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Since the state has to pay the tremendous cost of incarceration, the state should see to it that the number to be incarcerated is kept as low as possible with security to society. In the field of crime prevention, the maintenance of probation is of far greater importance to the community...¹

The wisdom of Mrs. George Thomas Palmer, Illinois' first State Probation Officer, memorialized more than 78 years ago in the *State of Illinois Probation Manual* of 1932, is viewed with growing importance today to the citizens of Illinois. In these difficult times of the global economic recession, including substantial government cutbacks, Illinois probation has not shied from the challenge to "achieve more with less." Probation's core mission of promoting public safety through offender risk reduction remains constant; the resources to achieve the mission, however, have not.

The goal is clear: achieve the mission through the cost-effective stewardship of a judicial branch-based probation system that works effectively, efficiently, and with integrity and accountability. Opportunity is embedded in every crisis, and thus the chronic funding shortage for Illinois probation has also served as a catalyst for continued change – the implementation of "evidence-based practices" (EBP).

Nearly one percent of Illinois' 12.9 million residents is serving varying types and lengths of sentences of probation in our communities, resultant from their criminal or delinquent misconduct.² With a combined active caseload of almost 115,000³ probationers, Illinois' circuit court-based system of adult and juvenile probation is the workhorse of Illinois criminal and juvenile justice systems. It is crucial, therefore, that this system be effective in its work, efficient with its resources, measurable by its outcomes, and accountable to the courts and the public whom it serves.

Although over 70 percent of Illinois' probationers are timely

1. Mrs. George Thomas (Maude) Palmer. *State of Illinois-Probation Manual*, Department of Public Welfare, April 1932, p 26 (*Probation Manual*).

2. Administrative Office of the Illinois Courts, *2009 Annual Report of the Illinois Courts Statistical Summary*. Compiled and published by the Administrative Office of the Illinois Courts. Available at http://www.state.il.us/court/supremecourt/AnnualReport/2009/StatsSummary/2009_Statistical_Summary.pdf.

3. *Id.* (The term "active caseload" is used to reflect those cases in which a probation/court services officer provides risk-driven case supervision to an offender).

The Journey to Evidence-Based Practices in Illinois Probation

The article is an overview of the history, structure, and evolutionary changes in Illinois' adult and juvenile probation system from its historic roots as a county-based non-system to its current status as an emerging profession that is a statewide function of the Illinois judicial branch.

discharged from their sentences, we know that almost 20 percent of probationers are terminated "unsatisfactorily" from their sentences for failure to complete all conditions of their sentence. Generally, an "unsatisfactory" discharge from a sentence of probation is resultant from a probationer's failure to complete or comply with education or employment requirements, or an inability to meet all financial obligations. Additionally, we know that 10 percent of probationers are revoked either for willful non-compliance with their sentence or for a new offense violation. That is almost 12,000 offenders. We can do better.

Illinois probation has evolved through multiple eras and phases in its over 110-year journey from a volunteer, untrained work force which performed a "friendly visitor" role to an emerging profession that requires as the threshold for employment eligibility a bachelor's degree. Additionally, officers are required to meet basic and annual professional training requirements, as well as adhere to standards of probation casework practices. Adult and juvenile probation services in Illinois are delivered by 64 local probation departments which employ over 2,800 officers who are under the direct authority of the chief circuit judge of each of the 23 judicial circuits. Sixteen youth detention centers are also administered by the circuit courts.

By statute, the Illinois Supreme Court was authorized to develop a Probation Services Division in the Administrative Office of Illinois Courts (AOIC) to develop, establish, promulgate, and enforce uniform standards for probation services in Illinois.⁴ Additionally, the AOIC provides reimbursement to the counties for a portion of the salaries paid to probation and detention staff. The AOIC also provides for a system of basic and advanced training as well as technical assistance to the trial courts for their probation systems.

Today, in 2012, notwithstanding the continuation of the state's ongoing and severe fiscal crisis that has resulted in long-term position vacancy freezes, reduction in work force, and diminished capacities, Illinois probation remains unequivocally

committed to its mission of promoting public safety through offender risk reduction. The vehicle to achieve its mission is the full application of the principles and programs of EBP in community corrections. The journey to achieve EBP has been neither a simple nor a short-term undertaking.

Early history

Since its inception, Illinois probation has been a component of the judicial branch of government at the local level. The birth of probation in Illinois was an outgrowth of the establishment of the world's first juvenile court in Cook County in 1899, which among other things created a juvenile probation service within the court.

