or a universal five-level matrix allowing for consistent supervision levels and that all tools in use be validated on Minnesota's community supervision population and revalidated every five years
- Deliverable 3 – Requiring the use of assessment-driven, formalized, collaborative case planning to focus case planning goals on identified criminogenic and behavioral health need areas for moderate- and high-risk individuals
- Deliverable 6 – Developing a statewide incentives and sanctions grid to guide responses to client behavior while under supervision to be reviewed and updated every five years to maintain alignment with national best practices

Justice Reinvestment Initiative in Minnesota



The National Guidelines for Post-Conviction Risk and Needs Assessment project is a result of work in partnership between:

The Risk and Needs Working Group recommendation covers the following objectives.

Description of the problem

Overview of recommendations to the Community Supervision Advisory Committee (CSAC)

Considerations for implementation and next steps

Through JRI, Minnesota identified challenges related to the use of risk and needs assessment tools.

Minnesota does not have a validated general risk and needs assessment tool for its entire supervision population across all three delivery systems.

There is a lack of consistent statewide policy on its use.

There is no uniform application of supervision levels.

Agencies use different cutoff scores to determine low, medium, or high levels of risk.

The Risk and Needs Working Group is recommending the following under deliverable 2.

Agencies shall:
1. Adopt the LS/CMI as the primary risk and needs assessment tool across all three delivery systems.
2. Adopt a universal risk and needs pre-screener statewide.
3. Require the use of the pre-screener and/or LS/CMI for all felonies, gross misdemeanors, and targeted misdemeanors.
4. Establish statewide policy and procedures for conducting risk and needs assessments to ensure that all agencies follow standardized protocols.
5. Require all risk and needs assessment tools used in community supervision to be validated on the state's population and revalidated every five years to ensure ongoing accuracy and consistency.

Through JRI, Minnesota identified challenges related to the use of risk pre-screener tools.

Minnesota does not have a validated risk and needs pre-screener for its entire supervision population across all three delivery systems.

There is a lack of consistent statewide policy on its use.

There is no uniform application of a pre-screening tool across agencies.

* A **pre-screener tool** is a brief tool used to identify whether a full assessment is necessary. It can save resources by identifying people who are lower risk and not in need of intensive services.

Justice Reinvestment Initiative

The Risk and Needs Working Group recommends adopting the LS/CMI as the primary risk and needs assessment tool across all three delivery systems.

Consistency: All jurisdictions assess clients using the same validated tool, ensuring equitable treatment and standardized decision-making across the state.

Uniform Supervision: The use of a single tool helps maintain consistent supervision levels across different counties, aligning supervision strategies for individuals regardless of which system they are under.

Comprehensive Case Management: The LS/CMI provides a robust case management structure that supports the entire supervision process, from assessment to planning and intervention.

Justice Reinvestment Initiative

American Probation and Parole Association (APPA). (2024). *National Standards for Community Supervision*. Lexington, KY: American Probation and Parole Association.

The Risk and Needs Working Group recommends adopting a universal pre-screener for use by any agency statewide to ensure consistency in determining who needs a full assessment.

- **Standardized Supervision:** This helps standardize supervision practices across counties, reducing discrepancies and ensuring fairness.
- **Targeted Use:** Apply pre-screener and/or full LS/CMI for all felony, gross misdemeanors, and targeted misdemeanors.
- **Pre-screeners for Low-Risk Identification:** Pre-screeners quickly identify low-risk individuals, prioritizing resources and staff time for higher-risk individuals.
- **Escalation to Full Assessment:** Ensures that agencies using the pre-screener are using the same criteria to determine need for a full LS/CMI.
- **Guidelines Compliance:** Agencies using a pre-screener should follow the established guidelines to determine when a full assessment is required.

James Bonta and D.A. Andrews, *The Psychology of Criminal Conduct,* 6th edition, (New York: Routledge, 2017).

The Risk and Needs Working Group has made progress on pre-screener recommendations, but no final decision between the two options has been made on which pre-screener should be adopted.

