

More community less confinement

Identifying the drivers of probation violations to translate aspiration into reality

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OF CRIMINAL LAW AND CRIMINAL JUSTICE



RAMSEY COUNTY
Community Corrections

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Presentation Objectives



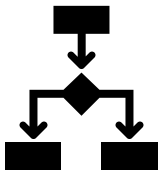
Background and overview - Provide a brief jurisdictional context and perspective for probation violations and revocations



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



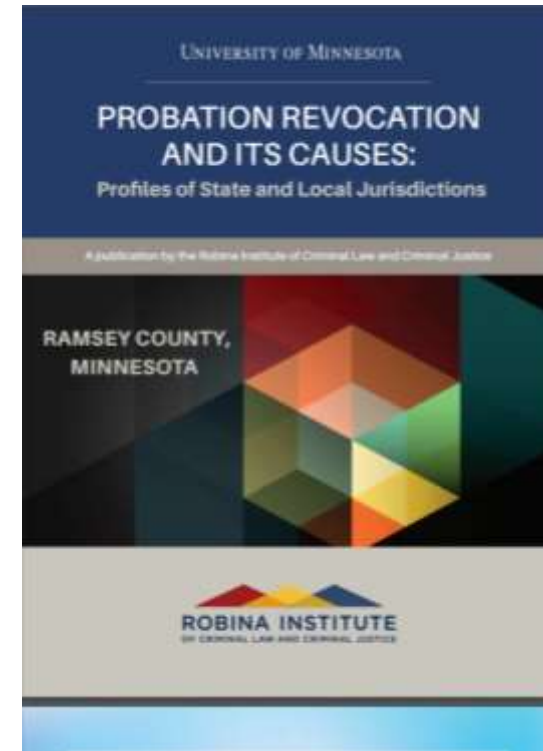
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Robina Institute of Criminal Law and Criminal Justice

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.



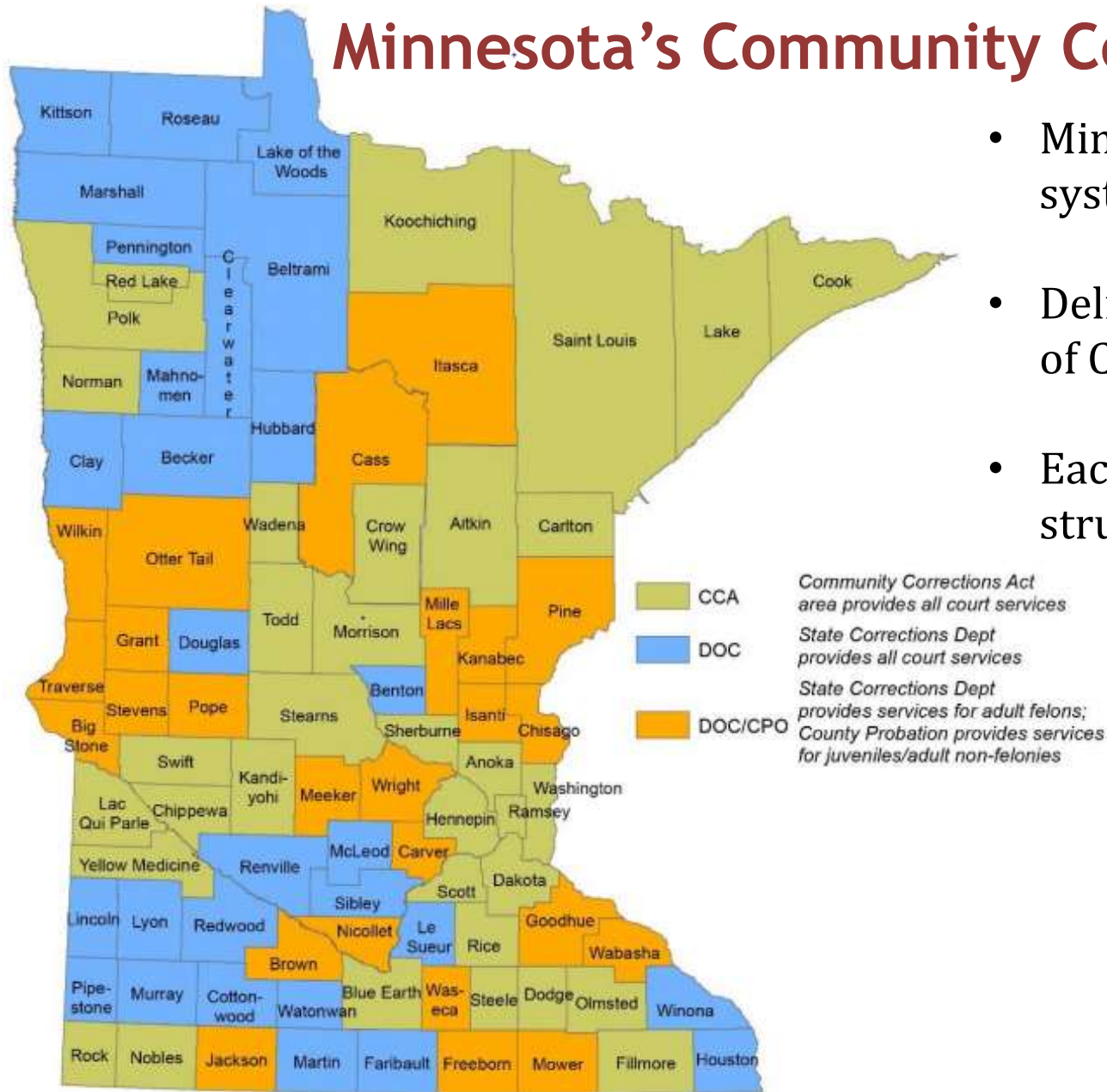
About Ramsey County, Minnesota



- 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.



