

Reducing Revocations Challenge: Findings from Monroe County, IN

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EXECUTIVE SUMMARY

Jurisdictions around the country are looking for ways to more effectively keep more people out of prisons and jails. Decreasing probation revocations is one avenue to achieve that goal. This study, funded by Arnold Ventures, is a collaboration with the Monroe Circuit Court Probation Department, seeking to provide a greater understanding of the dynamics leading to probation violations and revocations in Monroe County, Indiana. Utilizing a large data set (n = 4111) representing all probationers over a six-year period, and supplemented with by a richer but smaller data set derived from case file reviews of a select sub-group representing less-successful probationers (n = 299), our research team applied multivariable regression analysis to look for factors that drive time on probation, violation, and revocation; and a social sequence analysis approach in order to compare the trajectories of probationers over time. Complementing this quantitative study, we conducted a thorough review of the relevant law and administrative policy, and conducted surveys (n = 32) and interviews (n = 25) with practitioners (attorneys, judges, probation officers, and probation supervisors), allowing us to compare their perceptions of the system with our quantitative findings.

Variables examined were: client characteristics (age, race, sex, prior history of probation), time on probation, and behavior on probation (i.e., duration and frequency of non/compliance); contextual factors (offense severity, risk level); whether they participated in a problem solving court or were affected by recent policy reforms; and finally, who was in charge of their probation (PO / presiding judge) and what decisions those practitioners made (specific PO responses to non-compliance, violations / revocations).

Overall the results of the quantitative analysis show that the main driver of revocation is, simply, non-compliance. While there are many ways to be noncompliant on probation, the primary forms of non-compliance we found leading probation officers to file petitions to revoke were: repeated failures to appear (FTA), and substance use (i.e., failed drug or alcohol screen). Both the data and our practitioner interviews indicated that POs exercise discretion, following a graduated sanctions matrix, and respond differently based on severity, frequency, and type of non-compliance. Only new criminal offenses typically trigger an immediate petition to revoke probation; most other offenses have to be “stacked” before a PO decides to file, or a judge to revoke.

Our small data set provided richer information in terms of the many non-compliances that may precede a petition to revoke. To provide one simple example: a PO interviewed stated that clients are rarely revoked on the basis of unpaid fees alone. We could not confirm this quantitatively using the large data set, as it lacked reliable detail on fees; the case file data allowed us to test and confirm that failure to pay fees is not a solitary driver of revocation. It also allowed us to be more granular about drivers of revocation. Data modernization that encompasses all case file information and makes it available for computation would greatly expand the nuance of future research.

Our social sequence analysis shows that, while of course 100% compliance is the straightest pathway out of probation, many clients find a successful pathway characterized by an initial FTA or failed drug screen followed by compliance. The least successful pathways are characterized by repeated FTAs or alternating FTAs and substance use. Initial compliance or a lengthy period of compliance can shunt a client onto a preferable pathway, where POs display more patience with lapses. The risk classifications assigned to probation clients during intake did loosely track how successful or unsuccessful a path they would end up on. Stated differently, in general, higher risk scores assessed at the beginning of probation were associated with less successful pathways through probation. In the qualitative study, POs were also found to be generally accurate in their perception of these pathways.

We found that Black clients are 2.51 times more likely to be violated, but not revoked, than White clients in our predictive models. However, we could not explain why it was present using other variables we looked at. Pathways did not appear to be differentiated by race, indicating that the driver is not likely located in the administration of probation (for example, racial bias by probation officers). However, the increased rates of violation are important to understand. To further understand and investigate possible racial inequity, future research should consider examining other known correlates such as socioeconomic and health variables not included in the present study. Similarly, the findings show women are generally less likely to be revoked than men, correlating to lower rates of non-compliance. Other demographic characteristics were not significant.

Probationer behavior is the dominant driver of outcomes, but POs have an influence. Both the quantitative results and our interviews agreed that POs exercise a significant degree of discretion, and the numbers show that their choices help shape the path probation clients take.