Customized Pre-screener

- Leveraging validation data from LS/CMI validation study to create a new screener
- By leveraging LS/CMI validation results, the pre-screener can be tailored specifically to Minnesota's population, ensuring its relevance and applicability to local needs and trends.

Hennepin County Pre-screener

- Initially based on the Wisconsin risk tool
- Used for felony and misdemeanor clients
- Validated on the Hennepin County population
- Currently embedded into CSTS
- Requires validation on statewide population

Justice Reinvestment Initiative

Hennepin County Department of Community Corrections and Rehabilitation. (2019). *Validation of the Hennepin County Pre-Screener for Use in Initial Risk Assessment*. Nonemaker Consulting.

The Risk and Needs Working Group recommends the following best practices for validation of the LS/CMI and pre-screener.

- **Statewide Validation**: Conduct a comprehensive validation of the LS/CMI and pre-screener to ensure accuracy and effectiveness across Minnesota's diverse populations.
- **Five-Year Validation Cycle**: Implement a five-year revalidation process to keep tools updated and responsive to emerging trends and changes in the probation population.
- **Data-Driven Decision-Making**: Use validation results to inform continuous quality improvements in supervision strategies and ensure equitable, evidence-based decision-making across all jurisdictions.

Justice Reinvestment Initiative

Sarah L. Desmarais, David A. D'Amora, and Lahiz P. Tavarez, *Advancing Fairness and Transparency: National Guidelines for Post-Conviction Risk and Needs Assessment* (New York: The Council of State Governments Justice Center, 2022). American Probation and Parole Association, *National Standards for Community Supervision* (Lexington, KY: American Probation and Parole Association, 2024).

To support validation of the LS/CMI, Minnesota applied for subaward funding under the JRI Phase II project.

- **Subaward Funding:** Minnesota applied for subaward funding through the Bureau of Justice Assistance (BJA) for the validation of the LS/CMI.
- **Vendor Selection:** Minnesota released a request for proposal (RFP) and is in the process of selecting a vendor to conduct the validation.
- **Next Steps:** The subaward application is pending final review by CSG Justice Center staff and approval by BJA.

Next Steps for Implementing the Risk and Needs Assessment Recommendations to CSAC

CSG Justice Center staff will continue providing technical assistance under the Advancing Fairness and Transparency: National Guidelines for Post-Conviction Risk and Needs Assessment project through July 2025 and plan to assist in the following implementation strategies, if recommendations are approved.

Develop	Support	Collaborate
Develop policy and practice in identified areas by facilitating monthly Working Group meetings.	Support development and drafting of statewide policy to standardize practices around the universal use of a validated risk and needs assessment instrument.	Collaborate and educate with community stakeholders and criminal justice partners on how assessments drive case planning and inform responses to behavior.

Justice Reinvestment Initiative

The Risk and Needs Working Group proposes the following recommendations for adoption by CSAC and submission to the DOC Commissioner for approval for deliverable 2.

Agencies shall:
1. Adopt the LS/CMI as the primary risk and needs assessment tool across all three delivery systems.
2. Adopt a universal risk and needs pre-screener statewide.
3. Require the use of the pre-screener and/or LS/CMI for all felonies, gross misdemeanors, and targeted misdemeanors.
4. Establish statewide policy and procedures for conducting risk and needs assessments to ensure that all agencies follow standardized protocols.
5. Require all risk and needs assessment tools used in community supervision to be validated on the state's population and revalidated every five years to ensure ongoing accuracy and consistency.

Justice Reinvestment Initiative Minnesota

Overview

1	Risk and Needs Assessment Recommendations
2	Case Planning Recommendations
3	Incentives and Sanctions Grid Recommendations

Together, the JRI Phase II Working Group focused our work on the following objectives for deliverable 3.

- Describe the problem.
- Provide an overview of recommendations to the Community Supervision Advisory Committee (CSAC).
- Review research supporting targeted case planning for moderate- to high-risk individuals targeting identified criminogenic needs.
- Describe recommendation of an evidence-based appointment structure emphasizing the importance of skill building and cognitive behavioral interventions in client interactions.

