Implementation of Evidence-Based Practices & Risky Decision Making

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Pretrial Services
SHORT Diversion Drug Court
Challenges for Implementing EBP

- Creating a culture which accepts the need for change
- Designing a organizational structure to manage change.
- Aligning upper-level and middle management with the skills needed to define problems, evaluate solutions, implement change.
- Building the decision-making skills at the officer level to manage risk and address criminogenic needs
- Creating decision-making protocols and tools to assist all levels of the organization.
- Creating methods of assessing fidelity and measuring performance of the organization.
- Bring the change to scale.
The relationship of judgment to EBP:

- Evidence-based means making informed decisions.
- Yet, research suggests that most of our judgments and choices are not based on a thorough analysis of the facts.
- In the absence of tools or data, decisions are based on impressions, many of which we are not aware.
- While we all have focused on the research regarding “what works” we have largely ignored the research about decision-making which can give us valuable guidance on how to become an evidence-based organization.
My Goal Today:

- To draw on decision-making research to understand why an organization and our CJ stakeholders would resist changes that appear to make perfect sense?
- To help get “closure” on frustrating past experiences as you have implemented EBP.
- To gain a deeper understanding of human decision-making, its weaknesses, and how to diagnose the root problem.
- Confirm the need for decision-making tools.
- Discover strategies for more effective implementation of change.
Research and data is not enough.
Research and data can be misused the same as any other kind of information
Must know how to assess the present state of an organization, identify priorities, design projects from the “big-picture” perspectives, manage the implementation process over time, and measure progress.
So Why Is Implementation of EBP So Difficult?

- The science of decision-making has firmly established that people’s intuitive decisions are often strongly and systematically biased.
- Hundreds of empirical studies in a variety of settings spanning the past 50 years have shown the same results.
- In general, people make decisions via unconscious short-cuts (heuristics) that while generally useful sometimes lead to systemic and serious errors.
- Biases are a part of human nature and just as likely for the intelligent.
We All Know about Visual Illusions

MULLER–LYER ILLUSION

- You see the bottom line as longer.
- You cannot decide to see them as equal.
- You must mistrust your impression & measure them.
What Colors Do You See?
Now All Other Colors Are Changed to Black
When Visual Biases Are Dangerous!

- The clearer an object the closer it seems.
- Haze creates the illusion that the object is further than it really is.
- People often drive faster in fog because the reduced clarity produces the illusion of going slower.
- **Key:** Rely on your tool – the speedometer!
Cognitive Illusions

- The human mind does not work like a complex computer program; rather it relies heavily on a number of “rules of thumb” or short-cuts that allow quick and helpful reactions.
- They can also lead to severe and systematic errors.
- Illusions of thought.
- Involuntary (no conscious decision)
- Quick, automatic & effortless.
- Cannot be turned off at will.
- We usually don’t realize what happened.
- Largely unquestioned.
Let’s Start with A Simple Example:

- **Client A:**
  - Intelligent
  - Industrious
  - Impulsive
  - Critical
  - Stubborn
  - Envious

What is the likelihood that this client will be successful on probation?
Client B:

- Envious
- Stubborn
- Critical
- Impulsive
- Industrious
- Intelligent

What is the likelihood that Client B will be successful on probation?
A bat and a ball costs $1.10.

The bat costs one dollar more than the ball.

How much does the ball cost?
Would you like some banana bread?
The Florida Effect

- Florida
- Forgetful
- Bald
- Gray
- Wrinkle
Money primed people were more independent, more task-oriented & self-reliant, less helpful, and showed a greater preference for being alone.
Two words together (banana/vomit) created a causal connection between the two words. As a result you have a temporary aversion to banana bread. The words evoked memories, which in turn evoke facial expressions, which intensifies the feeling. This happens all at once. You think with your body not just with your brain. The process is silent and hidden from consciousness. You know far less about yourself than you feel you do.
What of the following statements is true?

Adolph Hitler was born in 1892

Adolph Hitler was born in 1887.

How many animals of each kind did Moses take into the ark?