Variability in PO decisions did not reveal any specific bias. Interviewees identified their detailed knowledge of clients as a primary reason they might decide differently between cases, while suggesting that differences between POs—personality, era of hire, and orientation to rules—can also cause variability. One quantitative finding that diverged from practitioner perceptions was that experienced POs were slightly less likely to file violations. In both quantitative and interview data, POs showed willingness to work with clients on non-compliance issues, particularly if the client had a previous period or periods of compliance.

Monroe County probation professionals in general scored high on a survey instrument measuring professional orientation, from “law enforcement” to “social work”, indicating that the department has a culture oriented toward rehabilitation and positive outcomes. Our interviews also indicated a general embrace of the philosophy of the Effective Practices in Community Supervision (EPICS) framework and evidence-based reforms; on the other hand, they also revealed that practitioners do not always have the tools they need to fully translate that philosophy into practice. It is possible this finding partially contributes to the disappointing absence of significant positive effects from prior policy interventions in the quantitative findings. Four ideas for reform emerged from practitioner interviews: (1) some POs want more discretion to tailor supervision conditions to individual clients, (2) some POs want to prioritize and narrow down the number of mandatory conditions, (3) a few POs support utilizing early discharge to move people off probation, and (4) a few POs support reserving probation for high-risk clients.

Overall, our findings reflect some positives. Quantitative results indicate that revocation is driven primarily by frequency and duration of non-compliance, much as we might expect if the rules are being enforced with consistency. This suggests that Monroe County is doing an effective job in terms of administering the rules in place consistently across clients. For example, we did not find pathways to revocation were differentiated by race, for example. We also found the department has embraced prior reforms and has a fairly accurate perception of its own operations in terms of revocation. Perhaps most interestingly, we were able to map more than one pathway to probation success. Nonetheless, we see opportunities for improvement. The rate of new criminal offenses on probation is overall quite low. Thus, we conclude that failed drug screens and missed appointments currently account for roughly half of revocations. In many cases, these issues either (a) do not relate to the original offense, (b) do not indicate increased risk to society, and/or (c) are significantly impacted by circumstances outside the client’s control.

In other words, the rules in place are being enforced fairly, but are the rules themselves optimized for prosocial outcomes? Especially in light of the dire problem of jail overcrowding, it is worth asking whether the pathways currently available in the system are overly oriented toward revocation for technical violations, and whether policy modifications could result in more clients taking ultimately successful pathways through probation.

Our research shows a professional culture in the Monroe County justice system that is overall oriented toward solutions. Although there is a lack of consensus on how to achieve it, a strong majority (80%) of practitioners interviewed want to see fewer people placed on probation in the first place. A significant majority favor reducing the conditions of supervision.

Our key recommendations, found at the end of this study, address ways that statutory and administrative reforms in Monroe County can guide increasingly constructive, evidence-based practices by POs and judges, and ultimately reduce revocations, reduce jail overcrowding, and place more clients onto successful pathways out of probation.

For access to the full technical report, please contact mirnorth@indiana.edu.

1. INTRODUCTION

1.1 Purpose

In the face of widespread political pressure and concerns about conditions inside correctional institutions, jurisdictions around the country are looking for ways to more effectively keep more people out of prisons. Increasing probation success rates could be one way of doing that. Not only are probation clients liable to be sent to prison if their probation is revoked, but they are also often held in local jails pending a ruling on a violation.

This project is a collaboration between the Monroe Circuit Court Probation Department (MCP) and a research team at Indiana University, seeking to provide a greater understanding of the dynamics leading to probation violations and revocations in Monroe County, Indiana. In turn, these findings will be linked to policy and practice solutions that aim to reduce revocations and maximize probation success.