Together, the JRI Phase II Working Group focused our work on the following objectives for deliverable 3.

- Describe the current state of Corrections Services Technology Solutions (CSTS) system and necessary enhancements for reporting.
- Outline new metrics for reporting.
- Develop next steps for implementation for deliverable 3.

Through JRI, Minnesota identified gaps and needs related to case planning.

Case plans are not individualized across the state.

There is no formalized case planning policy or process across the 3 delivery systems.

Agents are not consistently incorporating evidence-based practices like skill building and practice sessions into appointments.

Agents are not consistently using the results of a risk and needs assessment and are often targeting non-criminogenic needs.

Some agencies are only using the smart chrono and are not integrated into CSTS, and processes are not automated.

There is some existing culture of agents being a broker of services rather than a ”change agent.”

Justice Reinvestment Initiative

Estrella Lopez, Matthew Moore, David D'Amora, and Alison Martin, *Summary of Minnesota's Justice Reinvestment Initiative Final Memo* (New York: The Council of State Governments Justice Center, 2023).

The JRI Phase II Working Group is recommending the following under deliverable 3.

Agencies shall:
1. Follow an evidence-based process to case plan with moderate- and high-risk clients as determined by a validated risk and needs assessment.
2. Use a case plan to target a client's identified criminogenic needs that drive their criminal behaviors and address their responsivity factors.
3. Have a case planning process and practice model that align with Minnesota's curriculum and an evidence-based appointment structure.
4. Meet identified needs by effectively skill building using cognitive behavioral interventions.
5. Use the case planning module and future enhancements in CSTS.
6. Use metrics to ensure the case planning process is being practiced with fidelity.

1 The risk-need-responsivity (RNR) model supports targeted case planning with individuals who are at a moderate to high risk of recidivating.

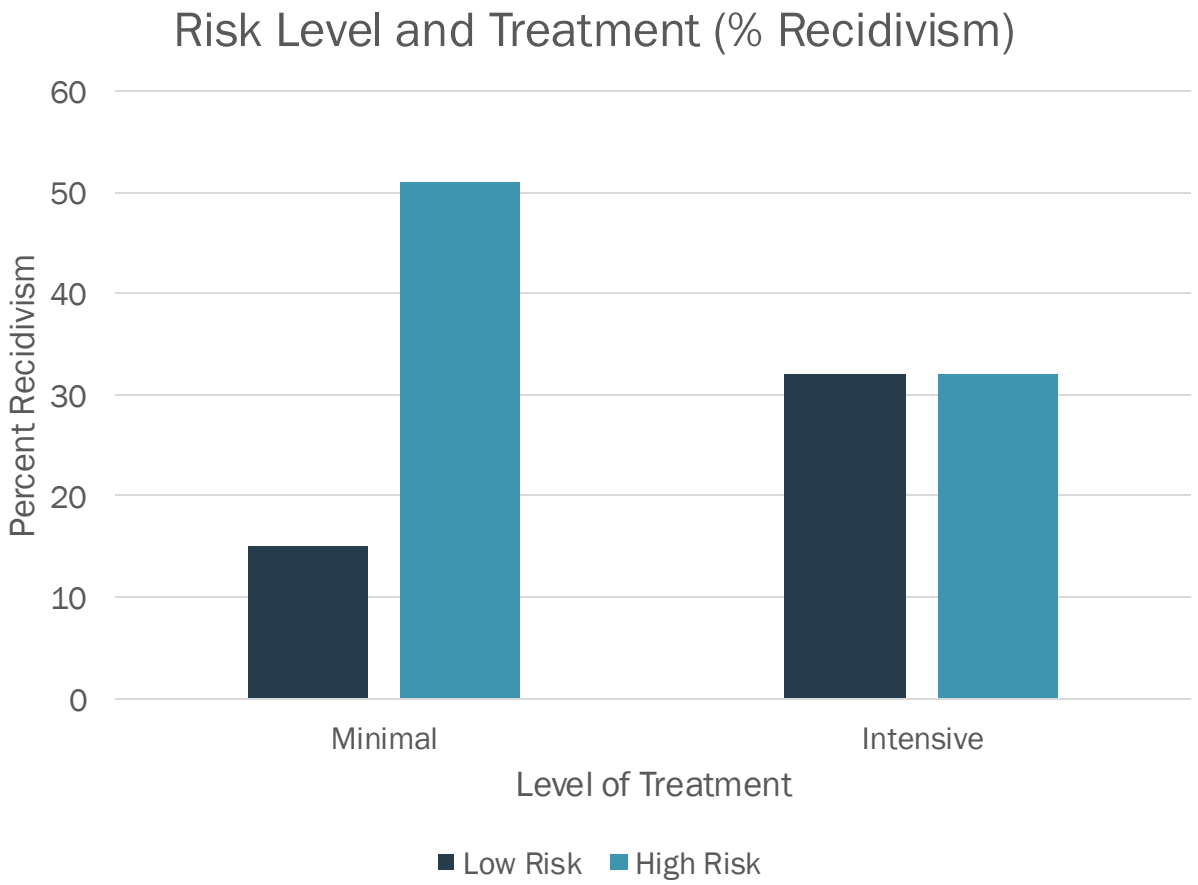
- Level of risk should be matched to a corresponding level of intervention.
- Individuals at a higher risk to reoffend should receive more intervention than those individuals at a lower risk to reoffend.
- Individuals with a lower number of criminogenic needs should receive less intervention.
- Level and type of offense is not an indicator of risk and should not be considered when making decisions on levels of intervention.

