

**INNOVATIONS IN PROBATION:
Assessing New York City's Automated Reporting System**

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EXECUTIVE SUMMARY

The New York City Department of Probation implemented and tested an automated reporting system (or kiosks) in the mid-1990s for a limited group of low-risk probationers. Based on the initial success of the system, New York City Probation dramatically expanded the use of kiosk reporting in 2003 to include all low-risk probationers under community supervision. Despite the criticisms of kiosk systems as a tool in probation supervision, we examine whether the potential benefits of automated reporting outweigh the risks.

To do this, we focused on three central policy-related questions:

- *Reallocation of resources:* Can kiosks allow probation departments to redistribute limited resources while simultaneously better managing both low-risk and high-risk supervision caseloads?
- *Data collection and monitoring:* Can data collected from kiosks about a probationer's activities and reporting habits be used as a critical element of a comprehensive data management strategy?
- *Supervision outcomes:* Can kiosks provide a unique means of supervision, potentially leading to better outcomes than reporting directly to a probation officer, but at a minimum leading to outcomes equal to those of in-person reporting?

The major findings in this report indicate that:

- NYC Probation has successfully used the kiosk system to focus its resources on probationers identified as high-risk through increased reporting and lower caseloads by assigning larger numbers of low-risk individuals to higher caseloads.
- *Re-arrests and Crime Rates*
 - Two-year re-arrest rates for high-risk probationers **declined** from 52% to 47% after being assigned to more intensive supervision.
 - Two-year re-arrest rates for low-risk probationers assigned to the kiosk **declined** from 31% to 28%.
 - During and after the time period that the kiosk system was implemented and expanded, the crime rate in NYC declined. This is not to say that the kiosk system

was associated with crime rate reductions but only to note that the fears of a higher crime rate due to the kiosk system were not justified.

- *Missed Appointments (FTRs)*
 - For high-risk probationers:
 - ♦ FTRs as a percentage of these probationers **increased** from 40% to 63%;
 - ♦ FTRs as a percentage of all scheduled appointments **decreased** from 5.2% to 4.5%
 - For low-risk probationers:
 - ♦ FTRs as a percentage of these probationers **increased** from 27% to 41%;
 - ♦ FTRs as a percentage of all scheduled appointments **increased** from 3.4% to 5.7%.
 - The kiosk system serves as a more efficient data collection and supervision tool than prior supervision strategies.

In summary, the NYC experiment has shown that through proper risk assessment, a kiosk system can produce superior results in terms of reducing recidivism and improving compliance with reporting requirements.

These results show that the use of kiosk systems, especially as implemented in New York City, has a strong practical rationale, and is grounded in theoretical and empirical evidence. Our analysis suggests that automated reporting and the use of kiosks has multiple benefits, and at least from the evidence presented here, does not increase threats to public safety. This is largely a consequence of focusing the use of automated reporting on probationers who are low-risk and pose minimal threat to community safety from the outset.

As probation agencies continue to struggle with many of the issues elaborated here, they will need to continue to be innovative as they respond to increased pressures to effectively supervise probation populations and maintain community safety. ■

INTRODUCTION

The substantial increase in the number of people incarcerated in the U.S. during the past three decades has generated significant debate and controversy.¹ Concurrent with that increase, but much less discussed, has been the extraordinary growth in the number of people under community supervision, especially the number of offenders sentenced to probation supervision. While significant resources have been allocated to accommodate increases in incarceration, probation agencies have largely experienced significant population growth without corresponding increases in funding. The result has been increasingly large and unmanageable probation caseloads that make it extremely difficult for probation agencies to effectively supervise offenders and maintain public safety.

The New York City Department of Probation (hereafter, NYC Probation), in an effort to deal with the problem of serious budget cuts and increasing caseloads in the 1990s, implemented and tested an automated reporting system (or kiosks) for a limited group of low-risk probationers.² Adopting kiosks allowed NYC Probation to assign large numbers of low-risk probationers to a system of supervision that required substantially fewer probation officers. More importantly, however, this reallocation of probation caseloads allowed the Department to achieve its primary goal of providing more intensive supervision for high-risk and sex offenders. Due to the initial success of the system, NYC Probation dramatically expanded the use of the kiosk system in 2003 to include all low-risk probationers, including those with special conditions (for example, requirements for alcohol or drug treatment, mental health, community service, restitution) attached to their sentences.

Automated kiosk reporting systems have been implemented in a number of probation departments nationwide. The primary motivation for implementing these systems has been the economics of limited resources combined with ever-increasing demands—thus, the implementation of kiosk systems nationwide has largely been

driven by a series of practical concerns.³

The increasing use of kiosks as a supervision tool however, has generated both skepticism and criticism from a variety of observers. One concern is that probation departments may be revising or instituting supervision policies based simply on the availability of new technologies without any real thought to the consequences or implications—that is, new technologies are driving policy changes.⁴ Using kiosk reporting in this manner is often deemed problematic because it is not clear that the new policies are congruent with the practical realities or conceptual purposes of probation. This is especially true when the efficacy of the new technology has not been empirically examined and demonstrated.

A second issue is the (public) perception that reporting to probation via a machine amounts to a form of little or no supervision,⁵ and by implication, probation loses any limited deterrent effect it might achieve as a community sanction. As some commentators already see probation supervision as a “nonpunitive” punishment, any further decrease in probation’s effectiveness further contributes to a ‘soft on crime’ view of such community alternatives.

Finally, there is a concern that kiosk supervision may be poorly implemented to effectively address probation’s needs and demands. The Dallas County Community Supervision and Corrections Department (CSCD), for example, mis-assigned high-risk probationers to their kiosk program, leading to the eventual suspension of the kiosk program altogether.⁶ According to Michael Noyes, current Director of Dallas CSCD, although the Dallas County Community Supervision and Corrections Department “... had usage criteria, it was either not followed by the court, CSCD Supervisors, or staff. The result was that High-risk offenders were also being assigned with Moderate-Low to Low-risk clients.”

In light of these issues, one might conclude that automated reporting is both questionable as a supervision strategy and a potential threat to community safety. Despite these concerns, kiosks are viewed in other quarters as a

potentially sound supervision strategy.⁷ There are valid reasons to consider automated reporting an innovative and well-reasoned component of effective community supervision. It is the lack of empirical examination of probation kiosk systems however, that leaves policymakers unable to draw sound conclusions about the wisdom of implementing such systems, especially in terms of whether the benefits of the kiosk system outweigh the potential risks.

In this report we take a first step in assessing the rationales for and examining outcomes associated with kiosk implementation. Drawing on the theoretical and empirical literature, and using data collected from NYC Probation, we address potential strengths and limitations of kiosk system implementation. We organize our report around three ways that automated reporting may be viewed as productive innovation when instituted as a part of a probation department's overall supervision strategy.

- *Reallocation of resources:* Can kiosks allow probation departments to redistribute limited resources while simultaneously better managing both low-risk and high-risk

supervision caseloads?

- *Data collection and monitoring:* Can data collected from kiosks about a probationer's activities and reporting habits be used as a critical element of a comprehensive data management strategy?

- *Supervision outcomes:* Can kiosks provide a unique means of supervision, potentially leading to better outcomes than reporting directly to a probation officer, but at a minimum leading to outcomes equal to those of in-person reporting?

We begin by defining the kiosk system approach, using the NYC case as an example. We then review the arguments for use of automated reporting, while considering theoretical and conceptual arguments that address some of the criticisms. Using data collected from NYC Probation, we examine two-year re-arrest and reporting outcomes associated with kiosk implementation. We analyze outcomes for both the low-risk probationers reporting to the kiosks, and the high-risk and sex offender populations receiving more intensive supervision. Finally, we conclude with our recommendations for effective kiosk implementation. ■

BACKGROUND *WHAT IS KIOSK REPORTING? THE NYC PROBATION CASE*

The practical realities of NYC Probation supervision in the mid-1990s was such that the department was facing severe budget cuts, a significant loss of workforce, and substantially increasing caseloads. The key consideration for the department at that time was how probation could focus increasingly limited resources on those probationers with the greatest risk of violent recidivism. Probation explored options available to them through a series of discussions involving management, line staff, and external consultants. Automated systems were considered as a means of supervising those probationers of lesser risk.

The decision to both implement and later expand the kiosk system involved complex planning processes that required significant project management expertise as well as the cooperation of all levels of NYC Probation. Expanding the new system of supervision to the degree that eventually occurred clearly had implications for every probationer, but it also held both challenges and implications for virtually every organizational level and department. It was imperative that NYC Probation management acquire as full an understanding of those

challenges and implications as possible to ensure a smooth transition to the new system of supervision. Thus, despite some concerns, kiosk technology did not drive supervision policy, but was one means of achieving departmental goals.

As noted earlier, and based on the initial success of the system, the use of kiosk reporting in New York City expanded significantly over time. NYC Probation first implemented automated reporting in the mid- to late-1990s for a small group of low-risk probationers. By 2001, approximately one-quarter of all active NYC probationers were reporting to a kiosk. In 2003, NYC Probation dramatically expanded the use of the kiosk system to include all low-risk probationers, including those with special conditions attached to their supervision. Between 2003 and 2006, approximately 70% of the active NYC Probation population was in the kiosk 'Reporting' track.⁸

Kiosk technology is noted for its ease of use in a variety of everyday tasks in multiple settings. Similar in appearance and functionality to widely used bank automated teller machines (ATMs), kiosk reporting systems allow probationers to

report in using automated self-service kiosk machines. In addition to the technological nature of the system, kiosks also involve some supervision and case management by a probation officer—it is important to understand that the kiosk is not simply an ATM, and kiosk reporting does not mean that the probationer is free from supervision or meeting probation requirements. Kiosk reporting is more appropriately conceptualized as a cost-effective, low-intensity sanction for probationers who pose little risk to community safety.

Although NYC Probation originally contracted with an outside vendor for their kiosk units, the technology now in use incorporates commercially available hardware and a shared (or ‘open-source’) software system that is available for use by other jurisdictions.⁹ The basic system combines a personal computer with a touch-screen system, a biometric hand-scanner, and a small printer to generate a receipt. When a probationer reports to the probation office for the first time, she/he attends an orientation session that reviews the individual’s responsibilities on probation, as well as more detailed information on various aspects of probation such as early discharges, requests for travel, re-arrests, and reporting requirements. The session also includes videotaped instructions on how to use the kiosk system. The orientation requires each individual assigned to the Reporting Track to register with the system, including having a photograph taken and providing the biometric hand-scan identification.