Fred’s parents arrived late. The caterers were expected soon. Fred was angry.”
Cognitive Ease and our Perceptions of the Truth

- People prefer to minimize cognitive strain.
- That which requires little cognitive effort is generally seen as true.
  - Repeated phrases
  - Few syllables
  - Familiar things
  - Clear fonts
  - Rhymes
  - Things that create a coherent story
  - Things that “ring true” with our pre-existing belief about the world.
Applied to Implementation of EBP

- Language is very important:

- Keep it simple at the vision stage.
  - “What Works” works a lot better than “Evidence-Based Practices.”

- People are likely to support ideas that relate to their view of the world.
  - “Officer centered supervision”.

- People are likely to support an idea that forms a familiar story and remains coherent through the period of implementation.
## The task of “sorting”

<table>
<thead>
<tr>
<th>Yellow</th>
<th>Blue</th>
<th>Red</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Lowest reporting requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Possibility of certain offenders reporting only to the Supplemental Reporting System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• No need for intensive discretionary programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Application of low to moderate responses to administrative violations using violation grid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Incentives for early discharge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Increased reporting requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Mix supplemental reporting with visits to PO/home visits as needed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Need for discretionary programs, mainly drug treatment, anger management, cognitive programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Application of more restrictive responses to administrative violations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Incentives to move to “Yellow” level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Highest reporting requirements of all supervision levels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Field visits by probation officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Use of surveillance type of programs and some cognitive interventions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Most restrictive and swift responses to administrative violations of all supervision levels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Incentive to move to “Blue” level but cannot move to “Yellow” level</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Minimize Contacts for Some, Max for Others

Minimal Intervention

SIS – Pro-social, stable lifestyle
Supervision:
Intervene selectively
Delegate planning to them
Use rational problem solving techniques
Over-supervision counterproductive
More tolerance for non-compliance

More Intrusive Intervention

LS – Criminal thinking, seeks power, thrills, money
Supervision:
Surveillance
Address criminal thinking
Detailed precise case plans
Carefully document
Use legal leverage/less tolerance for non-compliance
Matrix to Present Results of Diagnosis

**Diagnosis Process**

Diagnosis process is oriented at classifying offenders along a matrix based on risk and SCS.

<table>
<thead>
<tr>
<th>Initial Risk</th>
<th>SCS Score - Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SIS</td>
</tr>
<tr>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Medium</td>
<td></td>
</tr>
<tr>
<td>High</td>
<td></td>
</tr>
</tbody>
</table>

**Colors**

Represent three different supervision strategies that will apply to offenders in the different grids in the diagnosis matrix.
Tell me the color of each work out loud.
This is your brain “Thinking Fast”

- Operates without your awareness
- Source of rapid and intuitive judgments
- Relies on:
  - Impressions
  - Beliefs
  - Instant evaluations
- Easy

The source of systemic errors in judgment & decision-making
This is your brain “Thinking slow”

- Receives questions or generates them.
- Directs attention
- Searches memory to find answers.
- Requires effort
- It tends to endorse the emotions and impressions of System I
- Especially likely to do so when the person is multi-tasking, happy, relaxed, or tired.

You can’t be serious!!
Everybody Else & Not YOU???

- We naturally think every one else suffers from bias. We explain our own bias, but look harshly upon the biases of others.
- Education doesn’t make us less susceptible.
- Intelligence seems to make things worse.
- Bias is human, automatic, unconscious, and invisible to self-analysis.
Parole Decisions In Israel
Cognitive Biases That Effect Culture
Promote the Status Quo
Biases That Perpetuate the Status Quo