1.2 Overview of Key Terms

This research concerns *probation*, also referred to as *supervision*. Probation allows a person convicted of a crime the chance to remain in the community while serving their sentence, by suspending the condition of incarceration. They become a *probation client* (or for short, *probationers, clients*) and are assigned to a *probation officer* (referred to throughout this report as a *PO*). The key to *probation success* is the client complying with behavioral conditions known as the *conditions of supervision*, as monitored by their PO. Violations of supervision are categorized as a **new offense violation** or a **technical violation**, which is any rule violation other than committing a new offense while under supervision. When a client fails to comply, the probation officer may file a “*petition to revoke suspended sentence*” (*PTR, violation*), triggering a court date to be set. A client may accumulate multiple violations over time before their next court date is reached, at which time a judge will review all violations filed for the client, and may issue a *revocation*, essentially ending the probation term and ordering the client to serve previously suspended time in other ways. Note that our definition of revocation is broad. The county does not have a code for revocation; our definition captures any clients who served any amount of time in jail after a violation was filed and may over count some individuals. *Failure to appear (FTA)* is one type of non-compliance, referred to throughout this report by abbreviation.

1.3 Probation across the Nation

Although national trends indicate that the number of U.S. residents under adult probation supervision has been decreasing since 2008, probation remains the most common form of correctional control, with approximately 2 million people moving in and out of probation each year.¹ The most recent national estimates indicate that approximately 3.5 million residents are now under probation supervision; approximately 60% of these probation clients will successfully exit probation. Of the remaining number who are not able to successfully complete the terms of their supervision, it is estimated that 16% will be incarcerated. This statistic translates to nearly 300,000 individuals being moved from community supervision to incarceration annually.²

1.4 Probation in Indiana

Indiana's probation trends largely mirror those of the U.S. Approximately 115,000 adults and 5,000 juveniles were under probation supervision at the end of 2018. More residents are exiting than entering probation; the 2018 figures represent a 13% reduction from 2009 totals. Possible end states of probation are: successful completion, revocation, unsuccessful completion, death, and absconded, with the first two comprising the vast majority of cases. Previous research has shown that 65% percent of Indiana residents ordered to probation supervision will successfully exit, while nearly a quarter will be revoked. Of those, nearly four out of five will be moved to incarceration.³

Indiana deviates from national trends in three ways. First, probation supervision has a longer reach in Indiana in relation to other states. Indiana's probation supervision rate of adult residents (2,226 per 100k adults) is much higher than national averages (1,389 per 100k adults). Second, Indiana's jails are overcrowded and the rate of overcrowding outpaces other states.⁴ On

¹ Maruschak, L. & Minton, T. D. (2020). *Correctional populations in the United States, 2017–2018*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

² Kaeble, D. & Alper, M. (2020). *Probation and parole in the United States, 2017–2018*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. // Kaeble, D. (2018). *Probation and parole in the United States, 2016*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

³ Indiana Office of Judicial Administration. (2019). *2018 Indiana probation report summary and statistics*. Indianapolis: Indiana Office of Judicial Administration.

⁴ Hinds, O. & Norton, J. (2018). *Crisis at the crossroads of America*. New York: Vera Institute of Justice.

average, 93% of jail beds are filled.⁵ Jail overcrowding is due in part to holds for supervision violations.⁶ Third, revocations are nearly split between new offenses and technical violations in Indiana, with technical violations taking a slight lead⁷; technical violations often contribute to a larger share of revocations and incarcerations in other jurisdictions⁸.

2. STUDY SETTING

2.1 Monroe County

Monroe County is an ideal setting to explore drivers of supervision violations and revocations in Indiana. As of 2018, Monroe County's baseline revocation rate is lower (15%) than state (23%) and national estimates (23–33%), meaning more probationers are successfully completing their supervision and staying out of jail cells. However, as in the rest of Indiana, the portion of revocations due to new offenses and technical violations remains similar. In other words, people who cannot keep appointments or who face persistent substance use problems, for example, are being revoked in similar numbers to those actively committing new crimes. Moreover, despite recent evidence-based initiatives, Monroe County Jail is still consistently occupied at or above capacity.⁹ Together, these two trends signal a need to reassess the way probation is administered, and to identify systemic innovations that could promote probation success.

⁵ Indiana Criminal Justice Institute. (2019). *Indiana Criminal Justice Institute's annual evaluation of Indiana's criminal code reform*. Indianapolis: Indiana Criminal Justice Institute.