RISK ASSESSMENT AND ASSIGNMENT TO THE REPORTING TRACK

Valid risk assessment is one of the most-often cited principles underlying effective interventions and supervision, and is a critical component in effectively supervising incarcerated and community corrections populations.¹⁰ Probation departments nationwide rely on assessment instruments to classify offender populations in terms of their appropriate level of supervision and risk to community safety.¹¹ Like many jurisdictions, NYC Probation assigns probationers to supervision tracks based on their risk scores on a classification instrument (see Appendix Exhibit 1 and Exhibit 2 for the classification instrument).¹² In New York City, probationers identified as low-risk are largely assigned to the kiosk reporting track, and higher-risk and special offenders (e.g., sex or domestic violence) are assigned to “High-Risk” or “SOU” probation officers with smaller caseloads, allowing more intensive supervision.¹³

Although people who commit violent or other more serious offenses are often perceived to be at a higher risk of repeating criminal behavior, seriousness of offending is

not necessarily the same thing as the risk of reoffending. Risk is more typically associated with factors that increase the probability of offending—these can include such factors as antisocial attitudes and friends, age, substance use, prior criminal history, education or employment background, or criminal involvement at younger ages.¹⁴ The available evidence clearly suggests that higher risk probationers constitute a greater threat to public safety and lower-risk offenders less so.¹⁵ Thus, populations at a higher risk for criminal behavior arguably warrant greater supervision.¹⁶ The experience of Dallas County discussed earlier strongly emphasizes the importance of developing both a valid set of risk criteria and an equally strong assignment protocol when implementing such systems.

Low-risk probationers assigned to the NYC Probation kiosk are required to visit the office each month and report in by completing a short list of questions on the kiosk. The kiosk system uses a simple design to allow it to be easily used by low-literacy probationers and to reduce the time it takes for probationers to complete the report. Questions focus on the probationer’s residence, contact information, employment, and any new arrests. Provided that no new issues are raised as part of the reporting process (e.g., new arrests, positive drug test), a receipt is generated, and probationers complete their ‘transaction’ and leave. The entire process of reporting to the kiosk is completed, on average, in four minutes. This significantly reduces the amount of time a probationer might otherwise spend in a probation office waiting to speak with a probation officer.

Under certain conditions, such as reporting an out-of-area address or having a new arrest, the system requires the probationer to meet with an officer before leaving the probation office. In addition, probationers are randomly selected by the system for drug testing. Finally, probation officers have the option of programming the system to have probationers meet with an officer for any number of additional reasons. Kiosk attendants are available to ensure that probationers report to a probation officer before leaving if issues arise or to complete on-site drug tests if selected.

As is always the case, implementation of new systems involves a process of refining the system over time and some of the changes to the kiosk system have been implemented in response to the needs of field staff and issues raised by them. Discussions with NYC Probation field staff suggest a great deal of receptivity to the system as currently implemented, especially in terms of the ability of line officers to supervise higher-risk offenders on smaller caseloads.

In short, low-risk probationers who are meeting their

probation requirements and necessitate minimal supervision have little need to meet with a probation officer on a monthly basis. The kiosk system can flag probationers in the case of new arrests, and can randomly select probationers at report time for drug testing to assure compliance with probation

requirements regarding drug use. When anomalies arise, probation officers are available to meet with Reporting Track probationers to resolve any outstanding issues or problems. ■

AUTOMATED REPORTING AS INNOVATIVE — PROBLEM-SOLVING REALLOCATION OF RESOURCES —

Can kiosks allow probation departments to redistribute limited resources while simultaneously better managing both low-risk and high-risk supervision caseloads?

Nationally, the total number of people under probation supervision has increased by 272% since 1980, increasing from 1.1 million to almost 4.2 million, a trend illustrated in Figure 1.¹⁷ Probationers have consistently comprised nearly two-thirds of the total correctional population for the last three decades; at the end of 2005, probationers accounted for 59% of all people under criminal justice supervision nationally.¹⁸ New York City experienced more than a 110% increase in its probation population between 1983 and 1999. As Figure 1 shows, however, although national probation populations have continued to climb, New York City and New York State are among a small number of jurisdictions that have shown declines in probation populations over the last few years.¹⁹

As is well known, crime rates reached a modern high during the late 1970s and early 1980s before beginning a sustained decline beginning in the late 1980s and early 1990s. Figure 2 shows the changes in New York City crime trends between 1980 and the present, in terms of the number of index offenses reported to the police, and compares those to changes in the NYC Probation population over a similar period.²⁰ The number and rate (rates not shown) of property offenses peaked in 1981, declined slightly, and rose to another high of slightly more than 550,000 in 1988, before steadily declining through 2005. The number of violent offenses shows a similar trend, peaking in 1991, before showing a decline for the last 14 years. Despite the decline in crimes (and crime rates), however, probation populations continued to rise steadily through the 1990s. The number of probationers serving a probation sentence during the year steadily climbed from 46,000 in 1983 to nearly 100,000 in 1999. It was only in 2000 that NYC Probation saw its first decline in supervised

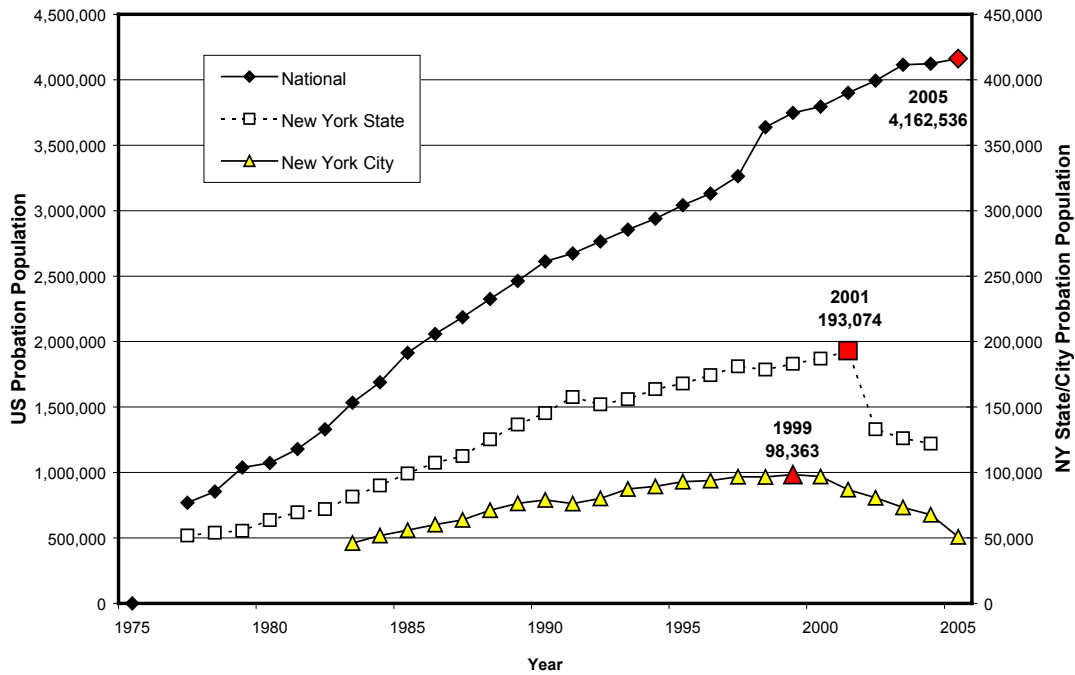
populations, a trend that has continued for the past six years. Thus, despite sustained decreases in the total number of crimes and the crime rates beginning in the late 1980s, yearly probation populations continued to climb for the next decade, finally peaking in 1999.

In addition to the large increases in supervised populations, probation rolls have become comprised of increasingly more serious and higher-risk offenders, based on such factors as criminal records, conviction offenses, gang affiliations, and substance use histories.²¹ Felony offenders have constituted approximately 50% of the national probation population for the last 20 years.²² In New York State, felony probationers have historically comprised more than 50% of the overall probation population.²³ But there are substantial variations across jurisdictions in the composition of these populations in New York: NYC Probation, for example, supervises a disproportionate share of felony probationers—nearly 70% of all supervised NYC Probation cases are felony offenders.²⁴ In contrast, non-NYC probation caseloads have an average felony to misdemeanor ratio of 2:3, or about 40% of all supervised cases were felony convictions.

RESOURCE CONSTRAINTS

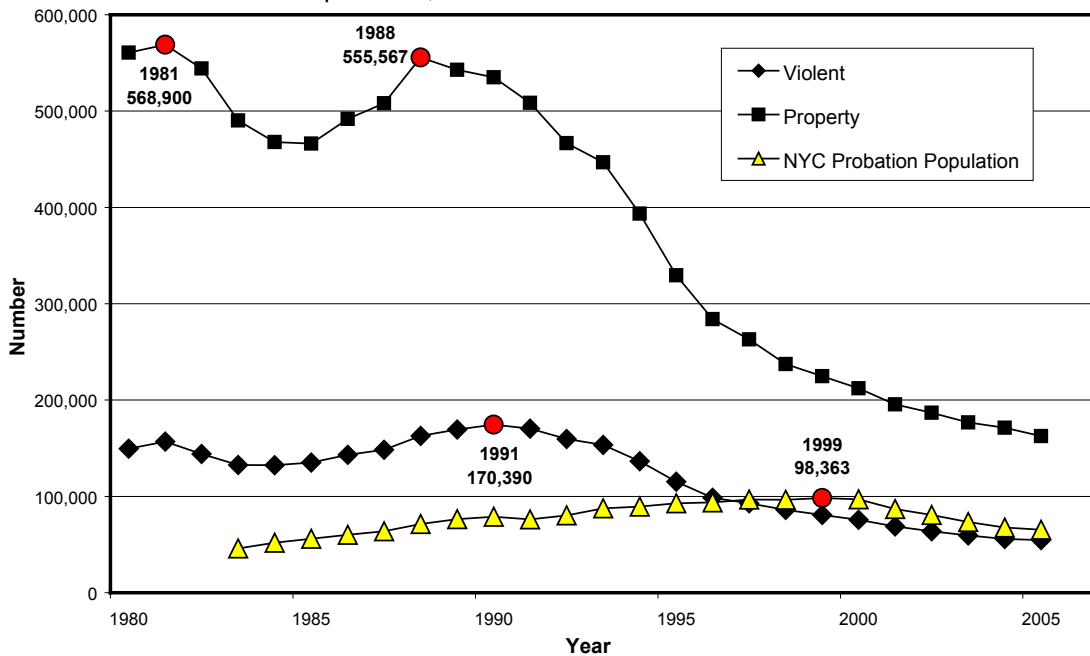
Despite the significant increases in populations under supervision and the increased seriousness of their crimes, probation funding has remained relatively static over time. Although national corrections populations have grown significantly since 1980, it is funding for prisons and jails that account for almost all of the growth in government criminal justice expenditures.²⁵ Probation spending as a proportion of total government spending has remained virtually unchanged.