**IDEA KILLER BINGO**

<table>
<thead>
<tr>
<th>But...</th>
<th>We've already tried that before.</th>
<th>It'll never fly.</th>
<th>Let me play devil's advocate here...</th>
<th>Let's not go off on a tangent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>You're setting yourself up for failure.</td>
<td>Sure it will...</td>
<td>In THIS economy?</td>
<td>Do you think we're made of money?</td>
<td>That's not a high priority right now.</td>
</tr>
<tr>
<td>Have you really thought about the implications?</td>
<td>That won't work because...</td>
<td>The only problem with that is...</td>
<td>Run an ROI, and get back to us.</td>
<td></td>
</tr>
<tr>
<td>Is this in line with our strategy?</td>
<td>The front line will never go for it.</td>
<td>You're kidding... right?</td>
<td>Yes, but...</td>
<td>Does anyone really care about that?</td>
</tr>
<tr>
<td>What you are really saying...</td>
<td>If it ain't broke...</td>
<td>Sure, in theory... but you don't think it'll really work</td>
<td>But how much is this idea worth?</td>
<td>Do we really have the resources for this?</td>
</tr>
</tbody>
</table>

Why?
Proposition

- There is a form in the back of the room; your task will be to research the shipping costs of three items by calling 2 local retailers. You will be paid $11.15. You would expect to spend 30 minutes on this task.

- You have been overcharged by $11.15 cents on your ATT bill. You will need to call ATT and deal with customer service. You have been overcharged in the past. You expect to spend 2–3 hours on this task.
Loss Aversion Bias

- People are driven more strongly to avoid losses than to achieve gains.

- Data from Kahneman and Tversky suggests we prefer avoiding loss about twice as much as acquiring gains.

- When people are faced with change, the loss aspects loom larger than any gain. Benefits of the status quo are certain – promised gains are speculative. We know what we have. Who knows what we will get.

- As leaders we fear regret.
Explaining Getting Stuck

- Loss aversion is a error in our brains that makes us fight like a rabid animal to avoid a small loss, while chewing our cud stupidly when it comes to getting what we want.

- Why do people complain about their jobs and take little responsibility for finding a better one.

- You can find a job that’s a little better—in fact, getting better job often leads to getting an even better job – even “100% better. The problem is that you’ll rarely achieve 100% better in one move. That’s why loss aversion tends to “stick” you exactly where you are unless you get a lucky break with a job that is twice as good.
EBP and CJ Stakeholders

- Focus on Low Risk Client
- Focus on the case that hasn’t happened but could happen.
- Rely on untested beliefs about risk and violence.
The Status Quo and Staff Resistance

- EBP will create some winners and some potential losers.
- Potential losers will be more active.
- Loss aversion is a powerful conservative force that favors minimal changes in organizations and in individuals.
- Related = entitlement.
- Leadership: Not achieving a goal is a loss, exceeding the goal is a gain. The aversion to failure is much greater than the desire to exceed it.
Hyperbolic Discounting

- Getting something NOW is preferred over getting something later. For example, people will consistently choose getting $10 today over $110 a year from now.

- In effect, people DISCOUNT getting something in the future, especially when it requires a sacrifice in the present.

- As a result consequences which occur later, good or bad, tend to have little bearing on our choices the more distantly they fall in the future… even when one’s life is at stake.

- This hard-wired tendency is behind our temporal short-sightedness, causing many people to make decisions which lead to short-term happiness and long-term disaster. (Drug use, unhealthy diets, procrastination, & infidelity).

- It is the same logical flaw that causes people to over-commit. Research shows that most people will make commitments long in advance that they would never make if the commitment required immediate action.
Sunk Costs Bias

- The more we invest in something ($, time, emotion) the harder it is to give it up.
- More evident in mistake-fearing cultures.
- Examples:
  - Reluctance to fire a poor performer.
  - Giving more weight to information that you paid for.
  - Staying with a program/policy that you know is not producing.
Everything you look for and all that you perceive has a way of proving whatever you believe.
Confirmation Bias

- We have a natural tendency to decide first and then decide why we decided that way.
- We see confirmation of what we already believe and look for facts to support it.
- We limit where we go for information – we prefer emotional comfort over useful information.
- Affects how we interpret the information that we get.
- We avoid asking tough questions.
- We discount new information that challenges us.
SEGMENTS COVERING TREYVON MARTIN ON CABLE NEWS
FEB 26 TO MARCH 19

CNN 41
msnbc 13
Fox News 1
Result: Overconfidence

- People are overconfident and consistently place too much faith in their “intuitions.”

