More community less confinement
Identifying the drivers of probation violations to translate aspiration into reality

2019 Forum on Criminal Justice
September 17, 2019 | Arlington, VA
Presentation Objectives

**Background and overview** - Provide a brief jurisdictional context and perspective for probation violations and revocations

**What we are doing** - Highlight our partnership and approach to keep people in the community by reducing violations and revocations in Ramsey County

**What we are learning** - Summarize research questions, methods, data sources and findings

**Where we are heading (Putting research into practice)** - Identify strategies and opportunities for reform
Background and overview
Robina Institute of Criminal Law and Criminal Justice

The Robina Institute of Criminal Law and Criminal Justice is a mission-driven organization dedicated to engaging in original, interdisciplinary education, research, and policy analysis to achieve transformative change in sentencing and correctional policies and practices.
About Ramsey County, Minnesota

- 550,000 residents
- St. Paul (not Minneapolis!)
- The geographically smallest and most densely populated of Minnesota’s 87 counties
- The most racially and ethnically diverse county in the state
Minnesota’s Community Corrections Delivery System

- Minnesota has a decentralized, three-tiered delivery system.
- Delivery system decisions rest with each county’s Board of Commissioners.
- Each tier has different funding streams and oversight structure.

<table>
<thead>
<tr>
<th></th>
<th>Community Supervision</th>
<th>State Prison (DOC)</th>
<th>Correctional Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>101,800</td>
<td>11,000</td>
<td>122,640</td>
</tr>
<tr>
<td>Rate (per 10,000 residents)</td>
<td>185</td>
<td>19</td>
<td>223</td>
</tr>
<tr>
<td>National Rank</td>
<td>6th</td>
<td>48th</td>
<td>15th</td>
</tr>
</tbody>
</table>

Minnesota’s
Legal Framework for Probation Revocation

GROUNDs FOR REVOCATION
Grounds for a probation revocation proceeding exist when it appears a probationer has violated any court-ordered condition of probation or committed a new offense.

LEGAL STANDARD FOR REVOCATION (*State v. Austin*; *State v. Modtland*)
The court must:
(1) Specifically identify the condition(s) violated;
(2) Find that the violation was intentional or inexcusable; and
(3) Find that the policies favoring probation no longer outweigh the need for confinement.
   i. Confinement is necessary to protect the public from further criminal activity by the offender; or
   ii. The offender is in need of correctional treatment which can be most effectively provided if confined; or
   iii. It would unduly depreciate the seriousness of the violation if probation was not revoked.

LESSER SANCTIONS
The court has several options short of revocation if a violation is found, including continuing or amending the conditions of probation.

About Ramsey County Community Corrections

- Second largest department in Ramsey County with 500 employees
- Core operations and functions - juvenile detention center, juvenile probation, adult supervision, and adult correctional facility
- Supervise 10% of individuals on probation and supervised release in Minnesota
- On a given day, 300 juveniles and 10,000 adults on community supervision
- Annual operating budget: $71 million
Adult Probation in Practice

- Client assignment determined by risk level and offense type
- Contact standards based on level of supervision
- Average probation officer caseload: 55-65 clients
- Probation officers trained in multiple evidence based practices
- Graduated sanctions/Misconduct response grid
More Community, Less Confinement
Increase the use of and success with community supervision strategies and reduce the use of incarceration and out-of-home placements, while maintaining public safety.
Ramsey County Probation Clients and Violators

Despite a 27% decrease in the Ramsey County probation population, the number of clients with a probation violation (PV) has remained consistent/flat since 2012.
## Revocation Rates by Twin Cities Metro Area Counties