	Community Supervision	State Prison (DOC)	Correctional Control
Population	101,800	11,000	122,640
Rate (per 10,000 residents)	185	19	223
National Rank	6th	48th	15 th

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

Ramsey County Community Corrections - Strategic Goal

More Community, Less Confinement

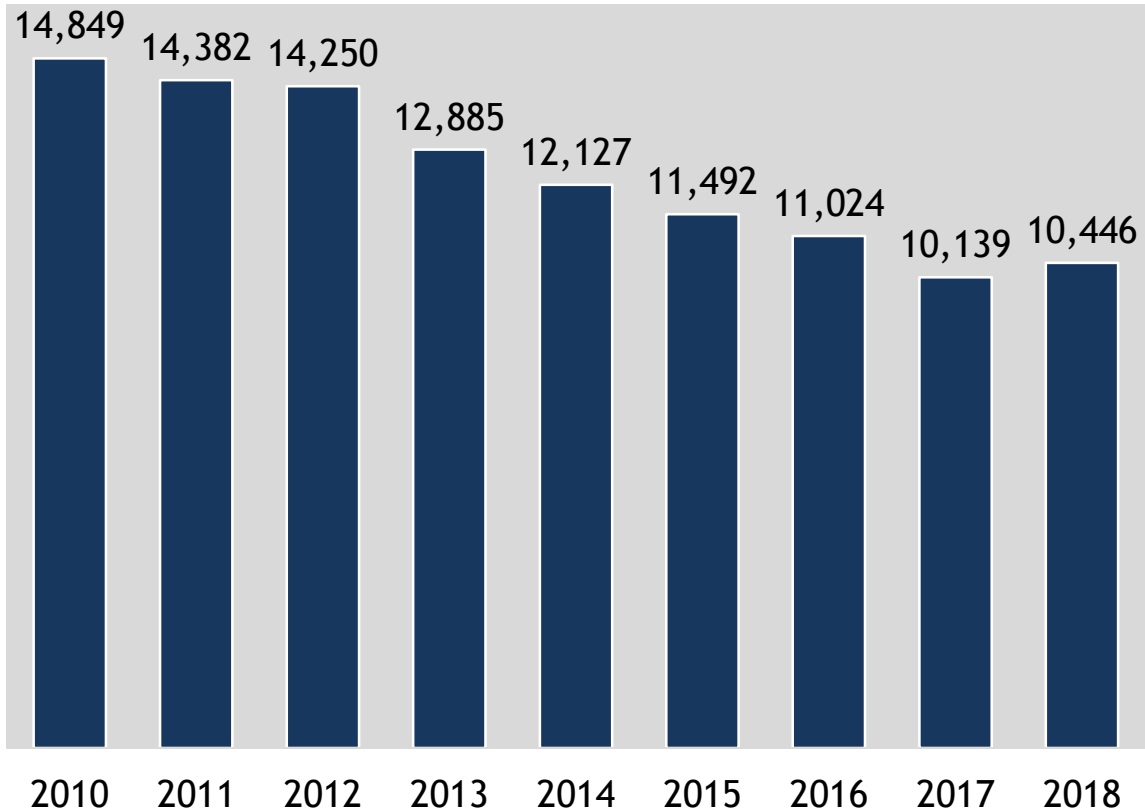
Increase the use of and success with community supervision strategies and reduce the use of incarceration and out-of-home placements, while maintaining public safety.



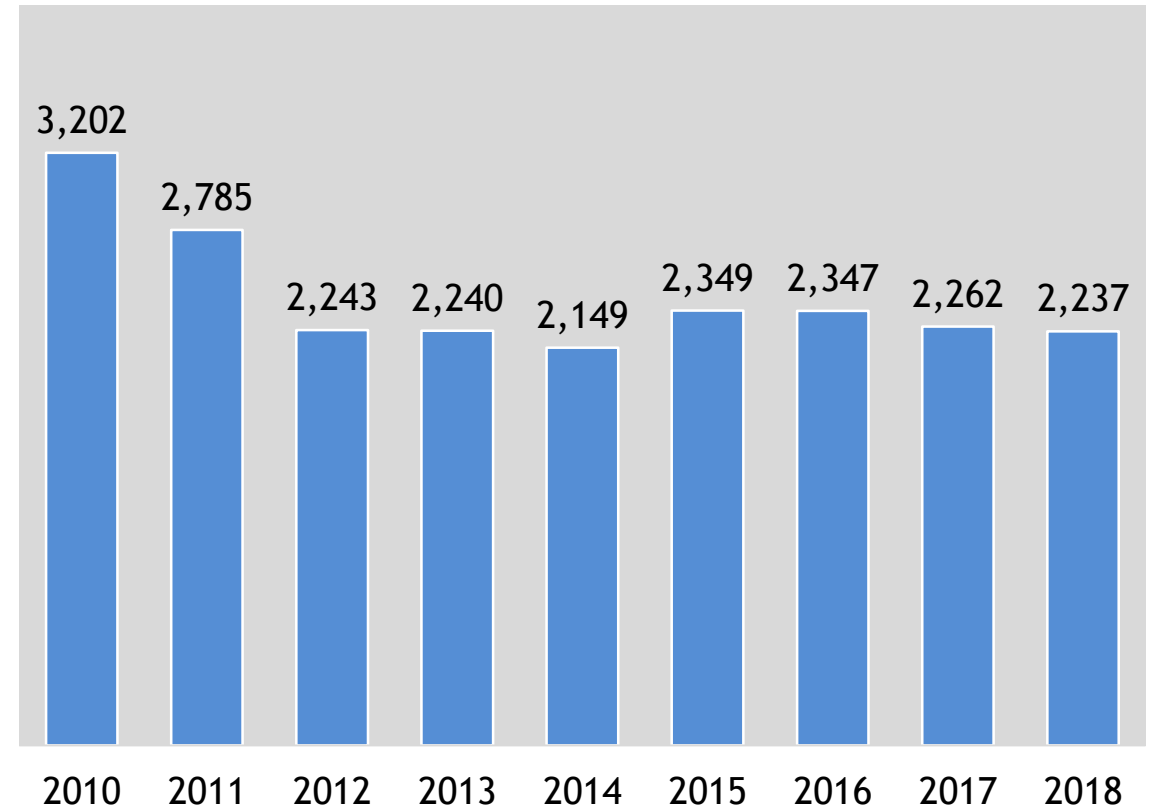
Ramsey County Probation Clients and Violators