Outside of Cook County, the first Illinois counties to establish a probation service were Kane and Peoria in 1908. Illinois' system of probation was formalized with the 1911 enactment of the Probation and Probation Officers Act.⁵ The act extended the official use of probation to include adults convicted of certain minor crimes.⁶

Notwithstanding this substantial legacy of time, during which probation has been a component of the Illinois justice system landscape, what Palmer said in the 1932 State Probation Manual holds substantially true today: "Many people of our day do not know what probation means, as a legal term, or they confuse it with parole."⁷ In Illinois, adult parole services are provided by the Department of Corrections and juvenile parole is a function of the Department of Juvenile Justice, both agencies of the executive branch of government.

Ongoing legislative modifications and updates to the Probation and Probation Officers Act have occurred regularly to reflect the evolution of the prevailing models of justice that direct probation's work. These models have at times either singularly

4. 730 ILCS 110/15.

5. 730 ILCS 110/0.01.

6. *Short History of Probation in Illinois*, Administrative Office of the Illinois Courts (*Short History*).

7. *Probation Manual* at 13 (cited in note 1).

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embraced or have blended various justice philosophies, including but not limited to offender rehabilitation, punitive/retributive justice, and more recently, restorative justice principles. These models focus on offender accountability to the victim and the community while building core pro-social competencies that reduce recidivism.

Despite these evolutions, there are a number of core duties performed by probation officers for the court that remain constant. Investigation and offender supervision are two of the cornerstones of probation's work. Preserved and contained within the Probation and Probation Officers Act is language from the early years of probation which delineate the duties of probation as follows: "To take charge of and watch over all persons placed on probation under such regulations and for such terms as may be prescribed by the court."⁸

A state system emerges

For nearly six decades, from 1915 to 1978, Illinois' probation services remained simply a non-system, county-based, and an almost exclusively county-funded function of local government. This decentralized non-system, absent uniform standards of practice, was generally underfunded, and in turn, promoted a growing lack of confidence in probation from the public, the criminal justice system, and the judiciary. Notwithstanding some reform efforts, such as the 1923 creation of the position of state probation officer, first filled in 1929 and eliminated shortly thereafter, probation remained in the backwaters of justice administration.

During the 1960s and early 1970s, there were a number of efforts to introduce reform to Illinois probation. In 1962, the Cook County Council of the League of Women Voters recommended the creation of a state probation system, or, in the alternative, a state oversight agency for county-based probation services.⁹

In 1966, the Illinois Commission on Children successfully promoted enactment of a \$300 per month salary subsidy for juvenile probation officers, with minimum qualifications for probation employment to be established by the Conference of Chief Circuit Judges.¹⁰ The salary subsidy appropriation was not renewed in the subsequent fiscal year.

In 1972, The John Howard Associa-

tion published a report entitled *Probation in Illinois: A Politically Entrenched Over-Burdened Non-System*, which strongly criticized the status quo. The report recommended a state probation system and that no new prisons be built until probation was reformed.¹¹ In 1974, resulting from the convening of a statewide probation forum funded via a federal grant awarded to the Illinois Probation and Court Services Association,¹² a position paper was issued recommending a 50/50 state-county funded system to be administered by a State Probation Commission.

In 1978, a relatively modest probation subsidy bill was enacted (PA 80-1483). The new law was a step toward probation reform, and provided for a \$400 per month salary subsidy for all qualified personnel. The Probation Division of the AOIC was created, pursuant to approval of the Illinois Supreme Court, to administer the probation system.

In addition to providing a significant level of state funding for the expansion of probation programs and services, the reform legislation authorized the AOIC to establish minimum hiring and training qualifications for probation personnel and comprehensive standards for operations. Implementation of the reforms included the development of a system of basic, advanced, and specialized professional training for probation personnel and the establishment of a system of statewide data collection and analysis for probation policy and program design and evaluation.

In 1983 Governor James R. Thompson signed into law HB 2317, which was to be "Phase 1" of a state-administered probation system. The legislation (PA 83-982) took effect on April 1, 1984 and significantly expanded state funding and oversight of the county-based system through the expanded duties of the AOIC.

The new legislation, in addition to committing nearly \$18 million in state dollars to the supreme court for salary subsidies of existing and expanded probation positions, also funded the expansion of the system of basic and advanced probation officer training. As a prerequisite to additional state funding, the leg-

islation mandated the development and submission of an annual probation plan to be approved by the AOIC.

Spurred on by the growing momentum of legislative support for probation reform in Illinois, advocates introduced the "Probation and Community Justice Act" in March 1985. At that time, the act was viewed as the final step in building a genuine state and local partnership to provide a comprehensive and uniform system of probation and related court services in Illinois.

Securing adequate resources to fund probation during these most difficult of times continues to challenge probation, as it does all public sector programs.

The act established a three-tier system of services subsidized either fully or partially by the state, under the supreme court's authority. Tier One, "Basic Services," included compliance with adult and juvenile workload standards, as well as authorized programs of intensive supervision, community service, intake services, and home detention. Departments requiring additional personnel to meet basic services standards were reimbursed for these positions.