<table>
<thead>
<tr>
<th>County</th>
<th>Number of Felony Probation Cases Sentenced (2002 - 2016)</th>
<th>Number of Revocations (through Dec 31, 2017)</th>
<th>Percentage of Cases Revoked</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ramsey</td>
<td>20,400</td>
<td>4,174</td>
<td>20.5%</td>
</tr>
<tr>
<td>Washington</td>
<td>5,230</td>
<td>951</td>
<td>18.2%</td>
</tr>
<tr>
<td>Anoka</td>
<td>9,387</td>
<td>1,316</td>
<td>14.0%</td>
</tr>
<tr>
<td>Scott</td>
<td>3,212</td>
<td>446</td>
<td>13.9%</td>
</tr>
<tr>
<td><strong>Hennepin</strong></td>
<td><strong>31,044</strong></td>
<td><strong>3,602</strong></td>
<td><strong>11.6%</strong></td>
</tr>
<tr>
<td>Dakota</td>
<td>11,386</td>
<td>1,165</td>
<td>10.2%</td>
</tr>
<tr>
<td>Carver</td>
<td>1,500</td>
<td>117</td>
<td>7.8%</td>
</tr>
</tbody>
</table>

Of the seven counties that comprise the Twin Cities metropolitan area, Ramsey County has the highest rate of probation revocation.
What we are doing
Overview of the Robina-Ramsey County Partnership

2013-2016

Profiles in Probation Revocation – Ramsey is one of six jurisdictions selected by Robina as part of its profile of community supervision and probation revocation practices

2017

- Ramsey establishes strategic goal of More Community, Less Confinement
- Enlists Robina’s help to understand factors that are driving probation violations and revocations

2018

Ramsey and Robina identify initial research questions, collect data and conduct analysis
(Data Analysis Year 1)

2019

Ramsey and Robina identify additional questions, collect data and commence analysis
(Data Analysis Year 2)
What we are learning
Identifying Drivers of Probation Revocations

Data Analysis Year 1 - Study aggregate trends of probation violations to identify 1) largest contributors and 2) disproportionate contributors

Data Analysis Year 2 - Develop probation trajectory process to examine probation violation reasons and outcomes
## Description of Sample and Methods - Year 1 Data Analysis

<table>
<thead>
<tr>
<th>Data source</th>
<th>Variables</th>
<th>Analysis Techniques</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,932 electronic probation case files</td>
<td>Demographics for people</td>
<td>% within all probation violations filed</td>
</tr>
<tr>
<td>14,505 unique individuals</td>
<td>Supervision information</td>
<td>Probation violation rates for each category</td>
</tr>
<tr>
<td>Active cases during 2015 - 2016</td>
<td>Court data</td>
<td></td>
</tr>
</tbody>
</table>
Total Probation Violations Filed

- During the two year period, **4,854 (28.7%)** of probation cases had a probation violation filed with the court.

- Each demographic, supervision, and court variable available were analyzed, and we found both expected and unexpected trends.
Probation Violation Rates for Gender

21.8% of female cases had a PV

30.5% of male cases had a PV
Probation Violation Rates for Age

As age increased, PVs decreased.
Probation Violation Rates for Risk Level

18.6% of low risk cases had a PV

35.0% of moderate risk cases had a PV

49.0% of high risk cases had a PV

Note: Risk from LS/CMI assessment
Probation Violation Rates for Race

<table>
<thead>
<tr>
<th>Race</th>
<th>Percent of Cases With PV Submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>24.9%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>37.6%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>25.5%</td>
</tr>
<tr>
<td>Multi-Racial</td>
<td>34.2%</td>
</tr>
<tr>
<td>Native American</td>
<td>48.9%</td>
</tr>
<tr>
<td>White</td>
<td>25.0%</td>
</tr>
<tr>
<td>Unknown</td>
<td>16.8%</td>
</tr>
</tbody>
</table>

28.7% PVs overall
Probation Violation Rates for Offense Level

- Felony: 37.3%
- Gross Misdemeanor: 23.7%
- Misdemeanor: 19.8%

28.7% PVs overall
Probation Violations for Offense Code

- Disorder: 21.9%
- Drug: 36.2%
- DWI: 16.6%
- Person or violent: 39.5%
- Property: 36.1%
- Sex: 18.9%
- Traffic: 11.5%

28.7% PVs overall
Lessons Learned from Year 1 PV Analysis

There are differences in PV rates across demographics and supervision characteristics.

PV data is both complex and incomplete. Data from multiple sources and decision points is needed for a more complete picture.