Figure 1: Probation Populations: National, NY State, and New York City.*



*US and NYS populations are point-in-time counts obtained from BJS "Adults on Probation in the United States" file 'corpop11.csv'. NYC data were obtained from NYC Probation and are total populations supervised in the year.

Figure 2. New York City Crime Trends (Index Offenses Reported to Police) and Probation Populations, 1980 - 2006.*



*Data Sources: Offenses Reported to Police are from the FBI Uniform Crime Reports (Various Years) and NYS DCJS; NYC data obtained from NYC Probation and are total supervised populations for the year.

Table 1. Active Probation Population, Line Officers, and Average Caseload (Total and By Probation Track), 2000-2006.*

[Target Caseloads established as part of kiosk expansion in 2003.]

Probation Track	Jan. 2000	Oct. 2001	March 2002	Target Caseload	Dec. 2003	Dec. 2004	Dec. 2005	Dec. 2006**
<u>Total Active Probation Population</u>								
Probationers	52,019	42,993	42,117		33,414	31,959	30,785	28,766
P.O.'s	273	274	277		248	212	209	221
Caseload	191	157	152	---	135	151	147	130
<u>High-Risk/SOU Probationers</u>								
Probationers	18,330	16,230	15,881		9,202	8,630	8,708	9,073
P.O.'s	154	156	155		191	161	161	181
Caseload	119	104	102	65:1	48	54	54	50
<u>Low-Risk/Reporting Track Probationers</u>								
Probationers	33,689	26,763	26,236		24,212	23,329	22,077	19,693
P.O.'s	119	118	122		57	51	48	40
Caseload	283	227	215	750:1	425	457	460	492

*Data provided by NYC Probation. **Data are preliminary.

NYC Probation is a city agency but its activities are partly funded by state reimbursements. Despite supervising a larger proportion of felony offenders, state reimbursement rates to the city have declined significantly over time leaving the city to pick up a greater share of the expenses associated with supervision.²⁶

As a consequence of increasing populations, more ‘high-risk’ offenders being sentenced to probation, and limited resources, probation workloads have increased dramatically over time. Probation ‘caseloads’, the most common measure of a probation officer’s workload, averaged more than 200 offenders per officer for national populations by the mid-1990s.²⁷ In some urban centers, the problem is especially acute. In Los Angeles County, the nation’s largest probation department, minimum supervision caseloads are reported at 1000:1, and high-risk caseloads are 200:1.²⁸ New York City is no exception to this trend—by 2001, average caseloads in some cases approached 250:1.²⁹ The ability of probation officers to adequately supervise caseloads of this size is

clearly limited, and it is clear that probation departments have faced mounting pressures as populations and caseloads increased. In short, in New York City, as in other jurisdictions nationwide, probation supervision was often viewed as an ‘elastic resource’ that could handle whatever number of offenders was assigned to it.³⁰

Given these increasing pressures, Table 1 illustrates the way caseloads were redistributed when NYC Probation expanded the use of the kiosk system in 2003.³¹ The total active probation population decreased 45% between 2000 and 2006, dropping to 28,766 from 52,019. The total number of probation officers supervising probationers decreased from 273 to 221, a 20% decline. This steady decline in the probation population—and a controlled decrease in probation officers—allowed probation to work toward its goal of more manageable caseloads.

Although the overall population and number of probation officers has declined over this time period, it is how the redistribution of resources around the risk level of the

supervised populations occurred that is of most interest—the separation of High-Risk/SOU populations from Low-Risk track assignments is detailed in the bottom half of Table 1. From 2000 through 2002, the highest risk and SOU offenders were on caseloads ranging from an average of 100 to 120, with some specific high-risk tracks approaching caseloads of 150 or more (See Appendix Table 1 for more detail on specific probation tracks).

As shown in Table 1, after the expansion of the kiosk system in 2003, NYC Probation established target caseloads for its various supervision tracks. High-Risk and Special Offender Unit (SOU) populations, with targeted caseloads of 65:1, were assigned to much smaller, more stable, and more manageable caseloads. Smaller caseloads should not be interpreted as probation officers doing less work, however, as there is an important distinction between probation ‘workload’ and ‘caseload’.³² Although caseloads are the most common measure, we note that it is entirely possible for a probation officer’s workload to remain stable or even increase as a caseload declines. Lower caseloads of higher-risk (and potentially more problematic) offenders that require more face-to-face contact on a monthly basis (i.e., more intensive supervision) can easily constitute a greater workload. As an example, despite the decrease in caseloads in 2003 for probation officers supervising High-Risk/SOU probationers, the number of required contacts for high-risk probationers increased from one to four per month, resulting in more regular contact and more intensive supervision.

To achieve the target caseloads for High-Risk/SOU probationers after 2003, NYC Probation actually used a dual process. Table 1 shows that the number of probation officers assigned specifically to High-Risk/SOU probationers increased from 155 in 2002 to 191 in 2003. Thus, despite a

decrease in the number of probation officers after kiosk expansion, there was a 23% increase in the number of officers supervising High-Risk/SOU cases. In addition, Table 1 also shows that the number of High-Risk/SOU probationers decreased dramatically after kiosk expansion. Although populations were declining, NYC Probation also instituted a policy in which High-Risk probationers were “stepped down” in supervision after a year, based on good behavior.³³ By reducing the intensity of supervision after a year for High-Risk probationers who adhere to probation conditions, and increasing the number of officers supervising High-Risk/SOU cases, NYC Probation has managed to keep those caseloads well below the 65:1 target.

The Low-Risk/Reporting Track designation in Table 1 includes all probationers classified as low-risk; prior to 2003, some were assigned to the Reporting Track, others to a special conditions or substance abuse supervision track. As shown in the table, these caseloads averaged between 200:1 and 300:1, with some specific caseloads averaging 400 or more. Beginning in 2003, all low-risk probationers were assigned to the Reporting Track, with targeted caseloads of 750:1. Average caseloads for probation officers supervising low-risk probationers increased substantially, offsetting the decrease in caseloads for officers supervising higher-risk probationers. Although NYC Probation established a 750:1 target caseload ratio, there is a general recognition that the ratio is still too large to effectively supervise kiosk probationers. As a result, Reporting Track caseloads since 2003 have ranged between 425:1 and 500:1. In short, the use of kiosks allowed Probation to supervise low-risk populations that need less contact on higher caseloads, and to maintain more intensive supervision practices for high-risk and sex offender probationers. ■

DATA COLLECTION AND MONITORING

Can data collected from kiosks about a probationer’s activities and reporting habits be viewed as a critical and essential element of a comprehensive data management strategy?

Kiosks have emerged as an important piece of NYC Probation’s implementation of an enhanced data management strategy. Probation has been in the process of developing a ‘Reusable Case Management System’ (RCMS), a significantly redesigned information system that is designed to track all information on a probationer from

intake to exit. The importance of the RCMS system should be obvious, especially in terms of its capability to generate more accurate and comprehensive data, but is emphasized by the development of a set of national functional standards by the American Probation and Parole Association.³⁴ Many organizations have been shown to keep track of a wealth of

information that ultimately fails to improve work processes, aid in the organization mission, or allow for an assessment of outcomes.³⁵ A strongly designed case management system can achieve all three and allow existing staff more time to spend on the organizational mission.³⁶ In terms of data management, the RCMS is the major focus of NYC Probation’s efforts. The kiosk, the focus of this report, is simply one element of multiple data sources that will allow probation access to more immediate, comprehensive, and accurate information.

One of the goals of the RCMS system is to create a single portal which will collect information from various sources—this includes information from E-justice, the Office of Court Administration, the New York Police Department, and other criminal justice and human resources agencies. Multiple data sources of this nature will significantly improve NYC Probation’s work processes, including presentence investigation reports, violation processes, tracking probationers as they come into contact with other criminal justice agencies, as well as managing cases in-house in terms of supervision, adherence to conditions of probation, and programming.

But why is the kiosk an integral element of this system and a significant improvement over prior arrangements? New York City’s former Corrections and Probation Commissioner, Michael Jacobson, has indicated that:

“...low-level probationers in New York City and many other cities, as well, had not reported to human beings for almost two decades prior to the institution of kiosks. Because of the huge resource constraints, probationers who were considered lower risk were confined to an administrative process where they dropped off a paper questionnaire to a probation office once a month; then, once or twice a year, they saw a probation officer for 15 minutes, 10 of which were spent with the officer trying to remember who this probationer was (since caseload numbers were in the hundreds). These few minutes of probation officer contact each year as well as thousands of boxed-up questionnaires in storage closets waiting for data entry that never happened were part of a system that was not only meaningless but a complete waste of incredibly scarce resources. Alternatively, the use of kiosks allowed the Probation Department to transfer resources used for the useless paper process into significantly more intensive programming and contact with

probationers who had the most urgent needs and posed the highest risk.”³⁷

If such “meaningless” systems were the norm for many probationers given the significant caseloads, then the ability of probation to truly keep track of these individuals was significantly compromised. In many cases it was doubtful that the forms would ever be checked or entered into any sort of data system. Thus, the automated reporting system that replaced these less efficient systems of reporting for low-risk probationers enables probation to better monitor all supervised populations, both high-risk and low-risk.

NYC field officers with large caseloads of low-risk probationers can now easily generate reports on those individuals who fail to report (FTR) for further follow-up. For individuals reporting to the kiosk, flags (alerts) are generated when arrests occur, and random drug screens are part of the process. Once the RCMS is fully implemented, the kiosk’s immediate links to other criminal justice data means that a probationer can be identified and required to meet with a probation officer for any arrest that might have occurred as recently as the same day of reporting. As a consequence, although critics suggest that kiosks may amount to a form of ‘no supervision’, it can easily be argued that the kiosk is a significant improvement over prior management strategies and allows for closer supervision and better monitoring of both low- and high-risk probationers.