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.

Count of Clients on Probation



Count of Clients with a Probation Violation



Revocation Rates by Twin Cities Metro Area Counties

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

Of the seven counties that comprise the Twin Cities metropolitan area, Ramsey County has the highest rate of probation revocation.



What we are doing



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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

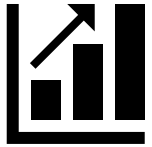
- Ramsey establishes strategic goal of *More Community, Less Confinement*
- Enlists Robina's help to understand factors that are driving probation violations and revocations

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



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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

Data source



16,932 electronic probation case files



14,505 unique individuals



Active cases during 2015 - 2016

Variables



Demographics for people



Supervision information



Court data

Analysis Techniques



% within all probation violations filed



Probation violation rates for each category

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



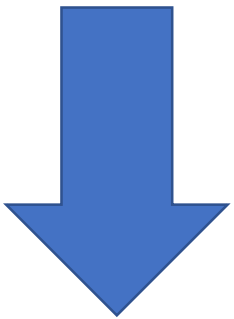
30.5% of male cases had a PV

Probation Violation Rates for Age

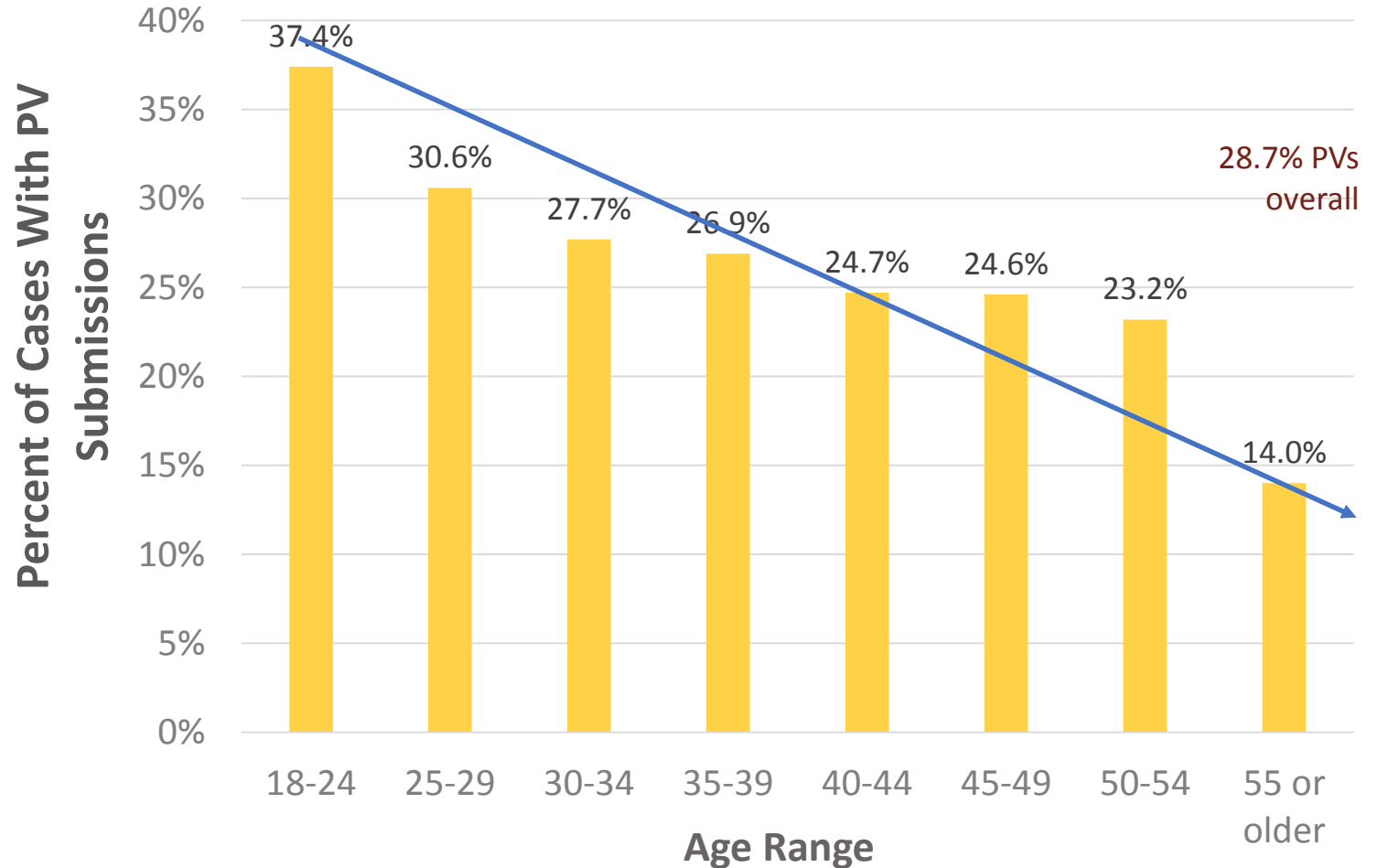
As age increased,



PVs decreased



PVs Submitted in Each Age Range



Probation Violation Rates for Risk Level



18.6% of **low risk** cases had a PV



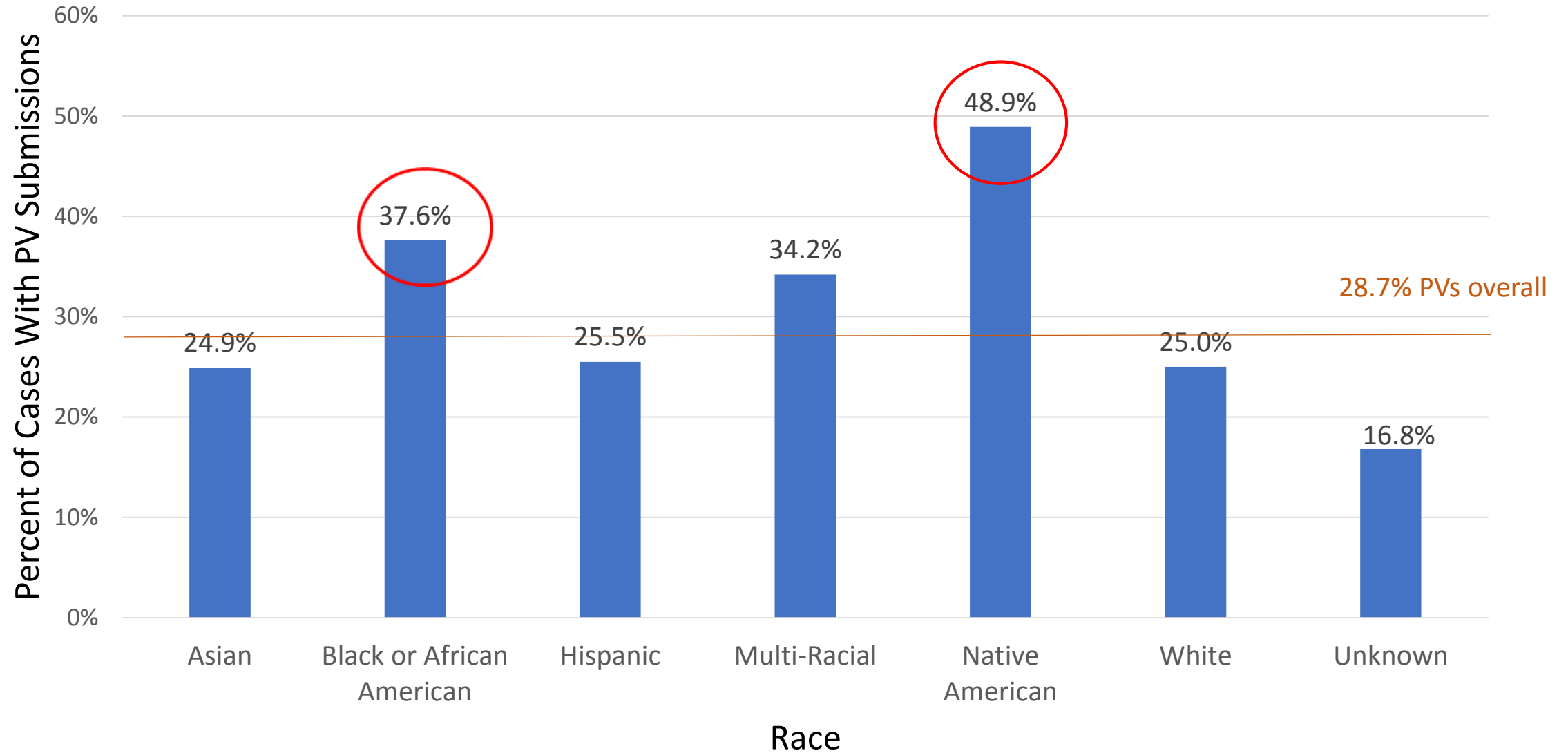
35.0% of **moderate risk** cases had a PV