Snapshot in time limits an understanding of the PV trajectory or pathway to revocation.
# Description of Sample and Methods - Year 2 Data Analysis

<table>
<thead>
<tr>
<th>Data source</th>
<th>Variables</th>
<th>Analysis Techniques</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic and manual coding of court and probation case files by staff</td>
<td>Demographics for people</td>
<td>Descriptive statistics (this presentation)</td>
</tr>
<tr>
<td>3,125 people who started on probation in 2016</td>
<td>Supervision information</td>
<td>More analyses are in development...</td>
</tr>
<tr>
<td>Probation cases with follow-up 2 years for PV</td>
<td>Court data (more expansive)</td>
<td></td>
</tr>
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- Electronic and manual coding of court and probation case files by staff
- 3,125 people who started on probation in 2016
- Probation cases with follow-up 2 years for PV
- Demographics for people
- Supervision information
- Court data (more expansive)
- Descriptive statistics (this presentation)
- More analyses are in development...
Simplified Overview of the Revocation Pathway in Ramsey County

PLAYERS
• Court
• Probation
• Prosecuting Attorney
• Defense Attorney
• Client

POTENTIAL INFLUENCES
• Policies
• Practices
• Culture, philosophy and history
• Relationships
• Discretion

PROCESS and KEY DECISION POINTS

Sentencing
- Conditions
- Probation length
- Stay type
- Dispositional departure

Probation Violation (PV) Submitted
- Allegations
- Recommendation

Revocation Hearing Held
- Admit violation
- Deny/contest
- Execute sentence

Court Decision (PVs Admitted or Found)
- Revoke probation (incarceration)
- Continue probation (with or without incarceration)
- Discharge probation with no further time to serve
Decision Points on the Revocation Pathway: Sentencing

Number of Probation Conditions Assigned
- Mean: 16.4
- Standard deviation: 3.0
- Range: 5 - 32

Number of Probation Conditions Assigned
- Mean: 16.4
- Standard deviation: 3.0
- Range: 5 - 32

Probation Sentence Length in Months
- Mode: 12
- Median: 24
- Mean: 33.4
- Standard deviation: 35.6
- Range: 3 - 360

 ✓ Conditions
 ✓ Probation length
 Stay type
 Dispositional departure

Sentencing Probation Violation (PV) Submitted Revocation Hearing Held Court Decision (PVs Admitted or Found)
Decision Points on the Revocation Pathway: *Probation Violation Submissions*

**Number of Allegation Types in PV**
- 1 allegation: 29.5%
- 2 allegations: 36.4%
- 3 allegations: 24.9%
- 4 allegations: 8.4%
- 5 or 6 allegations: 0.8%

**PO Recommendation**
- Continue probation, no incarceration: 6.0%
- Continue probation, local incarceration: 48.8%
- Revoke probation, local incarceration: 32.2%
- Revoke probation, prison: 9.8%
- Discharge probation, no further time to serve: 1.3%
- Unknown: 1.9%
Decision Points on the Revocation Pathway: PV Allegations

- 38.7% for New Crime
- 60.6% for Contact Probation
- 43.6% for UA/Chemical Use
- 42.1% for Treatment
- 11.8% for Evaluation
- 4.5% for TSI
- 6.6% for No Contact Order
- 6.4% for Other
Decision Points on the Revocation Pathway:

Revocation Hearing

<table>
<thead>
<tr>
<th>Hearing Outcome</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admitted or found</td>
<td>78.2%</td>
</tr>
<tr>
<td>Dismissed</td>
<td>2.2%</td>
</tr>
<tr>
<td>Request for execution</td>
<td>8.3%</td>
</tr>
<tr>
<td>Pending</td>
<td>6.8%</td>
</tr>
<tr>
<td>Other</td>
<td>4.5%</td>
</tr>
</tbody>
</table>

- Admit violation
- Deny/contest
- Execute sentence

Sentencing → Probation Violation (PV) Submitted → Revocation Hearing Held → Court Decision (PVs Admitted or Found)
Decision Points on the Revocation Pathway: 
*Court Decision*

- ✓ Revoke probation (incarceration)
- ✓ Continue probation (with or without incarceration)
- ✓ Discharge probation with credit time served

**Court Decision**

- Continue probation, no incarceration: 27.8%
- Continue probation, local incarceration: 44.8%
- Revoke probation, local incarceration: 16.7%
- Revoke probation, prison: 2.6%
- Discharge probation, no further time to serve: 8.2%
Where we are heading
Strategies for Reform in Ramsey County

1. Continue our analysis of the current (year 2) data set.

When do court decisions and probation recommendations align, and when do they not?