- Once people believe a conclusion is true, and believe arguments that appear to support it, even when these arguments are unsound.
Examples:

- We have been doing EBP since 1983!
- Director – we have implemented EBP; staff – “what’s EBP.”
Why After So Much Training Are They Still Treated the Same?
Revisiting Loss Aversion

- People strongly prefer avoiding losses over acquiring gains.
  - How does this effect our prediction of an offender's risk?
  - How does it affect sentencing?
  - How about pre-trial release?
Zero-risk Bias

• A preference to reducing a risk to zero over a greater reduction in a larger risk

  ◦ How does this affect the willingness of Judges, Prosecutors, and staff to provide differential supervision on the basis of level of risk?
Neglect of Known Base Rates

- The tendency to fail to incorporate known probabilities which are pertinent to the decision at hand.
- Most likely when the outcome is emotionally arousing.

Example: A witness testifies that she saw a blue cab. The witness gets the color of the cab right 80% of the time she testifies. In her area, 85% of the taxis are green cabs and 15% of the taxis are blue. What is the most probable color of the cab seen by the witness?

The correct answer is green. The base rate of green cabs is much higher than that of blue cabs, i.e., the proportion of cabs that are green (85%) is much greater than the proportion of cabs that are blue (15%). Therefore, despite the witness's 80% reliability, the most likely explanation (59%) is that the witness is mistaken and she actually saw a green cab.

People who answer "blue" have ignored the information about the base rates of green and blue cabs and considered only the information about the reliability of the witness.
850 Green

680 Green cabs are misidentified as Green

170 Green cabs are misidentified as Blue

150 Blue

120 Blue cabs are seen as Blue

30 Blue cabs are miss identified as Green

# of Green cabs miss identified as Blue / # of total cars identified as Blue = Probability that a green car was miss identified as blue = 59%

Thus, the probability is that the car was Green.
February 7, 2011

GAINESVILLE, Fla. (AP) — An annual shark attack study reported the number of shark attacks increased worldwide in 2010 while declining in Florida for the fourth straight year. According to the University of Florida's International Shark File, released Monday, the state recorded 13 incidents last year. That's well below the yearly average of 23 attacks over the past decade. Ichthyologist George Burgess, director of the file housed at the Florida Museum of Natural History in Gainesville, says Florida typically tops the list in shark attacks.
<table>
<thead>
<tr>
<th>Event</th>
<th>Odds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heart disease:</td>
<td>1 in 5</td>
</tr>
<tr>
<td>Cancer:</td>
<td>1 in 7</td>
</tr>
<tr>
<td>Suicide:</td>
<td>1 in 119</td>
</tr>
<tr>
<td>Falling over:</td>
<td>1 in 246</td>
</tr>
<tr>
<td>Falling furniture:</td>
<td>1 in 4238</td>
</tr>
<tr>
<td>Suffocation in bed:</td>
<td>1 in 5809</td>
</tr>
<tr>
<td>Playing football:</td>
<td>1 in 57,000</td>
</tr>
<tr>
<td>Execution:</td>
<td>1 in 58,618</td>
</tr>
<tr>
<td>Lightning strike:</td>
<td>1 in 79,746</td>
</tr>
<tr>
<td>Shark attack:</td>
<td>1 in 3,748,067</td>
</tr>
<tr>
<td>Hit by a bus:</td>
<td>1 in 3,769,664</td>
</tr>
</tbody>
</table>
Availability Bias

- Availability bias is when we over-estimate the likelihood of an event because it is associated with a memorable or vivid event.

- Because memorable events are further magnified by coverage in the media, the bias is compounded on the society level.

- Two prominent examples would be estimations of the probability of plane accidents, and the abduction of children. Both events are quite rare, but the vast majority of the population wildly overestimates their probability, and behaves accordingly. They are falling prey to the availability bias.
How Does This Effect Judgments of Risk?

- Are the Mentally Ill riskier – more likely to be violent.