In addition, the reports generated by the kiosk each month include statistical/administrative (e.g., number of probationers reporting per hour, language used, the length of the session) and misconduct (e.g., FTR, re-arrest) reports.³⁸ These types of data were not available for probationers prior to the kiosk system and are essential for any meaningful supervision of probationers and oversight of kiosk reporting. In addition, there is a growing recognition that policy should be data-driven, and the lack of data prior to kiosk implementation was a serious disadvantage in probation’s supervision efforts. When establishing performance goals, performance indicators are integral and sound data is the basis of these indicators. In essence, the automated kiosk information is an important source of comprehensive and accurate information that informs outcome goals and probation supervision efforts. This is especially true in light of prior systems of supervision and tracking. ■

SUPERVISION OUTCOMES

Can kiosks provide a unique means of supervision, potentially leading to better outcomes than reporting directly to a probation officer, but at a minimum leading to outcomes equal to those of in-person reporting?

When it comes to supervision in the community, it seems clear that offenders who pose a greater risk to community safety require greater supervision. Some observers have argued that for some probationers, however, there may be more viable options than stringent supervision.³⁹ Many low-risk probationers, for example, appear to succeed with few services and little supervision. Given the significant success rates of many low-risk and misdemeanor probationers either through their own self-motivation, with probation acting as a ‘critical life event’ (or what might be termed a ‘wake-up’ call), or as a result of a deterrent function of probation, it has been argued that non-supervision alternatives such as restitution or community service may be more than sufficient as a community supervision strategy, if they need regular supervision at all.⁴⁰

In contrast, there is extensive evidence to indicate that more intensive interventions with high-risk offenders can lead to significant reductions in criminal recidivism.⁴¹ Focusing limited resources on higher-risk offenders in terms of supervision and programs makes intuitive and theoretical sense. There is also emerging evidence however, that more intensive interventions or supervision with low-risk offenders can increase criminal behavior rather than reduce it.⁴²

There are logical and theoretically justified reasons to think that intensive supervision for low-risk offenders may not lead to positive outcomes and may in fact increase reoffending.⁴³ A central proposition of social learning theory, for example, is that associations with criminal others can lead to increased criminal behavior.⁴⁴ Individuals who are already low-risk are likely to hold fewer antisocial attitudes, participate in less criminal behavior, have fewer friends with criminal propensities, engage less in substance use, and/or have better

educational and employment backgrounds—as noted earlier, these are some of the factors that constitute a person’s risk for reoffending.

Placing low-risk individuals into contact with higher-risk probationers in substance abuse or other intervention programs, or even something as innocuous as having them wait for extended periods in a probation office, may provide sufficient opportunity to form associations with higher-risk individuals. Such instances may be sufficient to increase their risk for criminal behavior, and the use of the kiosk is a system of reporting that largely diminishes opportunities for interaction between low- and high-risk probationers. Probationers arrive, report in to the kiosk, and leave with little or no interaction with other probationers in the office, thereby reducing the risk of forming associations with, and being influenced by, higher-risk probationers.

There are other ways in which the minimal supervision approach of low-risk offenders makes sense as well. Prison inmates often rank probation as more onerous than going to prison.⁴⁵ Besides speaking to the perceived severity of probation as a criminal justice sanction, these attitudes also suggest the stressful and potentially disruptive nature of probation and its requirements—conditions that criminology’s Strain Theory would suggest might lead to an increased risk of reoffending.⁴⁶ In general, reducing the intensity of probation supervision, especially for low-risk probationers, may ultimately be less disruptive and lead to better outcomes. To the extent that probation can simultaneously increase its supervision of high-risk probationers in an effective manner, would also be a theoretically sound and empirically valid approach. ■

METHODS

All data in this analysis were derived from NYC Department of Probation records and databases. The 2000 and 2004 entry cohorts were selected based on their proximity to the expansion of the kiosk system in mid-2003. The 2000 cohort includes all individuals who entered probation supervision between January 1, 2000 and June 30,

2000—this allows a two-year follow-up period in which none of the probationers in this cohort were subject to the changes in probation supervision associated with the expansion of the reporting track that occurred in mid-2003. The 2004 cohort includes similar probationers for the period between January 1, 2004 and June 30, 2004. Selecting the 2004 cohort

allowed for approximately six months of full implementation of the reporting track expansion and decreased High-Risk/SOU caseloads so that the new system of supervision had a period of time to work out any remaining issues.

Our analysis is focused on constructing comparable groups for the 2000 and 2004 probation cohorts. There was substantial data missing for the actual probation track information and as a consequence, our ability to examine supervision track changes was constrained. We assigned probationers to the High-Risk and Special Offender categories (tracks) based on intake risk scores (see Appendix Exhibits 1 and 2), conviction offense, and special conditions of probation indicating domestic violence.

Re-arrest and failures to report (FTRs) were recorded for two years after probation supervision began.⁴⁷ FTRs are any missed appointment—probation policy holds that three consecutive missed appointments will result in a violation process. In addition, we assume that missed appointments are more accurately recorded during the more recent period, especially the digital data extracted as part of the kiosk reporting process. Although we only present information for the entire two-year follow-up, we also analyzed the data separately for those probationers who successfully completed probation in less than two years—in other words, only for the period that they were under probation supervision up to two years. Analyzing the data for all probationers for the full two years, and controlling for probationers who completed probation in less than two years had no effect on our analysis. ■

Table 2. Descriptive Characteristics of People Entering Probation Supervision for Calendar Years 2000, 2002, 2004, and 2006.*

Characteristics	CY 2000 (N=15,306)	CY 2002 (N=13,763)	CY 2004 (N=11,942)	CY 2006 (N=10,641)
Sex				
Female	16%	16%	16%	17%
Male	83%	83%	83%	81%
Race				
Black	49%	49%	50%	49%
White	24%	25%	29%	28%
Other	27%	26%	21%	23%
Ethnicity				
Hispanic	34%	35%	34%	35%
Non-Hispanic	64%	64%	64%	63%
Age at Sentencing				
Less than 20	23%	22%	22%	25%
20-29	34%	36%	36%	35%
30-39	24%	22%	20%	19%
40-49	13%	14%	15%	14%
50+	6%	6%	6%	7%
Sentence Length				
1 year	9%	9%	7%	7%
2-3 years	37%	39%	41%	38%
4-5 years	52%	49%	48%	51%
6 years or more	1%	2%	4%	3%
Prior Arrests				
0	6%	4%	5%	19%
1	34%	38%	38%	35%
2-3	28%	28%	27%	24%
4 or more	20%	20%	20%	15%
Current Conviction				
<i>Felony</i>	54%	51%	49%	51%
Violent	12%	13%	15%	17%
Non-violent	15%	17%	17%	17%
Drug	28%	20%	18%	16%
<i>Misdemeanor</i>	42%	43%	40%	38%
Violent	11%	12%	11%	10%
Non-violent	23%	24%	23%	21%
Drug	8%	7%	7%	6%
<i>Unknown</i>	3%	5%	9%	11%
Youthful Offender				
Yes	17%	16%	17%	19%

*Values may not add to 100% due to missing data or rounding errors.

NYC PROBATION OUTCOMES

Our analysis focuses on the consequences of NYC Probation’s expansion of the kiosk system in 2003. We examine two-year re-arrest rates for two cohorts of probationers before (2000 cohort) and after the expansion (2004 cohort). The central question concerns how arrest outcomes may have changed for both the low-risk probationers assigned to the kiosk and the High-Risk/SOU probationers who were subject to decreased caseloads (and more intensive supervision).

Table 2 is an overview of people entering probation supervision between 2000 and 2006. Basic individual demographic characteristics such as sex, race, ethnicity and age change very little over this seven-year period. Criminal justice characteristics also appear to have shifted little although there appears to be a substantial jump in the percentage of 2006 probationers who have no prior. Although there are some minor shifts in current conviction offense, these are largely accounted for by increases in the amount of missing data. For the most part however, there appear to

be few demographic changes that would make comparisons between the 2000 and 2004 probation cohorts problematic.

Because NYC Probation greatly expanded the use of the kiosk system in 2003, we are interested in making two primary comparisons. First, and as was shown in Table 1, after the expansion of the kiosk, probationers classified as ‘High-Risk’ or ‘SOU’ were reporting to probation officers with much lower caseloads and more intensive supervision. In addition, reporting for high-risk probationers increased from one to four contacts per month. So we first address whether increasing supervision intensity through decreased caseloads had an impact on re-arrest rates by comparing the High-Risk/SOU outcomes for the 2000 and 2004 cohorts. Second, we are interested in the effect of increasing the number of low-risk probationers assigned to the Reporting Track and the higher caseloads. Prior to the 2003 expansion, a limited group of low-risk probationers was assigned to the kiosk and all low-risk probationers with special conditions of probation were still

Figure 3. Two-Year Rearrest Rates for High-Risk/SOU and Low-Risk Probationers Before and After Kiosk Expansion.