⁶ Kaeble & Alper (2020) // Indiana Jail Overcrowding Task Force. (2019). 2019 Report. Indianapolis: Indiana Jail Overcrowding Task Force.

⁷ Indiana Office of Judicial Administration (2019).

⁸ Phelps, M. S. (2018). Ending mass probation: Sentencing, supervision, and revocation. *The Future of Children*, 28(1), 125–146 // Stevens-Martin, K., Oyewole, O., & Hipolito, C. (2014). Technical revocations of probation in one jurisdiction: Uncovering the hidden realities. *Federal Probation*, 78(3), 16–20.

⁹ Hinds & Norton (2018).

2.3 Probation System Overview

We conducted a formal review of pertinent legal and administrative policies and procedures in Monroe County. Understanding how policies and practices have changed over time, and how they exist currently, provides crucial context for our methods and findings.¹⁰

Administrative structure. Monroe County Adult Probation is organized into Adult Supervision, Adult Intake, Community Alternative Supervision Program¹¹, and Problem Solving Court Program Divisions or Units¹². During the study period, the Department monitored 1,307 unique clients per year (range: 1,165–1,444) and closed 1,405 supervisions or referrals per year (range: 1,239–1,509). The Department averaged 43 line probation officers (range: 39–48) and nine supervisory or management-level probation officers (range: eight to nine).

Intake & caseload assignment. Monroe County assigns cases to differential supervision based on the Indiana Risk Assessment System (IRAS), supplemental risk assessment tools, and department policy. After completing assessments and collecting information, intake probation officers assign clients to one of four initial supervision levels (i.e., high, moderate, low, or administrative). Clients are then assigned to a supervision probation officer based on clients' supervision level and court assignment. Select clients are assigned on case status. Clients with violent and sexual offenses or those with a verified chronic mental illness are assigned to the Enhanced Supervision Unit.

Division and Unit Probation Supervisors monitor PO caseload size, multiplying number of cases an officer is assigned by a constant representing the average number of hours worked per client per supervision level. Workload calculations translate to a maximum caseload size of 28 clients for officers managing Enhanced Supervision Unit and high-risk caseloads, 68 clients for officers assigned to moderate risk caseloads, and 188 clients for officers responsible for low risk caseloads.

Terms of supervision. Monroe County uses seven standard probation conditions or terms of supervision, some having multiple components. In addition to these conditions, all clients are required to pay restitution pursuant to orders of restitution and court costs, fines, or fees as

¹⁰ For a detailed appendix of policy and procedure documentation please contact corresponding author.

¹¹ Comprising cases with enhanced levels of monitoring: home detention, electronic monitoring, GPS monitoring, and day reporting.

¹² See section 2.4.

directed by the Court. POs may use financial information captured during clients' intake appointment to establish a payment plan with payment amounts and deadlines for all fees and costs. The Court may also impose additional conditions at the discretion of the judge. Specialized supervision conditions supplement standard probation supervision terms if clients are serving a probation term and are supervised by the Enhanced Supervision Unit, Community Alternative Supervision Program, or Problem Solving Court Program. Examples of such conditions might include home detention, residency registration, restrictions on use of communications media, etc.

(Figure 1) The Seven Standard Conditions of Probation

1. Do not commit a criminal offense or operate a vehicle without a valid license. Report any arrest or criminal charges to PO within 24 hours.
2. Report to Probation Department immediately following sentence hearing. Thereafter, report as directed and provide truthful information. Authorize representatives of the Probation Department to visit in your home and elsewhere at reasonable times. Maintain or seek employment or pursue a course of study or training.
3. Notify PO in writing within 48 hours of any changes in address, telephone, employment, or education status.
4. Do not leave State of Indiana without written permission from PO and provision of a DNA sample. (Felony offenses only).
5. Do not carry, use or possess firearm, descriptive device, ammunition, or dangerous weapon.
6. Do not engage in alcohol consumption, nor consume, inhale or inject controlled substances unless prescribed to you for valid medical reasons by a properly licensed healthcare provider. Submit to drug/alcohol tests at own expense at the request of the Probation Department or treatment providers or when otherwise directed.
7. Complete, at own expense, the terms of the probation case plan and provide proof of completion of any inpatient or outpatient treatment, counseling, education, or correctional program as directed by your PO.