- If we address mental illness alone will that result in pro-social behavior.

- Substance abuse: 17% vs. 7% for seriously mentally ill.

- Those that are riskier have the same criminogenic needs as the non-mentally ill high-risk individual.

Los Angeles Times: “Three-quarters of Americans view mentally ill people as dangerous, according to a 1999 study in the American Journal of Public Health. Another 1999 study from the same journal found that 60% of Americans believed patients with schizophrenia — a condition characterized by disordered thought processes, paranoid delusions and auditory hallucinations — were likely to commit violent acts.”
Executive Decision Making System
Expert Decision Making

  - 20 studies
  - Included studies of parole violations and criminal recidivism
  - Created 50 years of research and over 200 studies comparing clinical judgment to statistical predictions using combining a few scores or ratings according to a rule.
- 60% – algorithms are more accurate; 40% were tied.
Judges were given a description of a shoplifting offense. They were then "anchored" to different numbers by being asked to roll a pair of dice that had been secretly loaded to produce only two totals – three or nine.

Next, they were asked whether the prison sentence for the shoplifting offense should be greater or fewer, in months, than the total showing on the dice. Those who had just rolled nine proposed an average of eight months while those who had rolled three proposed an average of only five months.

All were unaware of the anchoring effect.
Experts tend to think they can predict in very uncertain situations.

Even when experts know what factors are important and how they should be combined, their overconfidence results in over-riding the formula because they factor in irrelevant information.

They are inconsistent (make different decisions with exactly the same information).

Unnoticed information has a substantial influence. (Nagy – job applicants).

It is worse with more complex decisions.

It is worse when the thing we are trying to predict is long-term. (Recidivism).
Representativeness Bias
On a scale of 1 to 100 how risky is this person?
On a scale of 1 to 100 how risky is this person?
The Law of Small Numbers

Judgmental bias which occurs when it is assumed that the characteristics of a group can be estimated from a small number of observations or data points.
Chicago Murder Rate Surges as New York’s Drops to Record Low

Jul 2, 2012 4:45 AM EDT

As New York’s murder rate is on pace to set a record low, Chicago’s going in the wrong direction, writes John Avlon. This is a tale of two cities and murder.

As the sun rose Sunday, New York City hit a remarkable milestone, recording just 193 murders in the first six months of the year. In that same span, more than 250 murders were recorded in Chicago—a city just one third as large.

It is the first full crisis of Mayor Rahm Emanuel’s term in office, and the cause of growing national concern. More than 40 people were shot there on Memorial Day weekend alone, and 10 of them died. In June, the victims ranged in age from 75-year-old Donald Ellens to 7-year-old Heaven Sutton.

“This is not about crime. This is about values,” Emanuel said about Sutton, who was killed by a stray bullet in the back while selling candy outside of her home.

But finally, the murder rate is about crime, and criminals, and while New York has been at the vanguard of a nationwide drop in crime, Chicago has become the exception that proves the rule.

“But until this spring, Chicago looked quite typical of all the national crime trends, including its neighbor New York. But that's been interrupted and it's been interrupted big time,” says Berkeley Law professor Franklin Zimring.
Debiasing Assessments of Risk

- Validated Risk Assessment
- Don’t allow overrides for tracking purposes.
- Create tools which integrate risk into key decision making points.
- Conduct fidelity studies to track utilization of the tools.
### TABLE 1 – GUIDELINES FOR PROGRESSIVE SANCTIONS