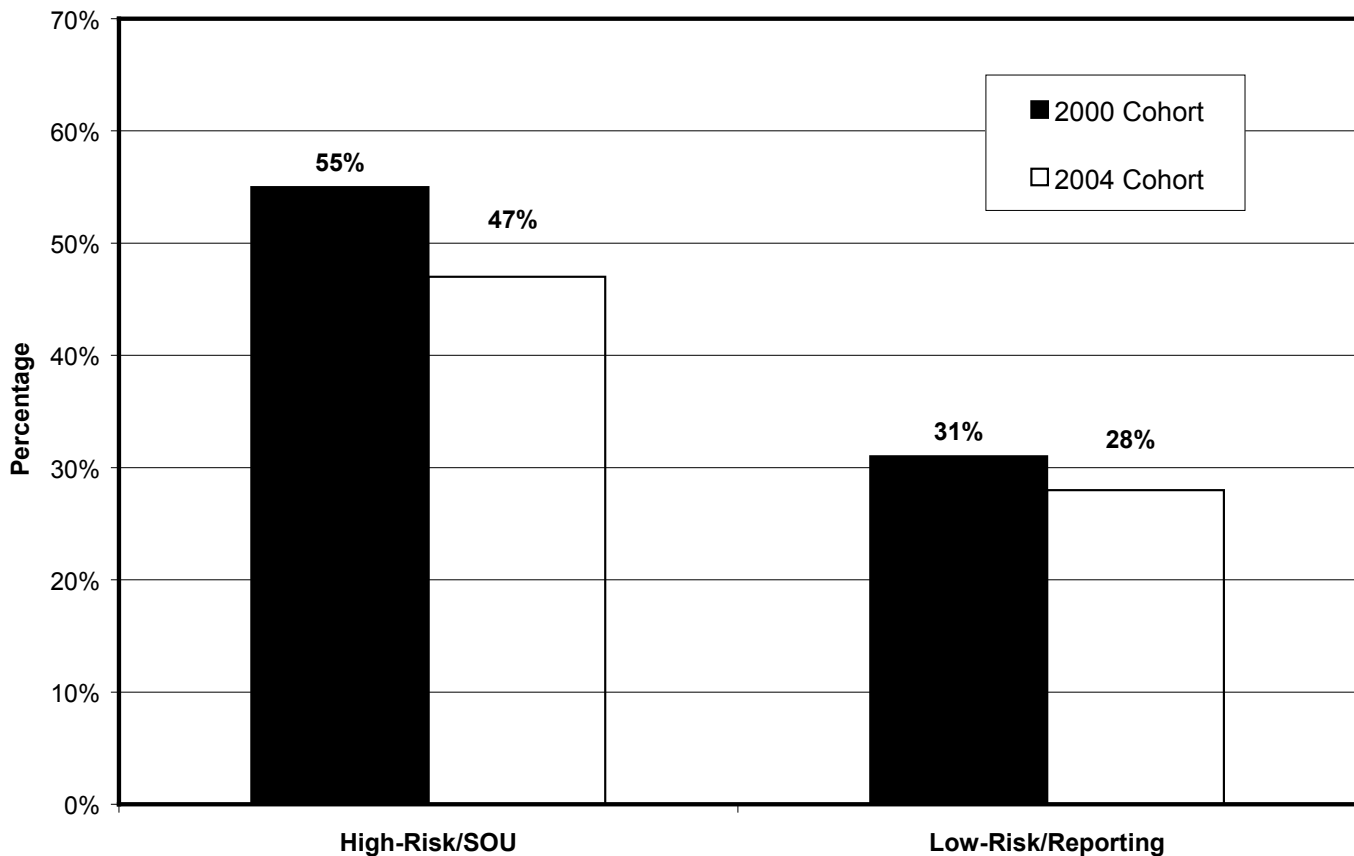


Table 3. Re-arrests and Average Time to First Arrest, by Risk Level, and Type and Seriousness of Offense, for 2000 and 2004 Cohorts.

Risk Level, and Offense Type and Seriousness	2000 Cohort			2004 Cohort		
	N	% of Cohort Re-arrested	Avg. Time to First Arrest (mos.)	N	% of Cohort Re-arrested	Avg. Time to First Arrest (mos.)
High-Risk/SOU	(N=2,499)			(N=2,164)		
Total Arrests	1,376	55%	8.1	1,012	47%	8.4
Violent	354	14%	8.3	279	13%	8.5
Drug	559	22%	7.8	308	14%	8.8
Property	291	12%	8.6	248	11%	7.8
Other	172	7%	8.1	177	8%	8.5
Felony	1,056	42%	8.5	795	37%	8.6
Misdemeanor	320	13%	6.9	217	10%	7.7
Low-Risk	(N=5,624)			(N=4,204)		
Total Arrests	1,770	31%	8.6	1,165	28%	9.0
Violent	301	5%	9.5	243	6%	8.8
Drug	805	14%	8.4	418	10%	8.9
Property	435	8%	7.9	284	7%	8.8
Other	229	4%	8.4	220	5%	9.7
Felony	846	15%	9.0	519	12%	10.0
Misdemeanor	924	16%	8.1	646	15%	8.2

reporting to a probation officer on a regular basis. After the 2003 expansion, all low-risk probationers were assigned to kiosk reporting.

Figure 3 examines two-year re-arrest rates for both the High-Risk/SOU and Low-Risk cohorts prior to the expansion of the kiosk and after. The data show that re-arrests decreased considerably for High-Risk/SOU probationers assigned to the more intensive supervision of those tracks after 2003. For those who received a probation sentence in 2000, 55% were re-arrested within two years; for those who received a probation sentence in 2004 after High-Risk/SOU supervision became more intensive, two-year re-arrest rates decreased by eight percentage points—to 47% (see Appendix Table 2 for more detail on Figure 3).

For low-risk probationers, the second comparison in Figure 3 indicates a slightly smaller decline in two-year re-arrest rates—28% of the probationers in the 2004 cohort

were re-arrested in the two years after a probation sentence compared to 31% for the 2000 cohort. In short, expanding the kiosk system to include all low-risk probationers was correlated with a decline in two-year re-arrest rates. More importantly perhaps, there was a substantial decline in the two-year re-arrest rates for the High-Risk/SOU probationers.

Much of the decline in re-arrest rates shown in Figure 3, for both High-Risk/SOU and Low-Risk probationers, appears to be attributable to a decline in drug arrests. Table 3 compares the two-year re-arrest rates for the two cohorts by offense type (violent, drug, property, and other) and seriousness (felony vs. misdemeanor), and also shows the average time to first arrest (See Appendix Table 3 for more specific detail). The percentage of each cohort re-arrested by offense type is relatively unchanged with the exception of drug offenses. For drug arrests, 22% of the 2,499 High-Risk/SOU probationers were re-arrested for a drug offense

in the two years after sentencing; only 14% of the 2004 cohort (N=2,164) was re-arrested for a drug offense. In addition, the average time to re-arrest for drug offenses increased by a month, from 7.8 to 8.8 months. Finally, when looking at seriousness of the offense as opposed to offense type, there was a larger drop in the percentage of the cohort re-arrested for felony offenses than for misdemeanor offenses. Table 3 shows that although the decline in re-arrests was slightly smaller for Low-Risk probationers, (31% in 2000 to 28% in 2004), the same general trends hold as for High-Risk/SOU probationers—most of the decline is attributable to re-arrests for drug offenses and felony offenses.

We also examined the rates of missed appointments (FTR: Failure to Report) associated with changes in supervision practices, and we do this in two fundamentally different ways. In Figure 4 we show the FTRs based on the population reporting, that is, what percentage of the population missed appointments during the two-year follow-up period? However, because the rate of reporting shifted significantly for high-risk probationers after kiosk expansion from one to four

times per month, especially in the first year, we also examine the number of missed appointments as a percentage of all scheduled appointments. In other words, in Figure 5 we ask, what was the percentage of appointments that were actually missed?

Figure 4 presents the two-year FTR rates for individuals who missed any appointment. Not surprisingly, the rate of missed appointments for High-Risk/SOU probationers increased considerably after caseloads decreased and more intensive supervision instituted. The increase from 40% to 63% in the percentage of probationers who missed at least one appointment is not entirely unexpected, especially given that the number of required monthly contacts increased from one to four. We should also note that when the Red Track (the specific violation track under the old system—see Appendix Table 1 and Endnote 29 for more detail) was disbanded, violations of probation for FTRs and absconding were no longer transferred out of their supervision track and may have added to the increased FTR rates. For low-risk probationers, the percentage increase in missed appointments from 27% to

Figure 4. Comparison of Two-Year FTR (Failure to Report) Rates for High-Risk/SOU and Low-Risk Probationers Before and After Kiosk Expansion.

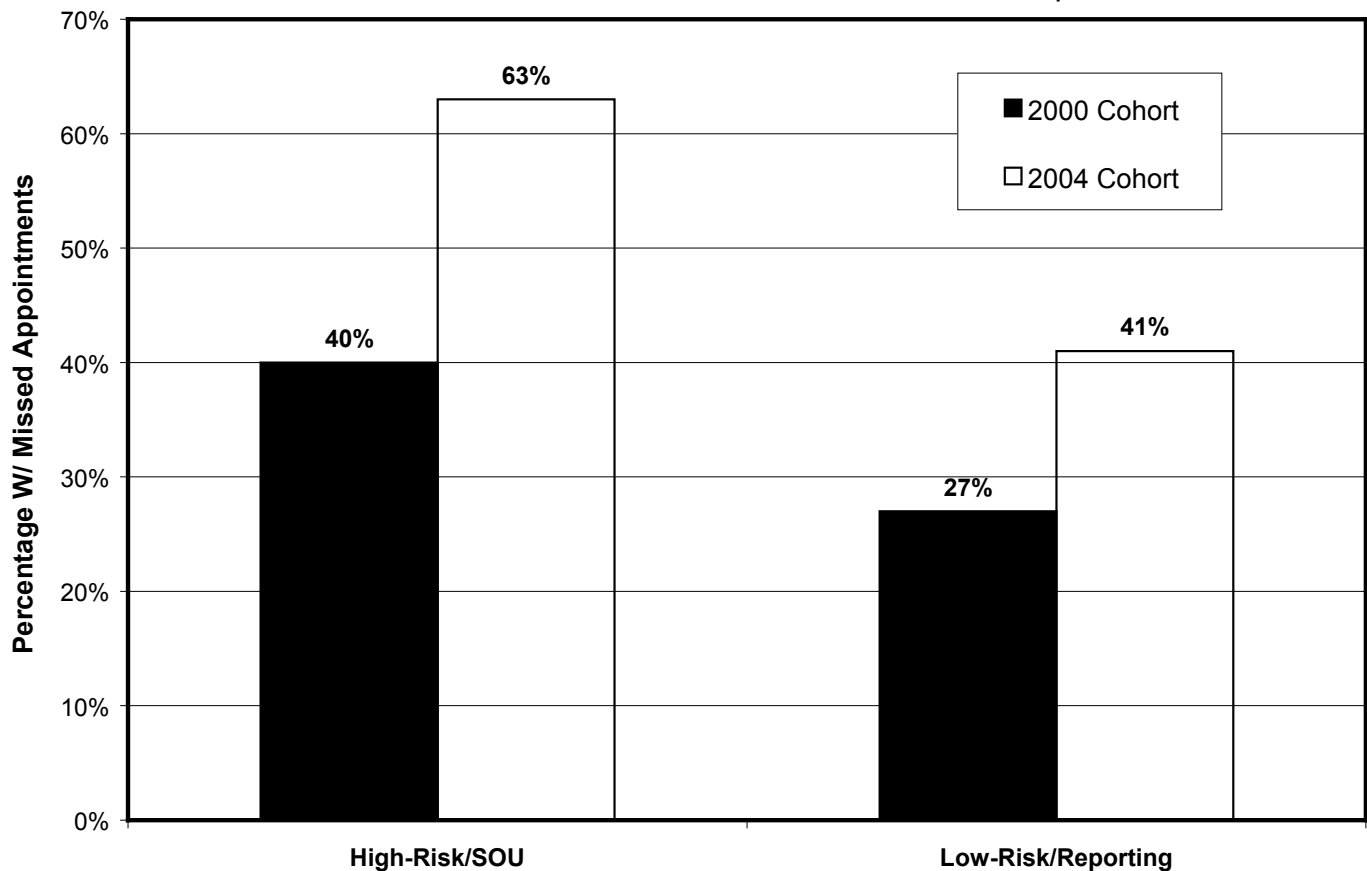
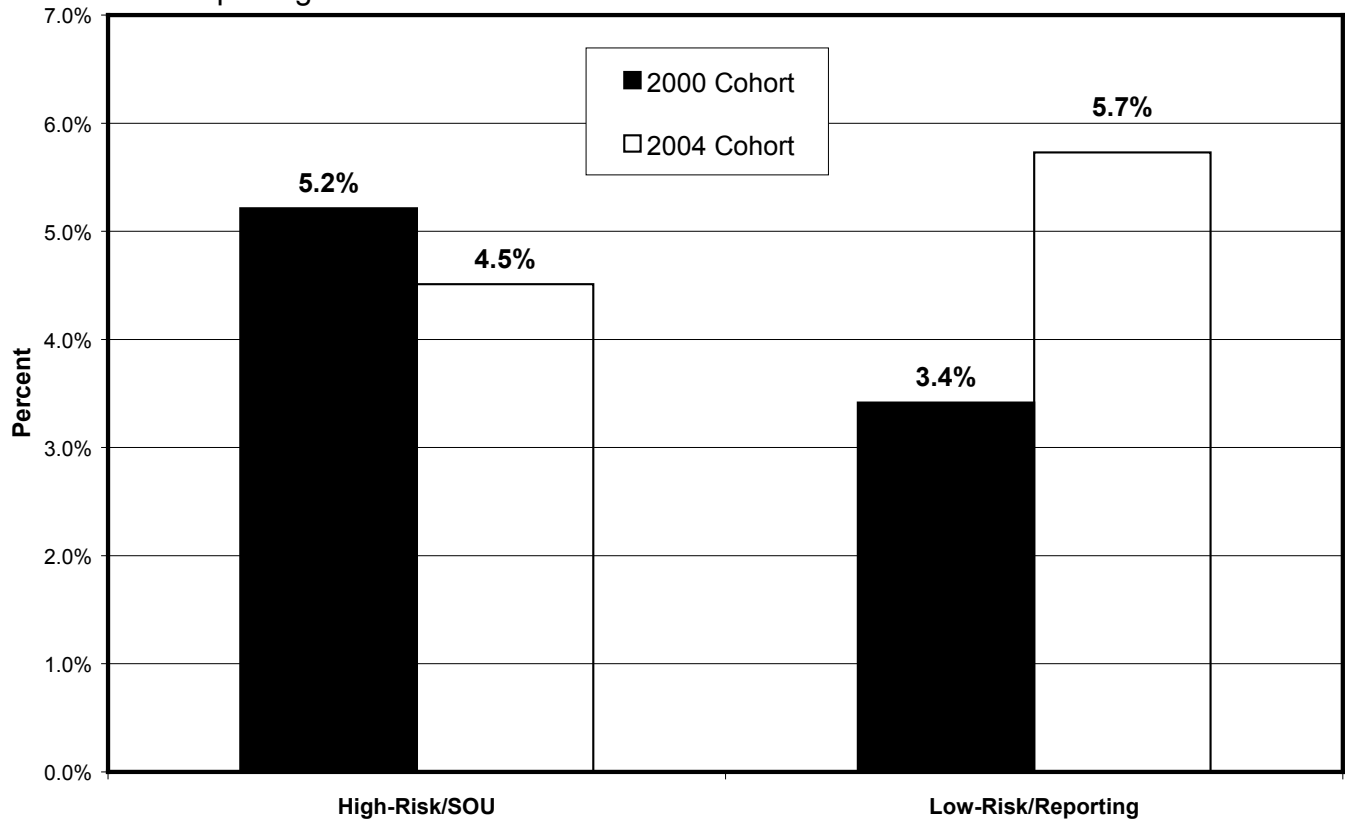