Procedures to respond to non-compliance. Not every act of non-compliance is necessarily reported to a judge. Except in the case of a new criminal offense, POs have the first discretion in responding to non-compliance, typically through Administrative Probation Modification meetings where they develop written agreements with clients. POs can impose a variety of sanctions on their own authority (e.g., community service hours, day reporting requirements, modified treatment requirements). Guided by a graduated sanctions policy, POs exercise discretion, considering the original offense and risk classification as well as the nature of the non-compliance and contextual information about the client when applying sanctions. Probation

supervisors must approve overrides deviating from the structured decision-making protocol or structured sanction options. Supervisors must also approve sanctions to modify and extend probation terms up to a ceiling of 90 days before being sent to a court for approval.

Procedures to file a petition to revoke (violation). While POs can dispense a variety of sanctions and incentives, conditions that restrict client liberty (e.g., electronic monitoring, home detention, or jail) require a judicial signature and order. Thus, when a PO, guided by policy, determines this type of sanction is required, the PO files a “petition to revoke suspended sentence,” referred to in Monroe County as a violation. Petitions to revoke do not require probation supervisor approval. Judges make the final decision to revoke probation supervision.

If a client commits a new offense, a petition to revoke is mandatory. A petition to revoke with a summons is an option on the graduated sanction response plan for all forms of non-compliance. Filing a petition to revoke with a warrant is reserved for more severe forms of non-compliance.

It should be noted that because it takes time to appear before a judge who can resolve a petition to revoke, a client may accumulate additional violations before that date. The PO amends the original petition to revoke with subsequent violations, so that all are reviewed together.

Supervision incentives & supports. In addition to structuring sanctions, MCP’s structured decision-making protocol encourages POs to administer positive incentives to reinforce behavior as well. Incentives include, but are not limited to, verbal affirmation, written affirmation sent to a judge, certificate of completion, less frequent appointments, less frequent drug tests, and placement to administrative supervision status. POs may use incentives whenever they deem them to be appropriate. POs are trained to consider three criteria when administering incentives: (1) Target Behavior: POs set target behavior(s) for clients so that a client knows expectations for the next appointment. (2) Timeliness: POs attempt to deliver an incentive as close to observed target behavior as possible. (3) Violation status: POs can deliver an incentive if a client has a pending petition to revoke as long as the incentive is not being administered at the same appointment the petition to revoke is being addressed.

Any client, regardless of risk classification or compliance status, is eligible to receive support or barrier buster items. Barrier busters, such as clothing and food vouchers, are provided to clients who demonstrate an immediate need for assistance. Items worth less than \$25 do not

need prior probation supervisor approval. Items worth more than \$25 require probation supervisor authorization.

Clients classified as high or moderate risk are eligible to earn incentive cards. POs determine which case plan target behavior(s) to target, and these behaviors are tracked on an incentive card reviewed at the next appointment. Clients who are compliant with a minimum of six target behaviors are eligible for a fishbowl ticket and drawing. Fishbowl incentive options include, among others, bus passes, gas gift card, waiver for cost of one drug screen, cost of Indiana High School Equivalency Credentials Test, cost to acquire personal documents, Farmer's Market vouchers, or service voucher.

Clients may earn early discharge as an incentive. POs may make this request to the court at their discretion following the Department's incentive policy. Judges make the final decision on whether the recommendation is approved.

2.4 Innovation & Improvement

In recent years, Monroe Circuit Court Probation Department (MCP) has implemented a number of evidence-based practices intended to improve criminal justice outcomes, including probation success.

Problem solving courts. Monroe County has been a state leader in building specialty courts that target particular kinds of problems. In the quest to reduce recidivism, improve justice outcomes, and protect public safety, the judge and attorneys on these problem solving courts are able to develop and bring to bear deeper insights as they work intensively with a subset of plaintiffs who share specific social challenges. Monroe County currently has four problem-solving courts: Drug Treatment, Reentry, Mental Health, and Veterans.