Justice Reinvestment Initiative

James Bonta, Suzanne Wallace-Capretta, and Jennifer Rooney, "A Quasi-Experimental Evaluation of an Intensive Rehabilitation Supervision Program," *Criminal Justice and Behavior* 27, issue 3 (2000): 312-329, https://doi.org/10.1177/0093854800027003003.

1

The risk-need-responsivity (RNR) model supports targeted case planning with individuals who are at a moderate to high risk of recidivating.



James Bonta, Suzanne Wallace-Capretta, and Jennifer Rooney, "A Quasi-Experimental Evaluation of an Intensive Rehabilitation Supervision Program," *Criminal Justice and Behavior* 27, issue 3 (2000): 312-329, https://doi.org/10.1177/0093854800027003003.

Addressing multiple criminogenic needs can lead to a reduction in recidivism for individuals who are at a moderate to high risk to reoffend.

2

14–19%
reduction in recidivism

1 to 2
criminogenic needs are addressed

22–51%
reduction in recidivism

3 or more
criminogenic needs are addressed

Justice Reinvestment Initiative

James Bonta and D.A. Andrews, *The Psychology of Criminal Conduct: Seventh Edition* (New York: Routledge, 2023).

3

Minnesota currently trains agents on a case planning process with seven appointment types.

The JRI Phase II Working Group recommends that all agencies follow a case planning process and practice model that aligns with the current curriculum and an evidence-based appointment structure.

Justice Reinvestment Initiative

The working group recommends that agencies meet the needs of their clients through skill building and the use of cognitive behavioral interventions.

4

RESPONSIVITY

	Example Interventions for Each Appointment Type
INITIAL APPOINTMENT	Maximizing Strengths
ASSESSMENT APPOINTMENT	LS/CMI Risk and Needs Assessment
FEEDBACK APPOINTMENT	Your Influences
FOCUS & ALIGNMENT APPOINTMENT	Driver Workbook
GOAL SETTING APPOINTMENT	Increasing the Odds of My Success
ONGOING SKILL PRACTICE APPOINTMENT	Cognitive Skill Practice
TRANSITION APPOINTMENT	Transition Worksheet

Justice Reinvestment Initiative

5 Minnesota can track some data now, but enhancements are necessary to collect specific data metrics and assist agents in navigating the case planning process in CSTS.

NEW DATA METRICS

Track percentage of criminogenic needs and non-criminogenic needs independently.

Track identified needs and related targeted interventions.

ENHANCEMENTS

Case Plan Module automatically incorporates appointment type processes and steps.

Incorporate Interventions tab within the Case Planning Module.