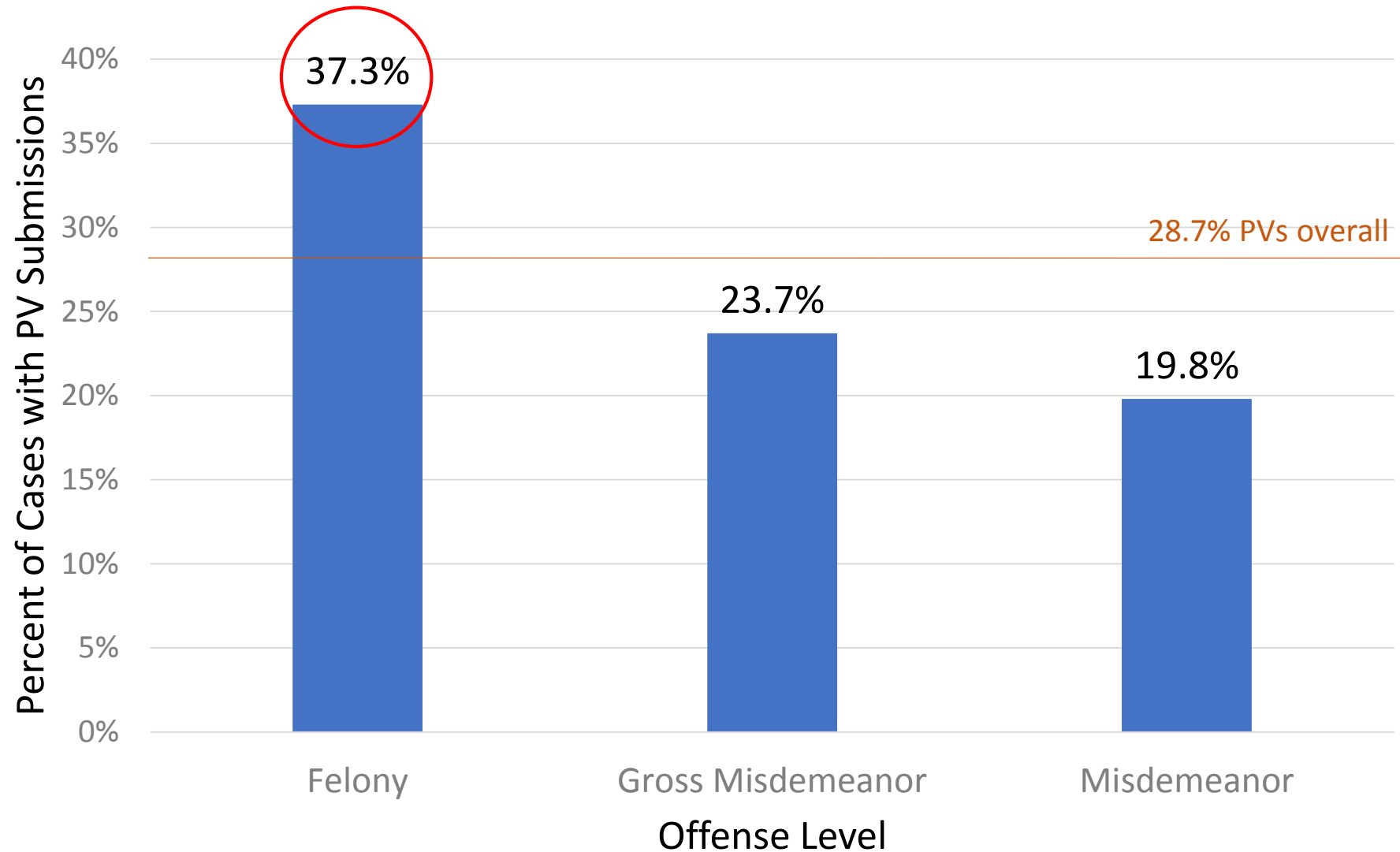
49.0% of **high risk** cases had a PV

Note: Risk from LS/CMI assessment

Probation Violation Rates for Race



Probation Violation Rates for Offense Level



Probation Violations for Offense Code



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 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

Data source



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

Variables



Demographics for people



Supervision information



Court data (more expansive)

Analysis Techniques



Descriptive statistics (this presentation)



More analyses are in development...

