Remotely Managing Compliance, Accountability & Communications with Criminal Justice Involved Persons in the Age of COVID and Beyond

Jason Tizedes uses his expertise and existing research to consider how probation providers might implement remote supervision technologies in the aftermath of the coronavirus (COVID-19) pandemic.

If the last 18 months have taught us anything, it is that nothing is predictable. If someone had predicted that the entire criminal justice world would be upended by something that is 100nm (0.0001mm) in size, they would have been dismissed as mad. The pandemic has shown criminal justice agencies worldwide the importance of being prepared for anything to happen, and the value of technologies to create agile, effective change.

But the last 18 months could be viewed as a blueprint, rather than a setback. There are a number of reasons that we need to explore Remote Client Management within the criminal justice ecosystem, the obvious being the response to a global pandemic. No matter the cause, humankind did—as it does very often when faced with challenges—adapt. Our lounge chairs and kitchen tables made for new office spaces, while technology became mandatory for maintaining community safety, versus a luxury. Suddenly, services like Zoom®, Microsoft Teams®, GoToMeeting®, and other video conferencing tools were bombarded with demand and quickly became standard business tools worldwide. In probation, treatment, pretrial, and other community supervision programs, online services such as video conferencing, texting applications, and remote workstations with VPN connections became an integral part of our lives, both personally and professionally, and many of them are here to stay.

Remote Client Management Technologies

Perhaps one of the most adopted forms of technology in criminal justice in the US over the last 18 months has been Remote Client

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Management tools. These typically take the form of intuitive software platforms and simple-to-use smartphone applications that allow case managers and supervised individuals to communicate regularly. In the United States, the demand for these platforms increased 300% during the pandemic. Now, even as restrictions ease, most courts and agencies have permanently adopted these Remote Client Management solutions, due to their ease of use and the conservation of staff resources—in particular for lower-risk offenders.

While widespread adoption of participant-facing technologies, such as smartphone applications, is recent, the platforms are nearly ten years old. Like other digital tools, it took the pandemic for government agencies to see widespread adoption. While the implementation of new technologies and systemic change in processes and procedures can be slow and difficult for government entities to implement, the pandemic removed many of the usual barriers to change, created a compelling need for technology to meet the lapses created by the inability to meet and manage participants in-person, and highlighted the value of these technology solutions. Currently, there are roughly two dozen companies that offer a Remote Client Management solution. The providers of these tools are as diverse as the populations they serve, and on the face of it, the focus of each of these solutions is the same, but not all are created equal.

Based on two decades of career experience covering criminal justice and software development, I have identified four important things to consider when reviewing Remote Client Management solutions for probation providers:

- **No single solution on the market solves every problem.** Not every solution available will have everything you want, but several solutions will have everything you need. It is important, when creating program requirements, to distinguish between Needs and Nice-to-Haves, which ensures you focus on the specifications that will best align with your program's specific situation. It is also important to recognize that these solutions do not replace case management, physical staff, or even picking up the telephone and talking to a supervised person. Rather,

they are useful, supplemental tools to treatment, monitoring, and community supervision programs. They can improve the user and agent experience, enhance monitoring through better communication with supersized persons, and cost-effectively layer in supervision for lower-level participants that might not otherwise have a monitoring solution of appropriate intensity.

- **Ensure the solution includes the standard features at a minimum, then compare the more advanced functionality.** Most platforms on the market have features like event reminders, messaging tools, and ways for supervised individuals to submit remote reports as standard features. If a solution does not address these basic needs, move on to the next option. Beyond the basics, there are also features that you may not have thought about, but would add value to your supervision program, such as the ability to message multiple participants at one time, the option to verify an individual's location on a schedule or on-demand, or an ability to operate substance testing programs. Additionally, it is important to know the provider's track record for development. Do they seek input from courts and agencies in order to make improvements? How responsive are they to the needs of the field? What are their development plans and timeline? Do not only focus on what the provider has now, but look at their future plans and their track record for getting features built. This is an extremely important component to the decision-making process. Like any other technology, Remote Client Management tools will continue to evolve.

- The solution must have a way of matching functionality to participants' needs.** Many solutions on the market try to build value by cramming all the features into a single, one-size-fits-all price. But what if you do not need every feature? Or perhaps more importantly, what if you need to cater to varying types of supervised individuals and risk levels? Reviewing a solution that considers what you already know—that not all criminal justice involved persons are alike—is a valuable feature to have in a platform. Importantly, the platform should have an “every participant” strategy, where lack of accessibility to a smartphone should not exclude the criminal justice involved person from being able to participate. Having a web interface or even a phone-in system can be valuable alternate accessibility points. An ability to customize the experience and supervision level for each individual has proven time and again to be the best avenue for positive outcomes.
- The focus should always be on improving outcomes for supervised persons.** A recent study found that simply sending text message reminders to individuals about court dates reduced failures to appear by 21%.¹ Focusing technology on those participants that already embrace it can help with communication. Research shows that ownership of smartphones is directly related to age, with 95% of 18-29-year-olds owning one.² Similarly, education

and income also influence smartphone ownership, with more educated and higher earning individuals being more likely to own a smartphone. Interestingly, the way younger individuals perceive electronic communication is far different than those of older populations. For instance, it was found that 50% of 18-24-year-olds found a text message just as meaningful as a phone call and that 90% of text messages are read within three minutes of receipt.³ Keeping our focus on improving the outcomes for supervised persons must involve adapting to modern communication strategies.

Truly the only thing for certain about the future of criminal justice is there will always be a need for community supervision, regardless of economic, social, or other external circumstances. Technology is becoming more accessible, and as such, courts and agencies need to be tuned into those changing trends. Being uncomfortable with change often prevents agencies from experiencing breakthroughs in ways of monitoring and communicating with those under supervision. Revolutionary, low-cost solutions are available now and those involved in the system need as many tools as possible to succeed. This last year demonstrated that courts and agencies can pivot and adapt to uncertain times. There is some evidence to suggest that these tools can impact caseloads in a positive way but more data is needed here. Nonetheless, the momentum created by the pandemic needs to be harnessed through the further adoption and evaluation of these new, cost effective technologies.

¹ Behavioral nudges reduce failure to appear for court | A. Fishbane et al., Science

² Mobile Fact Sheet | www.pewresearch.org

³ Mind-Blowing Statistics that Prove the Value of Texting for Service Brands | www.kipsu.com