Tier Two, "New or Expanded Services," included a wide range of supplemental probation services subsidized at the flat rate of \$1,000 per month, contingent upon approval of the Administrative Office. Tier Three, "Individualized Services and Programs," included a variety of community correctional services purchased by probation departments, such as substance abuse treatment, psychological services and vocational/employment initiatives.

The act required all departments to establish a personnel compensation schedule based upon such factors as oc-

8. 730 ILCS 110/12(5).

9. *Short History* (cited in note 6).

10. *Id.*

11. S Ct Rule 42. Conference of Chief Circuit Judges.

12. The John Howard Association, *Probation in Illinois: A Politically Entrenched Overburdened Non-System*, 1972. (Chicago).

cupational qualifications, performance, and length of service. The act significantly expanded the oversight authority of the AOIC, and upon implementation, the goal of 50-percent state/50-percent county funding for probation had also been realized.

With the envisioned governance model in place, and a stable and predictable revenue stream, Illinois' system of probation was able to make progress in implementing proven practices that lessen the threat to public safety posed by the offender population. The mid to late 1980s was marked by the expansion of programs to more effectively manage serious offenders sentenced to probation while offering an accountable system to aid in diminishing prison costs and overcrowding. With a view toward reducing the number of felony offenders sentenced to terms of incarceration, probation programs such as intensive probation supervision, sex offender supervision, specialized drug offender probation, and specialized DUI probation became the centerpieces of probation pro-

gramming during this period.

However, these probation programs and their concomitant case supervision requirements failed to address the psychology of criminal conduct, that is, the offender's motivation for continued criminal behavior. Rather, these programs simply consisted of quantitative activities, such as the frequency of contacts between officer and probationer or compliance with conditions of the sentence such as curfew or completion of public/community service work. They did not include qualitative measures, such as risk reduction or changes in an offender's antisocial values, attitudes, and beliefs.

Probationers were placed in various specialized probation programs based upon their charge of conviction, generally absent individualized assessment of their risk to re-offend. Thus, probationers convicted of the same offense were generally subject to the same program components, same program duration, and same dosage of intervention. Absent substantial focus on individual risk factors, the various probation interventions

suggested "one size fits all" in community corrections.

In July 1995, Governor Edgar signed into law PA 89-198¹³ (Intermediate Sanctions Program), creating the statutory authority for the administrative sanctioning of adult and juvenile offenders by probation officers as a consequence of offender noncompliance with the conditions of probation. The objective of the act was to respond to technical violations of probation conditions with swift, certain, and fair intermediate sanctions. Consistent with the act, the AOIC promulgated both administrative sanctions program (ASP) guidelines as well as sanctioning grids designed to address the seriousness of the non-compliant conduct with the severity of the sanction.

The rise of evidence-based practice

Nationally, as well as internationally, the period from the late 1970s through the early 1990s was one of great chal-

13. 730 ILCS 5/5-6-1.



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lenge and fundamental change in community corrections. In 1974, New York sociologist Robert Martinson raised the international debate regarding the effectiveness of the offender rehabilitation model, in both institutional and community-based corrections, with his pub-

bation began its journey towards adopting EBP as the principled and proven foundation for probation case management standards. In March 1993, the AOIC sponsored Illinois' first formal training for Illinois' probation directors, presenting the evolving research on the "What Works" movement with Drs. Don Andrews, Paul Gendreau, and Joan Petersilia.

EBP in probation is anchored in the risk-need-responsivity model: (1) the *risk principle* asserts that criminal behavior can be reliably predicted and that treatment should focus on the higher risk offenders; (2) the *need principle* highlights the importance of criminogenic needs in the design and delivery of treatment; and (3) the *responsivity principle* describes how treatment should be provided.

Under the risk principle, offender recidivism can be reduced if the level of treatment services provided to the offender is proportional to the offender's risk to re-offend. There are two parts to this principle: 1) the level of treatment, and (2) the offender's risk to re-offend. Essential to probation's main goal of reducing offender recidivism is the need to ensure the differentiation of low risk offenders from high-risk offenders to provide the appropriate level of treatment.

In Illinois, pursuant to standards established by the AOIC, the level of risk identification is achieved through the statewide use of the youth assessment screening instrument in the juvenile arena, and the level of service inventory – revised instrument for adult offenders. Both of these "third generation" actuarial risk assessment instruments¹⁷ measure dynamic and static risk, assess offender protective factors, and serve as a foundation for effective probation casework intervention.

EBP research identifies the "Big Four"¹⁸ risk factors that are strong predictors for criminal behavior: (1) history of anti-social behavior (e.g., arrests, convictions, rule violations, probation violations), (2) antisocial personality pattern (impulsive, aggressive, callous disregard for others, pleasure seeking), (3) anti-social cognitions (rationalizing crime, victim deserved it/liked it, system is unfair,

system is corrupt), and (4) anti-social associates (relates closely to others who support crime). These factors, particularly when more than one is identifiable in a single offender, become cumulative and create an elevated risk profile. Common among probationers are behavioral issues related to substance abuse and mental health that exacerbate risk and frequently are the targets of case management interventions.