EPICS training. MCP has required Effective Practices in Correctional Settings (EPICS) training for all probation officers since December 2015, and with monitoring implemented in 2017. The EPICS tool kit emphasizes building therapeutic alliances with clients using communication skills, motivation strategies, and core correctional practices. All officers are required to attend a minimum of two booster sessions each year, and to participate in monthly monitoring, during which a Probation Supervisor (designated as Continuous Quality Improvement Supervisor) and peer coaches review video of PO sessions with clients and provide

written or in-person feedback with the aim of building and reinforcing EPICS skills and techniques.

Incentives. In July 2016 MCP piloted a new incentives policy aimed at improving compliance among moderate and high-risk clients. Clients who meet target behaviors set by their PO become eligible for a fishbowl ticket and drawing, with prizes designed to address client needs, such as transportation and service vouchers, gift cards, and fee waivers. The pilot group included approximately five clients per PO classified as high-risk. The policy was fully implemented into practice January 2017.

Risk-based caseloads. Adult supervision was reorganized into risk-based caseloads January 2018. Prior to this change POs were assigned to one of four courts with a mixed caseload of about 100-125 clients per PO. The hope was that this division of caseloads would allow POs to develop deeper and more nuanced expertise working with particular types of cases as well as match POs to the caseload that compliments their skills in working with clients. Additionally, the change would also reduce the number of cases a PO with higher risk caseloads to under 50 providing additional resources and focus where the greatest risk reduction may be achieved.

3. DATA & METHODS

3.1 Data

This study includes 4,389 individuals who started probation between 2014 and 2019 in Monroe County, Indiana.

Administrative Data. We analyzed administrative data for all cases (n = 4,111). This data, notably recording violations and revocations detailed during court proceedings, was provided by MCP from its internal database called Quest.

Case file review. We also conducted an in-depth case-file review. Case files are paper-based records that reside in Quest as scanned PDFs, and include a great deal more detail about individual pathways through probation than can be seen in the administrative data set. For example, case files record many more “low severity”¹³ types of non-compliance that may not

¹³ As classified in the graduated sanction policy and procedure.

lead the PO to file a violation immediately. For this analysis, we manually transcribed the handwritten files for a subset of cases ($n = 299$). By applying statistical models developed using our larger dataset, we were able to compare trends between the two data sets, and identify divergences, enriching our quantitative findings.

Practitioner surveys & interviews. Finally, complementing our quantitative work, through online surveys ($n = 32$) and interviews ($n = 25$) we developed a qualitative analysis of the perspectives of practicing probation officers, probation supervisors, defense attorneys, prosecuting attorneys, and judges who make up the Monroe County criminal justice system.

3.2 Research Questions

What factors predict violation and revocation? Probationer characteristics, probation officer practices, judicial practices, problem-solving courts, or specific policies?

What pathways do individuals follow through probation?

How do practitioners view drivers of violation and revocation?

Where do practitioners identify potential to improve probation outcomes?