Can add local programs within the Case Plan Module to meet resource needs.

Include a reference list of skill practice/interventions in the Case Plan Module.

Automatically send feedback questionnaire to clients through discharge or other processes.

Justice Reinvestment Initiative

Currently, there is a limited ability to measure whether agents are incorporating RNR or a targeted approach into their case management work.

The working group has requested STI to track the following metrics in CSTS.

- Number of criminogenic needs assessed as medium risk
- Number of criminogenic needs assessed as high risk
- Number of criminogenic need areas addressed in case plans
- Alignment of skill building with identified criminogenic needs
- Number of each type of case planning appointment
- Percentage where at least one appointment was completed

Justice Reinvestment Initiative

Next Steps for Implementing the Case Plan Recommendations to CSAC

CSG Justice Center staff will continue providing technical assistance under JRI Phase II through July 2025 and plans to assist in the following implementation strategies, if recommendations are approved.

- Develop policy and practice in identified areas by facilitating monthly meetings with the working group.
- Establish statewide policy for assessment-driven case planning targeted to moderate- and high-risk clients and their identified criminogenic needs.
- Establish statewide policy to standardize practices around the new CSTS technology enhancements.
- Lead collaboration with stakeholders on developing policy to report and use identified data metrics for future policy decisions.

Justice Reinvestment Initiative

The JRI Phase II Working Group proposes the following recommendations for adoption by CSAC and submission to the DOC commissioner for approval for deliverable 3.

Agencies shall:
1. Follow an evidence-based process to case plan with moderate- and high-risk clients as determined by a validated risk and needs assessment.
2. Use a case plan to target a client's identified criminogenic needs that drive their criminal behaviors.
3. Have a case planning process and practice model that align with Minnesota's curriculum and an evidence-based appointment structure.
4. Meet identified needs by effectively skill building using cognitive behavioral interventions.
5. Use the case planning module and future enhancements in CSTS.
6. Use metrics to ensure the case planning process is being practiced with fidelity.

Justice Reinvestment Initiative Minnesota

Overview

1	Risk and Needs Assessment Recommendations
2	Case Planning Recommendations
3	Incentives and Sanctions Grid Recommendations

Through JRI, Minnesota identified challenges related to responding to the behavior of clients on supervision.

Lack of statewide consistency in the use of an incentives and sanctions grid

Limited response options in current grids that are not feasible for all counties and delivery systems to use uniformly

No formalized incentives and sanctions policy or process across the three delivery systems

Responses and interventions inconsistently documented in one system

Lack of consistent options to respond to both positive and negative behavior

Lack of uniform training for staff on the foundational principles and use of an incentives and sanctions grid

Justice Reinvestment Initiative

Estrella Lopez, Matthew Moore, David D'Amora, and Alison Martin, *Summary of Minnesota's Justice Reinvestment Initiative Final Memo* (New York: The Council of State Governments Justice Center, 2023).

The JRI Phase II Working Group is recommending the following under deliverable 6.

1. The JRI Phase II Working Group should continue developing a consistent incentives and sanctions grid for all individuals under community supervision.
2. CSTS should be used to document responses in the Interventions module.
3. Incorporate foundational training into new employee training and technical training on mechanics of the grid statewide.
4. All agencies should participate in quality assurance efforts to report statewide and agency-specific metrics.

The use of an incentives and sanctions grid is supported as a best practice in community supervision.

- Positive responses to compliance, such as rewards and incentives, have been shown to motivate individuals to adhere to the conditions of supervision.[1]
- Include a system of graduated sanctions and rewards and a detailed framework for imposing sanctions, considering factors like the severity of the violation and risk level.[2]
- Use of sanctions grids and matrices is linked to more efficient use of agency resources and a reduction in reliance on jail or prison sentences.[3]

[1]Pew Center on the States. Policy Framework to Strengthen Community Corrections. Washington, DC: Pew Center on the States, Public Safety Performance Project, December 2008. [2]Ibid. [3]Robina Institute of Criminal Law and Criminal Justice. *Sanctions and Incentives*. February 2022. https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2022-02/sanctions_and_incentives.pdf.