<table>
<thead>
<tr>
<th>Control Condition Violation</th>
<th>Violent $\Delta$</th>
<th>Sex Offender</th>
<th>DWI $\Delta$</th>
<th>Gen. Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Failure to pay fees (i.e., fine, court costs, probation fees, DPS fees, special program fees)</td>
<td>1 1 1</td>
<td>1 1 1</td>
<td>1 1 1</td>
<td>1 1 1</td>
</tr>
<tr>
<td>2. Failure to work community service hours</td>
<td>2 1 1</td>
<td>1 1 1</td>
<td>1 1 1</td>
<td>1 1 1</td>
</tr>
<tr>
<td>3. Failure to enroll/attend/complete assessments</td>
<td>2 2 1</td>
<td>2 1 1</td>
<td>2 2 1</td>
<td>1 1 1</td>
</tr>
<tr>
<td>7. Failure to enroll in/attend/complete a substance abuse education classes (ie DWI Education, Intervention, DOE, Drunk Driving Panel, CES classes)</td>
<td>2 2 1</td>
<td>2 2 1</td>
<td>2 2 1</td>
<td>2 1 1</td>
</tr>
<tr>
<td>8. Failure to enroll in/attend/complete Anger Management classes, Parenting Classes, Theft classes, Cognitive classes</td>
<td>3 3 2</td>
<td>2 2 1</td>
<td>2 2 1</td>
<td>2 2 1</td>
</tr>
<tr>
<td>9. Failure to pay Restitution (See Court Guidelines for deviations)</td>
<td>3 2 2</td>
<td>2 2 1</td>
<td>2 2 1</td>
<td>2 2 1</td>
</tr>
<tr>
<td>13. Failure to report</td>
<td>3 2 2</td>
<td>3 2 2</td>
<td>3 2 1</td>
<td>2 2 1</td>
</tr>
<tr>
<td>16. FIRST positive UA for THC</td>
<td>2 2 2</td>
<td>2 2 2</td>
<td>2 2 2</td>
<td>2 2 2</td>
</tr>
<tr>
<td>17. Failure to submit to a Breath analysis or Urinalysis</td>
<td>3 3 3</td>
<td>3 2 2</td>
<td>3 2 2</td>
<td>3 2 2</td>
</tr>
<tr>
<td>18. Positive Urinalysis or BAC (See Court Guidelines for deviations)</td>
<td>3 3 3</td>
<td>3 3 2</td>
<td>3 3 2</td>
<td>3 2 2</td>
</tr>
</tbody>
</table>

**ALCOHOL/SURVEILLANCE MONITORING DEVICES**

| Driving without Court ordered Alcohol Monitoring Device (w/in the 1st 30 days)                  | 3 3 3            | 3 3 3        | 3 3 3        | 3 3 3     |
| Driving without Court ordered Alcohol Monitoring Device (after the 1st 30 days)                | 4 4 4            | 4 4 4        | 4 4 4        | 4 4 4     |
| **Confirmed** positive alcohol violations on alcohol monitoring devices (see Court Guidelines for deviations) | 4 4 4            | 4 4 4        | 4 4 4        | 4 4 4     |

**SEX OFFENDERS**

| Failure to register as a Sex Offender as a Probation condition                                | -- -- --         | 3 3 3        | -- -- --      | -- -- --   |
| Failure to follow special Sex Offender rules or conditions                                    | -- -- --         | 4 3 3        | -- -- --      | -- -- --   |
| Failure to stay away from child safety zone                                                   | -- -- --         | 4 3 3        | -- -- --      | -- -- --   |
| **Confirmed** non-compliance with sex offender computer monitoring                           | -- -- --         | 4 4 4        | -- -- --      | -- -- --   |
An assessment of an individual’s risk to re-offend and their criminogenic needs is the most important tool available in determining the most effective treatment. Recommendations can range from No Treatment to Residential Treatment.

IOP: 7.5-10 hrs. of treatment per week for 6-10 weeks depending on the severity of risk/needs. Groups meet 3-4 times per week. Program offers group/individual, didactic & cognitive counseling.

90 day programs are located in or out of Travis County. The programs consist of 30 days restricted treatment followed by 60 days of supportive treatment during which clients may have the option to work part-time.

Community Corrections & State Contracted Facilities: Programs range from 3-9 months of residential treatment in a secure environment, includes SMART, CTC, ISF & SAFFP.

NOTE: Drug dealers may or may not have substance dependence, but criminal activity can progress. Recommendations should be driven by the criminogenic risk factors and can range from a Cognitive class through primary treatment to ISF.