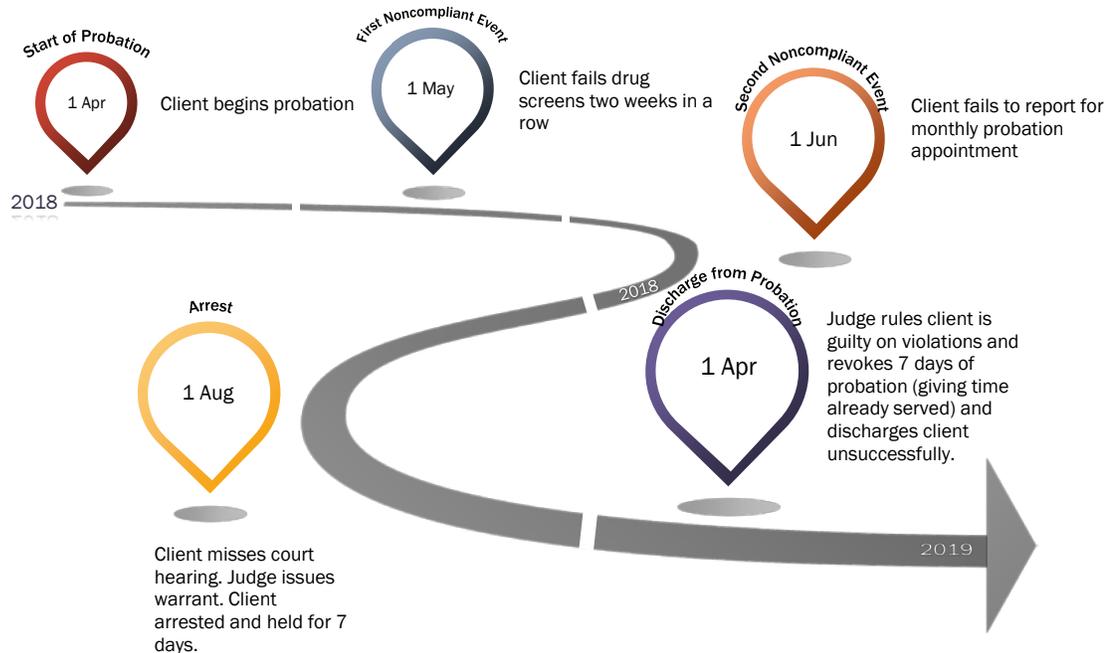
3.3 Introducing Social Sequence Analysis for Criminal Justice

This study represents a pioneering use of social sequence analysis in the field of criminal justice. We seek to understand the possible pathways that individuals can follow once they have entered the probation system. Traditional quantitative analysis techniques, such as multivariable analysis, can provide important comparative insights about issues such as trends in criminal behavior or demographic inequalities in sentencing, and have been widely used in criminal justice research. However, traditional methods are not well suited to explaining how events typically unfold over a period of time. Traditional quantitative analysis can tell us, for example, what percentage of grandmothers are older than 60 versus younger than 60. But it cannot tell us what life patterns typically lead to becoming a grandmother at 45 versus a grandmother at 75. Mining data from this perspective requires a method that analyzes blocks of human time sequentially. Social sequence analysis is a quantitative method used in sociology to provide insight into the possible

pathways people’s lives can take across time; for example, it has been used to analyze typical sequences of life milestones such as sexual initiation, marriage, and childbearing.

In this study, we demonstrate that this methodology can be applied to understand the possible pathways individuals take through probation. By analyzing time on probation in terms of discrete temporal units we are able to visualize the typical sequences in which they occur, as Figure 2 illustrates.

(Figure 2) Sample social sequence pathway



We combined social sequence analysis with a number of more traditional quantitative and qualitative tools to produce our final report. A complete overview follows.

3.5 Overview of Quantitative and Qualitative Analysis Plan

Social sequence analysis is a descriptive analytic strategy that allows researchers to identify, classify, and visualize how individuals transition between various states of being across time

(e.g., compliant, revoked).¹⁴ For the purposes of this analysis, we used longitudinal data on the first 36 months of probation supervision coded in monthly intervals. In each month, probationers could be classified as one of six “states”: (1) Compliant; (2) Non-Compliant—Substance Use;¹⁵ (3) Non-Compliant—FTA; (4) Non-Compliant—New Offense; (5) Non-Compliant—Substance Use and FTA; or (6) Finished Probation. After individual probationer sequences were mapped, we used a matching algorithm to determine how similar each sequence was to every other sequence. Then, we grouped similar sequences together using a process called cluster analysis. This procedure allowed us to identify subgroups of clients with similar trajectories of non-compliant and compliant behavior across probation supervision terms. Following these steps, we identified seven common pathways individuals take on supervision, visualized those pathways, and summarized their defining features. The results of this analysis are presented in sections 4.5–6.