Simplified Overview of the Revocation Pathway in Ramsey County

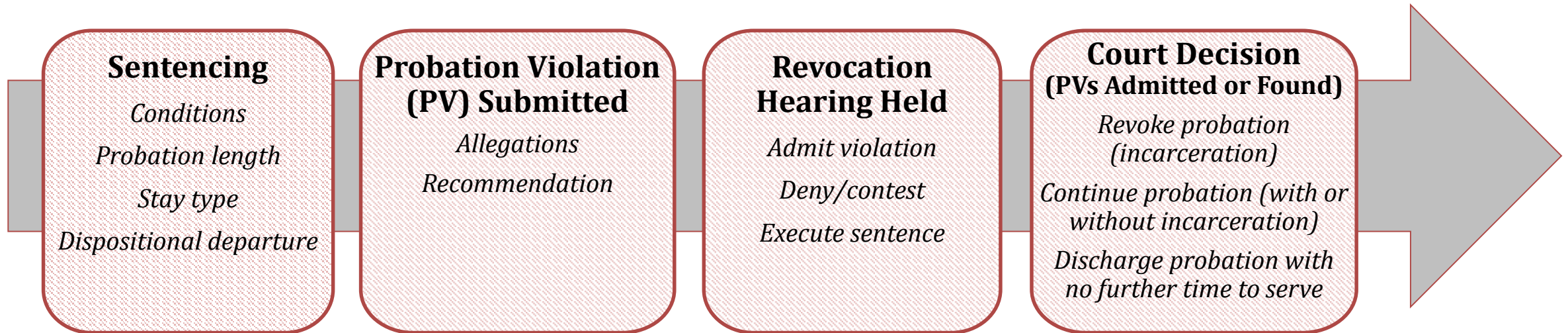
PLAYERS

- Court
- Probation
- Prosecuting Attorney
- Defense Attorney
- Client

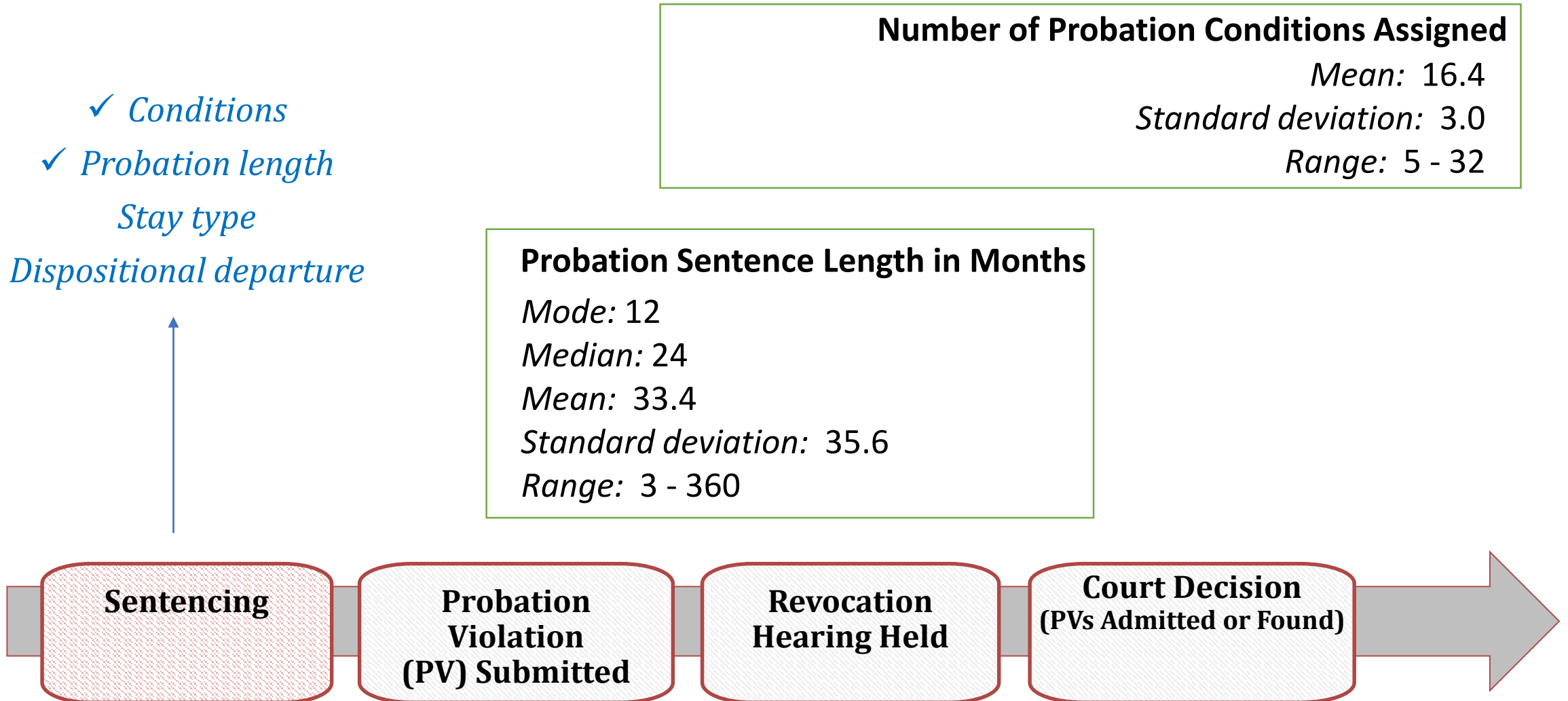
POTENTIAL INFLUENCES

- Policies
- Practices
- Culture, philosophy and history
- Relationships
- Discretion