Figure 5. Comparison of Two-Year FTRs (Failure to Report) as a Percentage of All Scheduled Reporting Dates for High-Risk/SOU and Low-Risk/Reporting Track Probationers.



41% may not be unexpected either. As probationers moved to the new system of supervision, there may be an expectation of fewer consequences associated with missing an appointment, or there may simply be a need to gain more familiarity with the process. We also note at this point that an important caveat for the FTRs, however, has to do with potential data quality.

We generally assume that more recent data is of better quality and this is especially true of the FTRs for low-risk probationers in the 2004 cohort. This relates to the earlier discussion about a potential strength of the kiosk system—i.e., that it systematically records reporting habits. Although we might expect, for example, that the FTR rate for low-risk offenders in the 2000 cohort might under-report actual FTRs since the FTRs were manually entered (it seems unlikely that FTRs would be over-reported), use of automated reporting for the 2004 cohort is likely to be very accurate since it is based

on data taken directly from the kiosk. In other words, there may have been little change in the rates of reporting between the two periods for low-risk probationers, especially to the degree that the prior period may underestimate FTRs. In the larger sense then, the use of automated reporting for these types of comparisons points to the strength of the system for data capture and quality.

Figure 5 shows the alternative view of missed appointments—FTRs as a percentage of all scheduled appointments. When one considers the increase in reporting required of high-risk probationers after 2003, the percentage of FTRs in the two-year follow-up period actually declines slightly for High-Risk/SOU probationers, from 5.2% to 4.5%. For probationers classified as low-risk, the percentage of FTRs in the two years after entering probation supervision increased from 3.4% to 5.7%. ■

CONCLUDING REMARKS

We have organized our discussion here around three potential issues facing policymakers who are considering kiosk system implementation. In each of the three instances we point to theoretical and/or empirical evidence that suggests that kiosk systems may be an appropriate element for an effective system of probation supervision. Using the NYC Probation case, we find that kiosk systems can be a valuable supervision tool, and can lead to outcomes at least as good as the traditional reporting approaches.

Given the significant increases in probation populations that occurred throughout the 1980s and 1990s, in conjunction with resource constraints that contributed to unmanageable caseloads, focusing limited resources on the highest risk cases makes intuitive and theoretical sense and good policy. Although criticisms of kiosks as a tool of probation supervision express reasonable concerns, we have addressed those criticisms from both a practical and theoretical stance. More importantly, we have expressed a view that automated reporting, as a low-intensity sanction for low-risk probationers, can be viewed as a well-reasoned and innovative approach to probation supervision.

The starting point for any probation agency is a risk assessment instrument that can be used by probation officers to classify probationers according to appropriate risk levels. Valid and reliable risk assessment is essential to this process. Equally important, however, is a strong set of protocols for assigning probationers to the appropriate supervision track in order to avoid mistakes or flaws in the assignment process. Probation agencies clearly need to understand not only the risk level of the populations they supervise, but also the level of risk they are willing to tolerate in the gradation of sanctions they have available to them.

Implementing kiosk reporting and expanding it to include virtually all low-risk probationers has had at least two significant and easily discernable impacts on probation's supervision efforts. First, automated reporting has allowed probation to assign significantly larger numbers of low-risk probationers who pose little risk to community safety to higher caseloads and a lower intensity sanction. Second, the increased caseloads for probation officers supervising kiosk reporting has been instrumental in NYC Probation's efforts to focus more resources and more intensive supervision towards higher risk offenders.

As we have indicated, although the redistribution of resources has largely been driven by practical concerns of

economics and how best to protect public safety, both the automated reporting for low-risk probationers and more intensive supervision for high-risk probationers is grounded in theoretical rationales and empirical evidence. Higher-risk individuals benefit from more intensive supervision and interventions. Low-risk individuals already tend to have more 'prosocial' attributes across the board and for those individuals, increasing levels of treatment and supervision may, in fact, do more harm than good.

If kiosk reporting were a form of no supervision as some critics allege, one might speculate that increasing the use of the system to include a greater proportion of probationers would decrease the deterrent function of probation and lead to increased criminal behavior. Our analysis of the data indicates that expanding the kiosk system to include all probationers identified as low-risk was associated with a small reduction in subsequent criminal behavior. More importantly, the more intensive supervision provided to higher-risk probation tracks was associated with a significant decrease in two-year re-arrest rates.

FUTURE RESEARCH DIRECTIONS

Implementation of any new policy should be accompanied not only by clearly stated goals, but also performance measures by which those goals can be assessed. Implementation of an automated reporting system is an innovative supervision strategy that NYC Probation has monitored since its inception. Ours is a first step toward in providing an independent assessment of kiosk use as a supervision tool.

We have presented a relatively straightforward argument, and a comparison of arrest and reporting outcomes for two comparable cohorts: the first entered probation two years before the expansion of the kiosk system, and the second entered probation six to twelve months after expansion. There is substantial agreement that any recidivism analysis should include multiple measures of recidivism when possible.⁴⁸ Thus, a more comprehensive recidivism analysis using multiple measures of subsequent criminal behavior and misconduct would provide a better overall picture of the consequences of implementation for both low and high-risk probationers. It would be especially useful to examine violations of probation, data to which we did not have access.

From a management perspective, assessing probationer perceptions of the system could be extremely informative. Decreasing the failure rate in reporting to the kiosk,

for example, might involve relatively minor changes in probationer understandings or perceptions of the system and its consequences for supervision. We have already noted that some kiosk changes were based on issues raised by the field staff; it is entirely possible that seeking the input of those reporting to the system could result in additional changes that would improve reporting in general.

More sophisticated methodological analysis of the data is also warranted and would enable a more in-depth understanding of the system. Conducting a survival analysis, for example, would provide a better understanding of when probationers are at the greatest risk of failure. This could be especially useful in understanding how (and whether) transitions between different supervision tracks (“stepping-up” or “stepping-down”) might result in changes in the risk of failure. This is especially true of the process of reducing supervision intensity of high-risk probationers for good behavior after the first year. In addition, a multivariate analysis controlling for criminal history and other socio-demographic

variables can inform both supervision policy as well as risk assessment.