DEFINITIONS

<table>
<thead>
<tr>
<th>Substance Abuse:</th>
<th>Any pattern of substance use that results in repeated adverse social consequences related to drug-taking (i.e. interpersonal conflicts, failure to meet work, family, or school obligations, or legal problems), but offender is able to stop use.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substance Dependence:</td>
<td>A pattern of use of alcohol, drugs or other substances with tolerance and/or withdrawal symptoms, but offender is unable to stop use despite adverse social and legal consequences.</td>
</tr>
<tr>
<td>Potential Problem/PO to Monitor:</td>
<td>Need to conduct urinalysis per policy or when suspicion of use (i.e. personal observations, community report, self-disclosure, pattern of non-compliance). With a positive UA or self-admittance, promptly take action by contacting TAIP for recommendation change.</td>
</tr>
<tr>
<td>Environmental Instability:</td>
<td>Criminogenic Needs that can lead to recidivism, revocation and/or treatment failure (i.e. lack of family/marital support, unstable interpersonal relationships, residential instability, unemployment and unstable financial status, medical and/or mental health instability).</td>
</tr>
<tr>
<td>Risk Factors:</td>
<td>Such as criminal orientation, criminal peers, family history of criminality, impulsivity, poor problem-solving skills.</td>
</tr>
</tbody>
</table>
### Criminal Behavior with No Substance Dependence

**Primary Issue: Criminality**
- Alcohol/Drug use may not be an issue
- Able to stop use with negative consequences

**Risk Factors**
- Medium to High Risk
- Evidence of Criminogenic Risk/Needs
- Criminal Thinking/Behavior

**Program Recommendations**
- Substance Abuse
- Alcohol/Drug Education Classes
- PO to Monitor

**PO Guidelines for Potential Problem: Substance Abuse**
- Need to conduct urinalysis per policy or when suspicion of use (i.e., personal observations, community report, self-disclosure, pattern of non-compliance)
- PO to Monitor recommendation: With positive UA or self-admittance, promptly take action by contacting TAIP for recommendation change

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### Potential Problem: Substance Abuse

**Primary Issue: Substance Abuse**
- Meets criteria for Substance Abuse
- Able to stop use with negative consequences

**Serious Abuse/Possible Dependence**
- Difficulty stopping use despite negative consequences with past or current significant use

**Risk Factors**
- Irritability, Impulsivity
- Interpersonal Conflicts
- Dishonesty, Boredom

**Program Recommendations**
- IOP Continuum
  - Low/Medium Risk refer to Community IOP
  - OSAR/DSHS, through insurance or self-pay
  - TAIP-funded: Medium/High Risk (SSP option)
  - TAIP-funded Relapse: Medium/High Risk
  - Counseling Center (17 yrs. or older): High Risk, Medium Risk LS or Medium Risk with history of prior incarcerations

**PO Guidelines**
- Department does not fund low risk clients for treatment. They must self-pay.
- Offenders with a more serious criminal orientation referred to Counseling Center
- All sex offenders referred to Counseling Center
- See Resource List on server for current providers

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### Intensive Outpatient & Aftercare

(60, 75 & 80 Hr. Programs)

**Risk Factors**
- Evidence of serious criminal orientation/activity linked to Substance Use
- Use has or is likely to cause serious losses/consequences

**Program Recommendations**
- State Jail Felony
- Male only (no sex offenders)
- 17 yrs. or older
- Verified resident of Travis County
- Accepts assaultive, but no 3G offenses
- Mental & physically stable, no psychotic features
- Stable comprehension level
- Mandatory drug treatment

**PO Guidelines**
- Male & female
- 18 yrs. or older
- Felonies only
- Accepts sex offenders
- Pregnant females: < 12 weeks pregnant with no history of high-risk pregnancies
- Stable on meds, no psychotic features
- Able to participate physically

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### Intensive/Supportive Residential & Aftercare

(90 Day Programs)

**Risk Factors**
- Criminal behaviors cause serious consequences
- High Risk – Needs secure environment

**Program Recommendations**
- Male & Female
- 17 yrs. or certified as an adult
- Felonies only (SSP option)
- No sex offenders
- Able to participate physically
- Pregnant females: < 20 weeks with no history of high risk pregnancies
- 3 months in transitional housing
- SAFPF Special Needs (physical/MH issues)
Biases That Interfere With Problem Solving During Implementation
Decision-making is not simply the ability to reason. It is having the self-control to engage System II – to slow down and deliberately focus attention as one searches memory for relevant materials.