Are violations and recommendations handled consistently within our department?

What are the underlying reasons and/or behaviors that are leading to the violation?

What is actually predicting probation revocation in Ramsey County?
2. Expand our framework to identify policy and practice changes to keep more people in the community.

- Convene a criminal justice system stakeholder and community advisory/steering group
- Review and map the policies, decision points and pathways that comprise the violation and revocation process across the Ramsey County criminal justice system
- Hold interviews with clients and community providers
- Conduct in-depth case file reviews to understand how probation officer behavioral responses and interventions impact violations
3. Develop programs and partnerships to *promote more community less confinement.*

- Established a community monitoring program (EHM) for low-to-medium risk violators
- Developing a restructure program for supervised release (e.g. parole) violators in partnership with the Minnesota Department of Corrections
- Redesigning our locally developed sanctioning/behavior response grid
Questions and discussion
Probation Reform
The National Context

Reagan Daly, CUNY Institute for State and Local Governance
The problem

• Probation is huge driver of mass incarceration, despite being an alternative
  • Almost 1/3 of exits unsuccessful
  • High violation and revocation rates in many jurisdictions
  • Violations comprise significant proportions of prison admissions (as high as 70 percent in states such as Arkansas and Georgia)

• Complex interplay between policies, practices, and individual behaviors

• Lack of understanding about how to improve success rates and reduce violations and revocations
Probation exits

50% Successful exits
21% Unknown
29% Unsuccessful exits
12% Incarcerated
17% Unsuccessful but not incarcerated

<table>
<thead>
<tr>
<th>State</th>
<th>Probation revocations</th>
<th>Parole revocations</th>
<th>Other supervision failures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nebraska</td>
<td>8%</td>
<td>17%</td>
<td>3%</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>19%</td>
<td>7%</td>
<td>3%</td>
</tr>
<tr>
<td>Montana</td>
<td></td>
<td></td>
<td>53%</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>61%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Georgia</td>
<td></td>
<td></td>
<td>55%</td>
</tr>
<tr>
<td>Arkansas</td>
<td>17%</td>
<td></td>
<td>54%</td>
</tr>
</tbody>
</table>

Reform efforts: Legislative

• **Arizona Safe Communities Act (2008):**
  • Performance incentive funding for local probation departments to reduce crime, violations, and revocations
  • Earned credits for success
  • **Results:** Between 2008 and 2016, 29% decline in probation violations, 21% decline in arrests of people on probation, and $392 million saved

• **Missouri Earned Compliance Credits policy (2012):**
  • 30 days of earned compliance credit for every 30 days of compliance on supervision
  • Available to probation clients convicted of low level felonies who have been under supervision for 2+ years
  • **Results:** Between 2012 and 2015, 20% reduction in supervision population, and 36,000 people reduced probation terms by 14 months
Reform efforts: Local policy and practice

• New York City:
  • Risk-based supervision/reporting kiosks
  • Neighborhood Opportunity Networks (NeONs)
  • Early discharge
  • **Results**: 4% violation rate (only 9% of violations were technical-only)

• Multnomah:
  • EPICS model – Risk-Needs-Responsivity, cognitive behavioral interventions
  • Graduated responses
  • Day reporting center
  • **Results**: 1% revocation rate
Reducing Revocations Challenge

• National initiative funded by Arnold Ventures to increase success on probation

• **10 participating sites – to be announced on September 24!**

• Each site will carry out action research to explore drivers of probation revocations, with a focus on:
  • Pathways toward revocation
  • Policy and practice context
  • Individual characteristics

• Findings will inform the development of strategy proposals for potential funding in second phase of the initiative