Ultimately, the use of kiosk systems, especially as implemented in NYC, has a strong practical rationale, and is grounded in theoretical and empirical evidence. Our analysis suggests that automated reporting and the use of kiosks has multiple benefits, and at least from the evidence presented here, does not increase threats to public safety. This is largely a consequence of focusing the use of automated reporting on probationers who are low-risk and pose little threat to community safety from the outset. There are still outstanding questions for many agencies that our analysis cannot answer. But as a first step in the assessment of kiosks as a tool in probation supervision, our findings lend support to the use of such systems. As probation agencies continue to struggle with many of the issues elaborated here, they will need to continue to be innovative as they respond to increased pressures to effectively supervise probation populations and maintain community safety. ■

Exhibit 1: Current Case Classification Instrument in Use by NYC Probation

CASE CLASSIFICATION AND ASSIGNMENT INSTRUMENT

CASE NAME: _____ CASE NUMBER: _____

NYSID NUMBER: _____

I. CASE CLASSIFICATION INSTRUMENT		SCORING
1. Defendant is eligible for a probation sentence.		<u>32</u>
2. How many victims were physically injured in the instant offense?	_____ x 6 =	_____
3. How many prior misdemeanor arrests does the offender have for offenses against persons?	_____ x 7 =	_____
4. Does the offender have any juvenile arrests?	No = 0 Yes = 11	_____
5. Is the current or any prior arrest for a violent offense?	No = 0 Yes = 19	_____
6. Is the offender a Youthful Offender?	No = 0 Yes = 11	_____
Subtotal of Items 1-6		_____
7. What is the offender's age?	(Subtract from Subtotal)	_____
Classification Score		_____

II. SUPERVISION LEVEL ASSIGNMENT CRITERIA

Classification Score is 23 or above, and

- 1) Is an Intensive Supervision Program (ISP) or Domestic Violence case, then assign to ISP.
- 2) Meets Special Offender Unit (SOU) requirements, then assign to SOU
 - *Assignment to SOU is based on the probationer meeting any of the following conditions:
 - o Registered Sex Offender
 - o Predatory Pedophile
 - o Psychiatric case meeting Kendra's law criteria
 - o Major gang involvement
 - o Child Abuse
 - o Confidential informant
 - o High profile
 - o Major drug dealer
- 3) If none of the above, assign to High Risk.

Classification Score is 22 or below, and

- 1) Is an ISP or Domestic Violence case, then assign to ISP.
- 2) Meets SOU requirements, then assign to SOU.
- 3a) No Special Conditions, assign to Reporting Pool.
- 3b) There is a Court-ordered Special Condition of Probation, such as community service, fine, restitution, or participation in a treatment program, assign to Reporting Stabilization.

Override: Any assignment may be overridden with the approval of the Branch Chief.

III. Assignment

Case Assigned to _____ Unit P.O./CSLD ID# _____

Date Completed _____ Completed By: _____

(P.O. Name and ID Number)

Exhibit 2. Case Classification Instrument in Use by NYC Probation Prior to 2003.

ASR CASE CLASSIFICATION AND ASSIGNMENT INSTRUMENT

CASE NAME: _____ CASE NUMBER: _____

NYSID NUMBER: _____

I. CASE CLASSIFICATION INSTRUMENT		SCORING	
1. Defendant is eligible for a probation sentence.			<u>32</u>
2. How many victims were physically injured in the last offense?	_____ x 6 =	_____	
3. How many prior misdemeanor arrests does the offender have for offenses against persons?	_____ x 7 =	_____	
4. Does the offender have any juvenile arrests?	No = 0 Yes = 11	_____	
5. Is the current or any prior arrest for a violent offense?	No = 0 Yes = 19	_____	
6. Is the offender a Youthful Offender?	No = 0 Yes = 11	_____	
		Subtotal of Items 1-6	_____
7. What is the offender's age?	(Subtract from Subtotal)	_____	
		Classification Score	_____

II. SUPERVISION LEVEL ASSIGNMENT CRITERIA

Classification Score is 23 or above, and

- 1) Offender is male, 20 years of age or less, speaks English, and is not developmentally disabled.
Assign to Enforcement Blue
- 2) Offender does not meet Blue criteria.
Assign to Enforcement Amber

Classification Score is 22 or below, and

- 1) There is a Court ordered special condition of Probation, such as a fine, restriction, community service, or participation in a treatment program.
Assign to Special Conditions
- 2) Offender has no special conditions.
Assign to Reporting
- 3) There are exceptional circumstances.
 - a. Current or prior history of child abuse, sex abuse, domestic violence
Assign to Amber
 - b. Probationer has completed START
Assign to Green
 - c. "High Profile" case
Assign to Green with BC approval.

Override: Any assignment may be overridden with the approval of the Branch Chief.

III. ASR Assignment

Table 1. Active Probation Population, Line Officers, and Average Caseload (Total, Risk Level, and Specific Probation Track), 2000-2006.*

Probation Track Prior to Kiosk Expansion	1/2000	10/2001	3/2002	Probation Track After Kiosk Expansion	12/2003	12/2004	12/2005	12/2006**
<i>High Risk-Special Offender</i>								
Amber	116	85	89	High-Risk	48	55	54	51
Blue	56	39	38	SOU	48	51	55	48
Red	148	164	147					
<i>Low Risk</i>								
Reporting	***	385	462	Reporting	425	457	460	492
Green	105	136	129					
Special Conditions	***	194	171					

* Data provided by NYC Probation. **Data are preliminary. *** Data are not available.

Table 2. Comparison of High-Risk/SOU and Reporting Track Outcomes Before and After Kiosk Expansion.

	N	% Re-arrested	Average Re-arrests	% Failing to Report	Average FTRs
<u>2000 Cohort</u>					
All	8,123	39%	0.84	31%	1.96
High-Risk/SOU	2,499	55%	1.30	40%	2.80
Reporting/Special Conditions	5,624	31%	0.63	27%	1.58
<u>2004 Cohort</u>					
All	6,368	34%	0.63	48%	2.22
High-Risk/SOU	2,164	47%	0.94	63%	3.30
Kiosk Reporting	4,204	28%	0.48	41%	1.67

Table 3. Re-arrests and Average Time to First Arrest, by Type and Seriousness of Offense, and Risk Level, for 2000 and 2004 Cohorts.

	2000 Cohort			2004 Cohort		
2000 Cohort	N	% of Cohort Re-arrested	Avg. Time to First Arrest (mos.)	N	% of Cohort Re-arrested	Avg. Time to First Arrest (mos.)
High-Risk/SOU						
Total Arrests	2,752	110%	8.1	1,012	47%	8.4
Felony violent	259	10%	8.8	206	10%	8.6
Felony drug	455	18%	8.1	256	12%	8.7
Felony property	225	9%	8.9	206	10%	8.2
Felony other	117	5%	8.9	127	6%	9.3
Misdemeanor violent	95	4%	7.0	73	3%	8.1
Misdemeanor drug	104	4%	6.7	52	2%	9.5
Misdemeanor property	66	3%	7.5	42	2%	6.1
Misdemeanor other	55	2%	6.4	50	2%	6.6
Low-Risk						
Total Arrests	1,770	31%	8.6	1,165	28%	
Felony violent	123	7%	10.2	87	7%	10.7
Felony drug	462	26%	8.7	225	19%	9.6
Felony property	192	11%	8.5	113	10%	9.4
Felony other	69	4%	9.8	94	8%	10.8
Misdemeanor violent	178	10%	9.0	156	13%	7.7
Misdemeanor drug	343	19%	8.1	193	17%	8.1
Misdemeanor property	243	14%	7.5	171	15%	8.4
Misdemeanor other	160	9%	7.8	126	11%	8.8

ENDNOTES

1. See, for example, Ruth, Henry, and K. R. Reitz. 2003. *The Challenge of Crime: Rethinking Our Response*. Cambridge, MA: Harvard University Press; Irwin, John, and J. Austin. 1994. *It's About Time: America's Imprisonment Binge*. Belmont, CA: Wadsworth; Patillo, Mary, D. Weiman, and B. Western (eds.). 2004. *Imprisoning American: The Social Effects of Mass Incarceration*. New York, NY: Russell Sage Foundation.
2. For a more detailed overview of the issues in probation in New York State and New York City, see *Task Force on The Future of Probation in New York State: Report to the Chief Judge of the State of New York*, February 2007. Downloaded from http://www.nycourts.gov/reports/future-probation_2007.pdf on March 1, 2007.
3. C.f., Brown, Justine. 2004. "Do-It-Yourself Kiosks." *Government Technology*. Downloaded from www.govtech.net, Aug. 1, 2006.
4. E.g., Haggerty, Kevin D. 2004. "Displaced Expertise: Three Constraints on the Policy-Relevance of Criminological Thought." *Theoretical Criminology* 8 (2): 211-231.
5. E.g., for a discussion around this issue, see Petersilia, Joan. 2002. "Community Corrections." Pp. 483-508 in J. Q. Wilson and J. Petersilia *CRIME: Public Policies for Crime Control*. Oakland, CA: ICS Press.
6. Noyes, Michael. 2006. Personal communication.
7. *Task Force on The Future of Probation in New York State: Report to the Chief Judge of the State of New York*, February 2007. Downloaded from http://www.nycourts.gov/reports/future-probation_2007.pdf on March 1, 2007 Independent Committee on Reentry and Employment. 2006. *Reentry and Employment: Report and Recommendations to New York State on Enhancing Employment Opportunities for Formerly Incarcerated People*. New York, NY: The DOE Fund. Available at <http://files.e2ma.net/2800/assets/docs/committeereport.pdf>.
8. Data provided by NYC Probation. We use the term 'kiosk' interchangeably with 'Reporting' track, probation's designated supervision level for low-risk offenders reporting via the kiosk.
9. Jurisdictions can contact the Office of the First Deputy Commissioner for more information about access to the open-source software.
10. Austin, James, and T. Fabelo. 2004. *The Diminishing Returns of Increased Incarceration: A Blueprint to Improve Public Safety and Reduce Costs*. Washington, DC: JFA Institute. Downloaded from www.jfa-associates.com August 2006. Jacobson, Michael. 2005. *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration*. New York, NY: New York University Press. Andrews, Don. 1995. The Psychology of Criminal Conduct and Effective Treatment. Pp. 35-62 in J. McGuire (ed.) *What Works: Reducing Reoffending*. New York, NY: John Wiley and Sons. Lowenkamp, Christopher T., and E. J. Latessa. 2005. Increasing the Effectiveness of Correctional Programming Through the Risk Principle: Identifying Offenders For Residential Placement. *Criminology and Public Policy* 4(2): 263-290.
11. Clear, Todd R., and A. A. Braga. 1995. Community Corrections. Pp. 421-444 in J. Q. Wilson and J. Petersilia (eds.) *CRIME: Public Policies for Crime Control*. San Francisco, CA: ICS Press. Clear, Todd R. 1988. *Statistical Prediction in Corrections*. Research in Corrections Monograph 1(1): 1-41. Washington, DC: National Institute of Corrections. Available at www.nicic.org.
12. See Appendix Exhibit 1 for the risk classification instrument currently in use and Appendix Exhibit 2 for the risk classification instrument in use before the expansion of the kiosk system. The instruments are similar in terms of their risk scale, probation simply shifted to a new system of classification as they expanded the use of the kiosk system.
13. Some low-risk probationers are placed on a short period of stabilization before moving to the Reporting track.
14. Andrews, Don A. 2003. *The Psychology of Criminal Conduct*. 3rd Edition. Cincinnati, OH: Anderson Publishing. Gendreau, Paul, T. Little, and C. Goggin. 1996. A Meta-Analysis of the Predictors of Adult Offender Recidivism: What Works! *Criminology* 34: 575-607.
15. E.g., Langan, Patrick. 1994. Between Prison and Probation: Intermediate Sanctions. *Science* 264: 791-794. Petersilia, Joan, S. Turner, J. Kahan, and J. Peterson. 1985. *Granting Felons Probation: Public Risks and Alternatives*. No. R-3186-NIJ. Santa Monica, CA: RAND. Petersilia, Joan. 1997. Probation in the United States. Pp. 149-200 in M. Tonry (ed.) *Crime and Justice: A Review of Research*, Vol. 22. Chicago, IL: University of Chicago Press.
16. E.g., Lowenkamp, Christopher T., and Edward J. Latessa. 2004. "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders." Pp. 3-8 in *Topics in Community Corrections: Assessment Issues for Managers*. National Institute of Corrections. Washington, DC: USDOJ. Available at www.nicic.org.
17. Glaze, L. E., and T. B. Bonczar. 2006. *Probation and Parole in the United States, 2005*. NCJ 215091. Washington, DC: USDOJ. State and national data on probation populations derived from Glaze, Lauren, and Seri Palla. 2006. "Adults on Probation in the United States",