PROCESS and KEY DECISION POINTS



Decision Points on the Revocation Pathway: *Sentencing*



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%

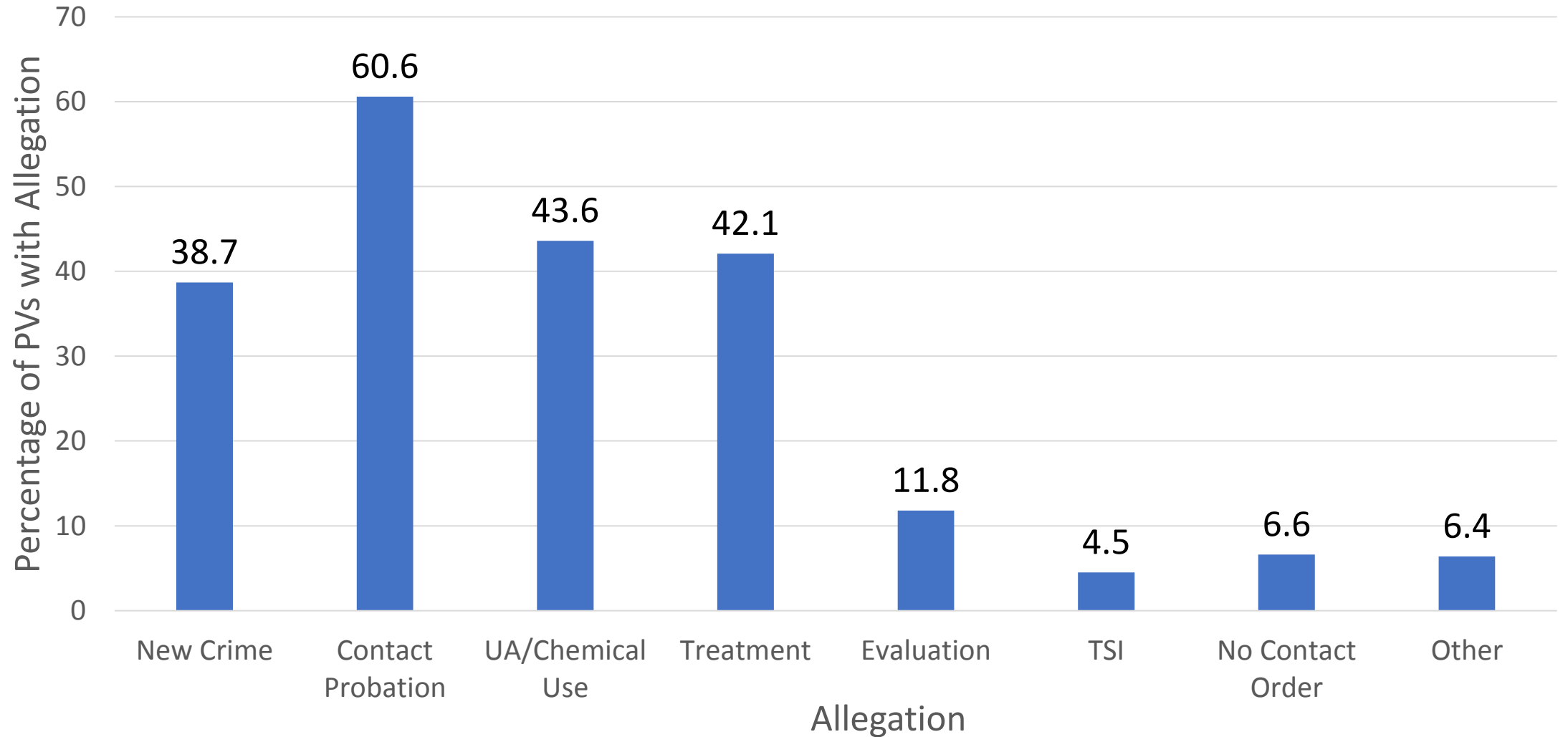
PO Recommendation

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%

✓ Allegations
✓ Recommendation



Decision Points on the Revocation Pathway: *PV Allegations*



Decision Points on the Revocation Pathway: *Revocation Hearing*

Hearing Outcome

Admitted or found: 78.2%
Dismissed: 2.2%
Request for execution: 8.3%
Pending: 6.8%
Other: 4.5%

- ✓ *Admit violation*
- Deny/contest*
- ✓ *Execute sentence*

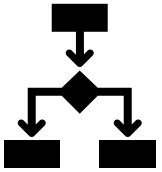


Decision Points on the Revocation Pathway: *Court Decision*

- ✓ *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



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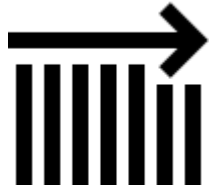
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Strategies for Reform in Ramsey County

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?



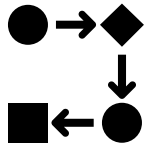
What is actually predicting probation revocation in Ramsey County?

Strategies for Reform 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

Strategies for Reform in Ramsey County

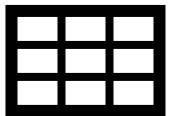
3. Develop programs and partnerships to *promote more community less confinement.*



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



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Probation Reform The National Context

Reagan Daly, CUNY Institute for State and Local Governance



state & local



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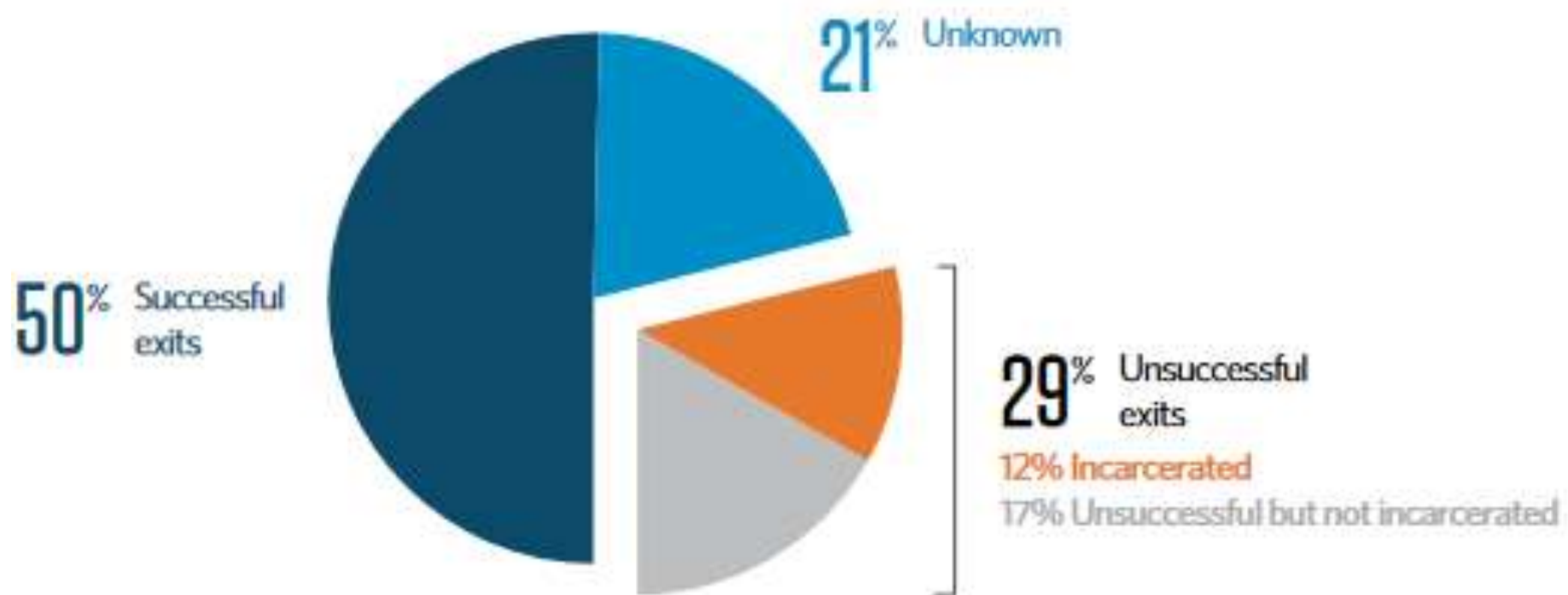
proficient