Justice Reinvestment Initiative

The use of an incentives and sanctions grid is supported as a best practice in community supervision.

- Structured approach aims to create consistency and fairness in the application of sanctions and incentives, and when used appropriately can significantly lower the likelihood of reoffending.[1]

- Severity of sanctions and rewards should be adjusted based on behavior, allowing for a more tailored and immediate consequence to promote compliance.[2]

[1]Thomas J. Mowen, Eric Wodahl, John J. Brent, and Brett Garland, "The Role of Sanctions and Incentives in Promoting Successful Reentry," *Criminal Justice and Behavior* 45, no. 8 (2018): 1288-1307. [2]Wodahl, E. J., B. Garland, S. e. Culhane, w.p. McCarty. "Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections." Criminal Justice and Behavior 38, no. 4 (2011): 386-405.

Several counties currently use or are developing an incentives and sanctions grid as a response to behaviors.

Scott County

Uses an accomplishment and misconduct response grid with three levels of accomplishments, four levels of misconduct, and aggravating and mitigating factors. Documented in CSTS.

Wright County

Piloting a behavior response grid similar to Scott County with low, medium, and high behaviors. Agents provided input into the grid content with an emphasis on connecting the case plan, behaviors, and interventions.

MN Rehabilitation and Reinvestment Act (MRRA)

Tasked with creating a facility and community supervision grid. Facility is moving ahead with implementation, while community supervision is paused pending the outcome of the JRI Phase II Working Group.

1 The JRI Phase II Working Group recommends the following as necessary elements of an incentives and sanctions framework and continue development across all delivery systems.

Provide greater consistency, uniformity, and transparency in responses to client behavior.

Use multiple levels of positive and negative behaviors with aggravating and mitigating factors that may impact response decisions.

Align with principles of effective behavior change and evidence-based correctional practices.

Feature guardrails that prevent responses from being applied in a manner that is inconsistent with the framework.

Motivate positive change or desistance in clients rather than be oriented toward punishment.

Prevent responses that deviate from those produced by the guidelines.

Justice Reinvestment Initiative

Estrella Lopez, Matthew Moore, David D'Amora, and Alison Martin, *Summary of Minnesota's Justice Reinvestment Initiative Final Memo* (New York: The Council of State Governments Justice Center, 2023).

1 The JRI Phase II Working Group recommends the following as additional recommendations regarding implementation of a consistent incentives and sanctions grid framework.

Consider changing the title from "incentives and sanctions grid" to "behavior response grid."

A statewide evidence-based practices/implementation committee should oversee the grid on an ongoing basis.

All menu options should be the same across delivery systems.

Logic should be built into CSTS to prevent the selection of a response that is inconsistent with the response grid.

Implementation of the tool must be sufficiently flexible to accommodate and reflect differences in local needs and resources.

Once the CSTS integrations are finalized, they should be tested in counties that are a representative cross-section of the state before being rolled out more broadly.

Justice Reinvestment Initiative

Estrella Lopez, Matthew Moore, David D'Amora, and Alison Martin, *Summary of Minnesota's Justice Reinvestment Initiative Final Memo* (New York: The Council of State Governments Justice Center, 2023).

1 The working group recommends that the grid follow a format consistent with the example below and use risk, mitigating, and aggravating factors.

		Risk Level		
		Low Risk	Moderate Risk	High Risk
Level of Behavior	Low	Level 1 Response	Level 1 Response	Level 2 Response
	Moderate	Level 1 Response	Level 2 Response	Level 3 Response
	High	Level 2 Response	Level 3 Response	Level 3 Response
	Very High	Level 3 Response	Level 4 Response	Level 4 Response

- Based on risk and level of behavior, agents will have a menu of options to choose from as a response to the behavior, both positive and negative.
- Mitigating and aggravating factors are to be considered in decision-making, when applicable.

The JRI Phase II Working Group recommends that responses are documented in CSTS within the Interventions module.