Bureau of Justice Statistics datafile 'corpop11.csv'. Available at <http://www.ojp.usdoj.gov/bjs>. New York City Probation was unable to provide year-end population counts of the probation population but have records of the total number of probationers supervised each year since 1983 ('pass-through' counts).

18. Glaze, L. E., and T. B. Bonczar. 2006. *Probation and Parole in the United States, 2005*. NCJ 215091. Washington, DC: USDOJ. Petersilia, Joan. 2002. "Community Corrections." Pp. 483-508 in J. Q. Wilson and J. Petersilia (eds.) *CRIME: Public Policies for Crime Control*. Oakland, CA: ICS Press.

19. Glaze, Lauren E., and T. P. Bonczar. 2006. Probation and Parole in the United States, 2005. BJS Bulletin, NCJ 215091. Washington, DC: USDOJ. Available at <http://www.ojp.usdoj.gov/bjs/pubalp2.htm#Probation>.

20. These data are presented as numbers rather than the more common rates in order to more clearly juxtapose changes in the number of criminal offenses with the number of individuals on probation. This figure also does not include the number of misdemeanor arrests, for which individuals are often sentenced to probation.

21. Petersilia, Joan, S. Turner, J. Kahan, and J. Peterson. 1985. *Granting Felons Probation: Public Risks and Alternatives*. No. R-3186-NIJ. Santa Monica, CA: RAND.

22. Bureau of Justice Statistics. Probation and Parole Population, 1996. <http://www.ojp.usdoj.gov/bjs>. Glaze, Lauren E., and T. P. Bonczar. 2006. Probation and Parole in the United States, 2005. BJS Bulletin, NCJ 215091. Washington, DC: USDOJ. Available at <http://www.ojp.usdoj.gov/bjs/pubalp2.htm#Probation>.

23. New York State Division of Criminal Justice Services. Various Years. *Crime and Justice Annual Report*. Available at <http://criminaljustice.state.ny.us/crimnet/ojsa/stats.htm>.

24. New York State Division of Criminal Justice Services. Various Years. *Crime and Justice Annual Report*. Available at <http://criminaljustice.state.ny.us/crimnet/ojsa/stats.htm>. State Shortchanges New York City Probation. *Probation Today* III(4): 1. Available at <http://www.nyc.gov/html/prob>.

25. Langan, Patrick. 1994. Between Prison and Probation: Intermediate Sanctions. *Science* 264: 791-794. Langan indicates that this is true between 1977 and 1990. Langan, Patrick. 2007. Personal communication. According to Langan, more recent data on probation expenditures are not available.

26. This is true of probation in general in New York State. See *Task Force on The Future of Probation in New York State: Report to the Chief Judge of the State of New York*, February 2007. Downloaded from http://www.nycourts.gov/reports/future-probation_2007.pdf on March 1, 2007. State Shortchanges New York City Probation. *Probation Today* III(4): 1. Downloaded from <http://www.nyc.gov/html/prob> on October 2006. In the early 1970s, for example, the reimbursement rate was 50%; by 2004, it had decreased to 21%.

27. Petersilia, Joan. 1997. Probation in the United States. Pp. 149-200 in M. Tonry (ed.) *Crime and Justice: A Review of Research*, Vol. 22. Chicago, IL: University of Chicago Press.

28. Petersilia, Joan. 1997. Probation in the United States. Pp. 149-200 in M. Tonry (ed.) *Crime and Justice: A Review of Research*, Vol. 22. Chicago, IL: University of Chicago Press. Los Angeles County Probation Department website, <http://probation.co.la.ca.us/adult/aspacial.html>. Downloaded February 17, 2007.

29. Jacobson, Michael. 2005. *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration*. New York, NY: NYU Press. See Chapter 2; Jacobson cites data from the New York City Mayor's Management Report. Data obtained from the Department of Probation indicates average active caseloads of approximately 160:one in 2001 (see Table 1), although some supervision tracks had much higher average caseloads.

30. Clear, Todd R., and A. A. Braga. 1995. Community Corrections. Pp. 421-444 in J. Q. Wilson and J. Petersilia (eds.) *CRIME: Public Policies for Crime Control*. San Francisco, CA: ICS Press.

31. Appendix Table 1 provides more detail on specific probation tracks, especially the color-coded tracks in use prior to 2003. The focus here is on those populations most directly affected by implementation of the kiosk. Juveniles, for example, do not report to the kiosk system even with a low-risk score. We have collapsed categories for the purposes of presentation and simplification. NYC Probation, prior to the expansion of the kiosk system in 2003, used a color-coded system to identify probation supervision tracks. High-risk and special offender populations in 2000-02 included probation tracks 'Blue'—high-risk score and under age 21; 'Amber'—high-risk and sex offenders; and 'Red'—a violation track with pending violations of probation. Low-risk populations in 2000 (those largely assigned to 'reporting' track' in 2004) include probation tracks 'Green'—substance abuse cases without special conditions and some cases that came out of ISP; 'Special Conditions'—low-risk offenders with conditions attached to their sentence, e.g., drug treatment; and 'Reporting'—low-risk offenders assigned to kiosk reporting. Sex offenders in 2000 could have landed in any of the colored categories or special conditions or reporting tracks, although not

many would have ended up in the lower-risk categories.

32. This is not a new distinction, yet it is an important one. See, e.g., Burrell, Bill. 2006. *Caseload Standards for Probation and Parole*. Downloaded from American Probation and Parole Web site, <http://www.appa-net.org> on January 30, 2007. Also see the American Probation and Parole Association. 1991. Issue Paper on Caseload Standards. Available at www.appa-net.org.

33. SOU probationers remain under more intensive supervision for the duration of their sentence.

34. American Probation and Parole Association. 2001. *Functional Standards Development for Automated Case Management Systems for Probation*. Available from www.appa-net.org.

35. Snibbe, Alana C. 2006. Drowning in Data. *Stanford Social Innovation Review*. 4(3: Fall): 39-45.

36. American Probation and Parole Association. 2001. *Functional Standards Development for Automated Case Management Systems for Probation*. Available from www.appa-net.org.

37. Jacobson, Michael. 2004. "Reply to Kevin D. Haggerty." *Theoretical Criminology* 8 (2): 235.

38. Like ATMs, kiosks provide several language options including English, Spanish, Russian, and Chinese.

39. Kelly, Patrick, and D. Stemen. 2005. *Probation Reform: Is Zero Tolerance a Viable Option?* New York, NY: Vera Institute. Downloaded from www.vera.org on Sept. 20, 2006.

40. E.g., MacKenzie, Doris L., K. Browning, S. B. Skroban, and D. A. Smith. 1999. The Impact of Probation on the Criminal Activities of Offenders. *Journal of Research in Crime and Delinquency*. 36(4): 423-453. von Hirsch, Andrew, M. Wasik, and J. Greene. 1989. Punishments in the Community and the Principles of Desert. *Rutgers Law Journal* 20: 595-618. Petersilia, Joan. 1997. Probation in the United States. Pp. 149-200 in M. Tonry (ed.) *Crime and Justice: A Review of Research*, Vol. 22. Chicago, IL: University of Chicago Press. Jacobson, Michael. 2005. *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration*. New York, NY: NYU Press.

41. Andrews, Don A. and J. Bonta. 2003. *The Psychology of Criminal Conduct*. Cincinnati, OH: Anderson Publishing. Bonta, James. 1996. Risk-Needs Assessment and Treatment. Pp. 18-32 in A. T. Harland (ed.) *Choosing Correctional Options That Work*. Thousand Oaks, CA: Sage Publications.

42. Dishion, Thomas J., Joan McCord, and F. Poulin. 1999. When Interventions Harm: Peer Groups and Problem Behavior. *American Psychologist* 54: 755-764. Lowenkamp, Christopher T., and E. J. Latessa. 2005. Increasing the Effectiveness of Correctional Programming Through the Risk Principle: Identifying Offenders For Residential Placement. *Criminology and Public Policy* 4(2): 263-290; Lowenkamp, Christopher T., and Edward J. Latessa. 2004. "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders." Pp. 3-8 in *Topics in Community Corrections: Assessment Issues for Managers*. National Institute of Corrections. Washington, DC: USDOJ. Available at www.nicic.org.

43. At least part of this discussion rests on Lowenkamp, Christopher T., and Edward J. Latessa. 2004. "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders." Pp. 3-8 in *Topics in Community Corrections: Assessment Issues for Managers*. National Institute of Corrections. Washington, DC: USDOJ. Available at www.nicic.org.

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45. Wood, Peter B., and H. Grasmick. 1995. Inmates rank the severity of 10 alternative sanctions compared to prison. *Journal of the Oklahoma Criminal Justice Research Consortium*. 2(August): 30-42.

46. Agnew, Robert. 2005. *Why do Criminals Offend? A General Theory of Crime and Delinquency*. Los Angeles, CA: Roxbury.

47. Although we considered probation violations to be a key outcome measure, reliable violation data for these cohorts was not obtainable without conducting a review of hardcopy records.

48. Maltz, Michael D. 1984. *Recidivism*. Orlando, FL: Academic Press. Schmidt, Peter, and A. D. Witte. 1985. *Predicting Recidivism Using Survival Models*. New York, NY: Springer-Verlag.