The problem

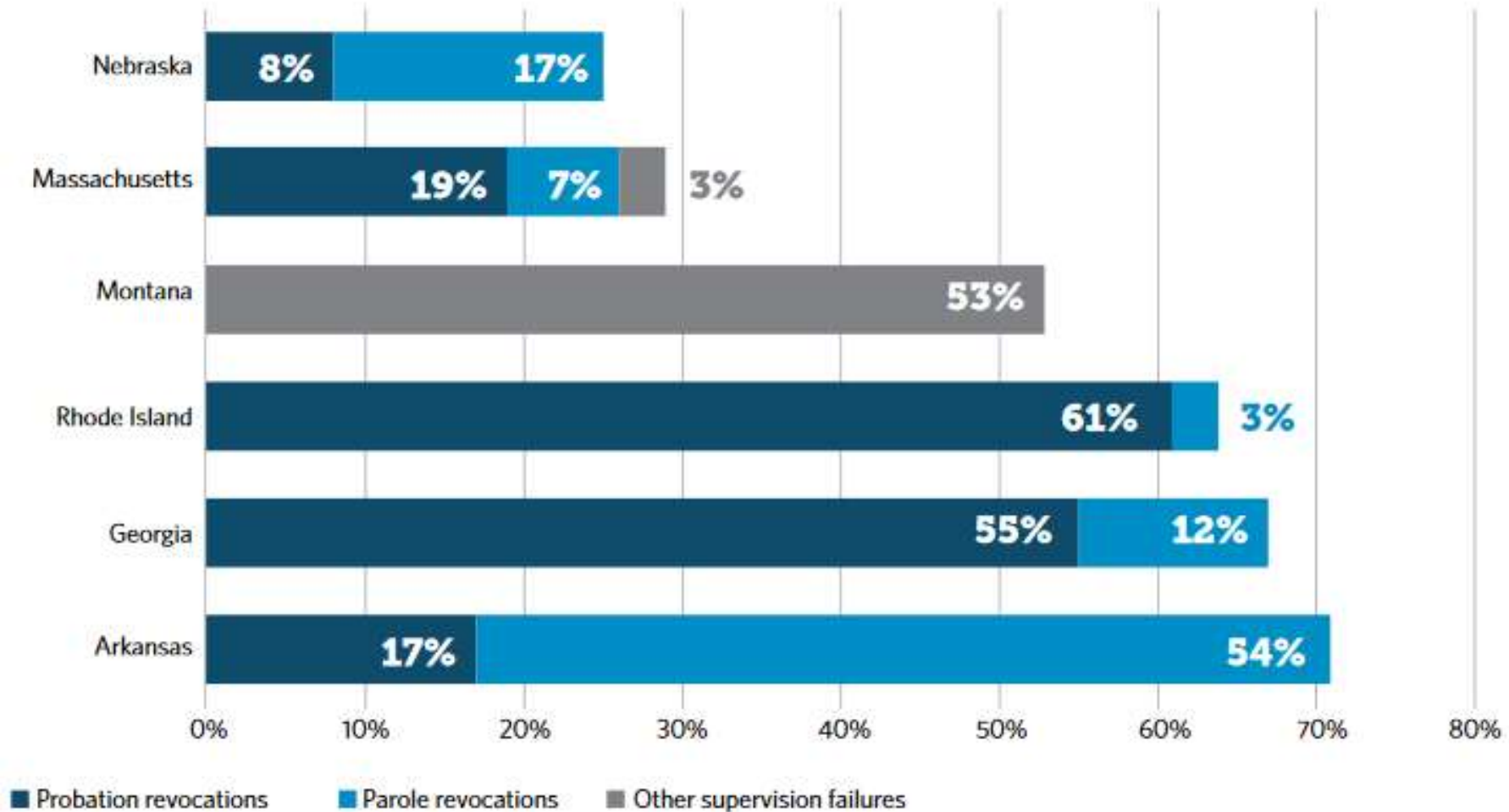
- Probation is huge driver of mass incarceration, despite being an alternative
 - Almost 1/3 of exits unsuccessful
 - High violation and revocation rates in many jurisdictions
 - Violations comprise significant proportions of prison admissions (as high as 70 percent in states such as Arkansas and Georgia)
- Complex interplay between policies, practices, and individual behaviors
- Lack of understanding about how to improve success rates and reduce violations and revocations

Probation exits



Source: Bureau of Justice Statistics, Annual Probation Survey and Annual Parole Survey, 2016

Percentage of prison admissions by state and reason, 2015



Source: Council of State Governments Justice Center, "50-State Report on Public Safety" (2018), <https://50statespublicsafety.us/part-3/strategy-2/action-item-2/#graphic-1>

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