The best decision makers are engaged, more alert, more intellectually active, less willing to be satisfied with superficially attractive answers and more skeptical about the first answer that comes to their own minds.

The worst decision-makers are prone to automatic bias – they impulsive, impatient, and keen to receive immediate gratification.
Planning Fallacy

- The planning fallacy is simply the human tendency to underestimate task-completion times.
- Finding real-world examples of this cognitive bias is easy, from the smallest everyday task to huge governmental undertakings.
A Jesuit and Franciscan were asking for permission to smoke while they prayed.

Jesuit: “Is it acceptable that I smoke while I pray?”

Franciscan: “In moments of human weakness while I smoke, may I also pray?”
Consider the following:

- Resident Joe has as 1 in 5 chance of succeeding in the program.
- Resident Joe has a 4 in 5 chance of failing in the program.

- Rationally these are the same because the outcomes are identical.
- The words establish different frames and the decisions differ because of it.
Bias Through Omission

The Omission Bias is a type of cognitive bias. It is the tendency to judge harmful actions as worse, or less moral than equally harmful omissions (inactions.) When it comes to making a decision, this bias is similar to the Status quo bias, because they both favor the default, which in the case of the Omission Bias is not acting.
Things to Do:

- Ask yourself if you are working on the real problem.
- Look for assumptions or unnecessary constraints in the way you perceive your problem.
- Promote objective reasoning, avoid framing alternatives with value-laden terminology.
- Choose a frame that includes all of what is important? Is it cost-effective vs. how much will it cost?
- Watch out for leading questions.
Pretrial Decision Making
What does the research show?

- Actuarial risk assessments predict risk better than judgment alone.
- Several factors commonly used to predict pretrial failure are not predictive.
- Defendants in locales that use risk assessments are less likely to fail to appear.
- Counties that use risk assessments perform better than others in reducing recidivism.
Predicting Violence – Shima Baradaran* & Frank L. McIntyre**

Asks whether the United States is making substantially mistaken judgments about who is likely to commit crimes while on pretrial release and whether we are detaining the right people.

Relying on the largest dataset of pretrial defendants in the United States, these authors ask what factors, if any, are relevant to predicting “dangerousness” pretrial and what percentage of defendants can be released safely before trial.

The data set is a nationally representative fifteen–year dataset of over 100,000 defendants.

Two important conclusions:

First, judges often detain the wrong people. Judges often over hold older defendants, defendants with clean records, and defendants charged with fraud and public–order offenses.

Second, using our model, judges would be able to release 25% more defendants while decreasing both violent crime and total pretrial crime rates.
Bond Review Process for Low Risk

1. ORAS-PAT Score: LOW RISK

2. Does PR Bond follow all of our policy-based rules?
   - NO
   - YES

3. Does defendant have safety considerations?
   - FV: FV Assessment/ CCH/CW
   - Non-FV: Violent Indicators in CCH/PC/CW
   -- or --
   Exceptional Circumstances

4. Rec. OK – No Conditions Recommended unless statutory required

5. Condition Recommendation: Would conditions(s) adequately mitigate safety considerations?
   - NO
   - YES

Rec. OK – With Appropriate Conditions

Rec. NO
What To Do

- Create an implementation structure that trains people to learn as they struggle with the planning process.
- Consider their cognitive biases. For example, minimize short-term losses, and maximize short-term gains, even if small.
- Consider resistance part of the process and put strategies in place to influence staff and stakeholders.
- Develop decision-making tools that integrate risk assessment into key decision-making points.
- Consider the stakes – their “future” losses.
- Develop a strong research agenda and train people to utilize basic statistical knowledge.