2

- Responses from the incentives and sanctions grid will be documented in the Interventions module in CSTS.
- Interventions module will be incorporated into the Case Plan module to increase efficiency for agents in documentation.
- Logic will be built in to prevent selection of an inappropriate level of response.
- Interventions and responses will be attached to each process of the appointment.

Justice Reinvestment Initiative

The JRI Phase II Working Group recommends that responses are documented in CSTS within the Interventions module.

Example Response to Behaviors as shown in CSTS

RESPONSES:

Date	Type	Behavior Category(ies) & Level(s)	Behavior Details
Response(s)		**Response Detail**	
02/01/2023	Accomplishment	Assessment(s)-Bronze-	Client Scheduled CA
Affirmations-		Affirmed with the client they are on the right track	
02/20/2023	Accomplishment	Assessment(s)-Gold-	Client completed CA
Affirmations-		Client in for office visit and affirmed their success. discussed the potential of reductions with conditions with continued compliance and progress	
04/03/2023	Misconduct	Chemical Use-Minor-	Client has failed to show for Testing 1 time.
Verbal/Written Warning-		Called client and talked about the importance of testing and remaining sober. Talked to them about what probation needs from them and warned them about what the court has ordered them to complete needs to be completed.	
04/10/2023	Misconduct	Treatment/Programming/Education-Major-	Client is not showing for their intake to treatment
Coaching-; Verbal/Written Warning-; Sanctions Conference-		Another verbal written warning and added couching to help client problem solving getting into treatment and testing. Signed Sanctions Conference with the client	

3 The JRI Phase II Working Group recommends the following for developing a consistent training that covers foundational principles and the mechanics of using the grid in CSTS.

Foundational principles on the use of a grid should be built into the statewide training academy.

Stakeholder/justice partner education and training must be developed.

A statewide evidence-based practices/implementation committee should oversee the training curriculum on an ongoing basis.

A supervisory or peer coaching approach should be used to help ensure quality assurance and consistency.

A tutorial on the mechanics of using the grid in CSTS must be developed.

Justice Reinvestment Initiative

The JRI Phase II Working Group recommends a consistent quality assurance process across all agencies to provide reports for supervisors and statewide metrics.

- Reports should be produced on the following: types of responses, categories of responses, ratio of incentives to sanctions, match between responses and behaviors, percentage of instances where aggravating and mitigating factors were considered, and number of supervisor overrides.
- Data should be accessible to provide information for supervisors and managers on a statewide, agency, supervisor, unit, and agent level.
- Agencies should review reports regularly to ensure fidelity to the grid and measure ongoing quality assurance.

Next Steps for Implementing the Incentives and Sanctions Grid Recommendation to CSAC

CSG Justice Center staff will continue to provide technical assistance under JRI Phase II through July 2025 and plans to assist in the following implementation strategies, if recommendations are approved.

- Develop policy and practice by facilitating monthly meetings with the working group.
- Establish statewide policy for a consistent incentives and sanctions grid for all three delivery systems.
- Lead collaboration with key stakeholders on content development of a consistent behavior response grid composed of a menu of options for agencies to choose from.
- Establish statewide policy to standardize practices for documentation in CSTS.
- Lead collaboration with stakeholders on developing policy to report and use identified data metrics for future policy decisions.

The JRI Phase II Working Group proposes the following recommendations for adoption by CSAC and submission to the DOC Commissioner for approval for deliverable 6.

1. Continued development by the JRI Phase II Working Group of a consistent incentives and sanctions grid for all individuals under community supervision
2. The use of CSTS to document responses in the Interventions module
3. Incorporation of foundational training into new employee training and technical training on mechanics of the grid statewide
4. Participation of all agencies in quality assurance efforts to report statewide and agency-specific metrics.

Thank You!

Join our distribution list to receive updates and announcements:

https://csgjusticecenter.org/resources/newsletters/

For more information, please contact:
Erin Thorvaldson at ethorvaldson@csg.org

This project was supported by Grant No. 15PBJA-21-GK-04348-JRIX awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. To learn more about the Bureau of Justice Assistance, please visit bja.gov.

© 2024 The Council of State Governments Justice Center