Generally, the responsivity principle refers to the fact that cognitive social learning interventions are the most effective way to teach people new behaviors and skills to engage in pro-social conduct. Through the probation casework relationship, and establishing both motivation for change and a collaborative working alliance, the probation intervention directs behavioral change through appropriate modeling, reinforcement, problem solving, and other skill building initiatives.

For example, within Illinois' system of juvenile probation, many innovative cognitive/behavioral curriculums are offered in a number of the circuit court probation departments. Curriculums such as multi-systemic therapy, functional family therapy, and life skills training¹⁹ offer much promise in reducing recidivism in high-risk youth.

Conclusion

The pursuit of EBP has been planned and purposeful. Integrating the risk, need, and responsivity principles into the foundation of Illinois probation practice framework is an on-going journey. The successful movement to EBP has only been possible because of the continued commitment of each circuit's judicial acceptance of leadership, dedicated probation staff, and the on-going partnership with the AOIC. Since state fiscal year 2008, fiscal resources allocated by the

(Continued on page 165)

The continued investment in an effective, evidence-based, data-driven system of probation as one of the pillars of our juvenile and criminal justice systems will drive probation's success.

lished review of 231 studies on offender rehabilitation, *What works? Questions and answers about prison reform*.¹⁴ In sum, Martinson concluded that "these data give us very little reason to hope that we have in fact found a sure way of reducing recidivism through rehabilitation....rehabilitative efforts that have been reported so far have no appreciable effect on recidivism."¹⁵

While Martinson questioned offender rehabilitation as a sound criminological approach, his assertion that nothing works in offender rehabilitation resulted in a research boom that identified and verified effective interventions to change criminal conduct. Led by a cadre of Canadian social psychologists, prominent among them Drs. Don Andrews and James Bonta, the "What Works" in offender rehabilitation meta-analysis studies gained wide international exposure and acceptance in the field of corrections. Andrews' and Bonta's work, *The Psychology of Criminal Conduct*,¹⁶ explores a broad scope of criminal conduct, including predictor variables, dynamic predictors, and focuses on social learning theory as both a cause for delinquent conduct and a vehicle from which to begin modifying criminal attitudes, values, and beliefs.

Anchored in a substantial review and acceptance of the research literature that demonstrated that successful rehabilitation of offenders both had been, and continued to be, accomplished, Illinois pro-

14. Robert Martinson, *The Public Interest*, 35:22-54 (1974), available at http://www.nationalaffairs.com/public_interest/detail/what-worksquestions-and-answers-about-prison-reform.

15. *Id.*

16. D.A. Andrews and James Bonta, *The Psychology of Criminal Conduct* (Matthew Bender 5th ed 2010) (*Psychology*).

17. D. A. Andrews, James Bonta, and J. S. Wormith, *Correctional Services of Canada* (2001).

18. *Psychology* (cited in note 16).

19. MST, FFT, & LST are model programs from the Center for the Study and Prevention of Violence, University of Colorado, Boulder.

for organizers.

Some might oppose creating new entity types if existing ones can achieve the same results. Others would argue that creating a legal framework for a business trust entity, even if using an existing entity could achieve the same results, would help bring organizers to Illinois.

The Institute of Illinois Business Law has established a subcommittee to review whether Illinois should have a business trust statute and, if so, the provisions the statute would contain. The subcommittee will work with officials from the Illinois Secretary of State and comparable committees of the Illinois State Bar Association and the Chicago Bar Association. Comments from attorneys are welcome, either by logging in and posting a public comment on the ISBA website with this article at www.isba.org/ibj or by contacting coauthor William Price. ■

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AOIC to the counties have been based upon EBP principles to target high-risk offenders.

Securing adequate resources to fund probation during these most difficult of times continues to challenge probation, as it does all public sector programs. Applying measures designed to implement corrective strategies that promote rehabilitation and reduce the risk of recidivism is complex.

As is the case with all complex issues, it is not singularly the availability of more resources that will achieve the goal of EBP. Instead, it is the continued commitment to, leadership of, and investment in an effective, evidence-

based, data-driven system of probation as one of the pillars of our juvenile and criminal justice systems that will drive probation's success in this on-going journey.

A systematic commitment, at the state level, at the county level, and within each probation department, will allow Illinois probation to begin producing and demonstrating its own evidence that "evidence-based practices" in probation really works. In so doing, Illinois probation can continue its proud heritage of being both tough and smart about achieving outcomes that fundamentally advance and sustain public safety. ■

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