Following the social sequence analysis, we conducted bivariable comparisons to examine the distribution of probationers across sequences by probationer characteristics (e.g. age, sex, race, risk profile, index offense) and supervision conditions (e.g., probation length, level of supervision, probation officer characteristics). Additionally, we conducted multivariable logistic regression to examine predictors of violation and revocation, controlling for other known predictors of violation and revocation. Individuals were included in analyses if they had started probation by on or after 1-1-2014, had been on probation for at least six months, and had ended their term of probation. Overall, our analytic approach is well-suited to handle the complexities of criminal justice data, including the variable length of probation sentences.

Following these analyses, we developed questionnaires for probation officers, supervisors, attorneys, and judges, separately, that assessed their respective roles in addressing non-compliance, queried how they would ideally want others to address non-compliance, and assessed their satisfaction with the revocation processes. We had 32 respondents, 15 of 28 probation officers, five of eight supervisors, 18 of 31 attorneys, and three of eight judges.

¹⁴ Cornwell, B. (2015). Chapter 3: Sequence Analysis Concepts and Data. In *Structural Analysis in the Social Sciences. Social sequence analysis: Methods and applications* (pp. 59–81). New York, NY: Cambridge University Press.

¹⁵ Defined as a failed drug *or* alcohol screening.

Finally, we talked with 25 probation officers, supervisors, defense attorneys, prosecuting attorneys, and judges to answer remaining questions we had particularly about variations between probation officers. We were also interested in discussing perceived success of initiatives already implemented in Monroe County such as the use of EPICs, graduated sanctions, and incentives as well as listen to strategies for further reforms.

3.6 Contributions to Data Modernization

This study contributes to the overall push for improved criminal justice data in two ways.

1. By piloting the use of social sequence analysis, we demonstrate the potential of using a novel analytical method to derive more useful information from criminal justice data.
2. This study’s description of the limitations of current data practices in Monroe County serves to illustrate how much a modernization of data, e.g., transitioning away from handwritten case files, could expand our ability to pinpoint successes and shortcomings in criminal justice outcomes.

4. FINDINGS

Please note: for clarity of presentation, the following synthesizes the most interesting results of our analyses, rather than presenting findings in the specific order analyses were conducted. Researchers interested in the full technical report may contact the corresponding author.

I. DRIVERS OF PROBATION OUTCOMES

What We’re Analyzing:

Administrative data

vs Case file data

What We’re Looking For:

What variables drive violations and revocations?

Do the case files suggest different answers than the administrative data?

Methods used:

multivariable statistical models

+ hierarchical logistic regression analysis

In this portion of the project, we built and tested numerous statistical models using our large administrative data set, seeking to isolate the variables that drive time on probation, violations, and revocations. We also used the findings from this process and the social sequence analysis to design an investigation into a smaller but richer case file data set. Among other things, this allowed us to compare these two data sets and identify areas of data loss in the probation record-keeping process.

(Table 1) Sample Demographics

	Full Population (n=4389)	Noncompliant Subsample (n=299)
Age	31.5	31
Male	3207 (73.1%)	225 (75.3%)
Race		
White	3550 (80.9%)	225 (75.3%)
Black	470 (10.7%)	49 (16.4%)
Other Race ^a	369 (8.4%)	25 (8.4%)
Ethnicity		
Hispanic/Latino	169 (3.9%)	9 (3.0%)
Non-Hispanic/Latino	4178 (95.2%)	288 (96.3%)
Risk Level		
Low	2414 (55.0%)	129 (43.1%)
Moderate	242 (5.6%)	26 (8.7%)
High	1415 (32.2%)	132 (44.1%)
Very High	40 (0.9%)	3 (1.0%)
End Status of Supervision		
Revoked	758 (17.3%)	135 (45.2%)
Discharged Unsuccessfully	N/A	34 (11.4%)
Discharged Successfully	N/A	130 (43.5%)
Length of Probation Supervision	14.8 months	17.1 months
Non-Compliant (Y/N)	2829 (64.5%)	293 (98.0%)
New Offense (Y/N)	714 (16.3%)	124 (41.5%)
Failure to Appear for Court (Y/N)	616 (14.0%)	64 (21.4%)
Failure to Appear for Electronic Monitoring (Y/N)	19 (0.4%)	1 (0.3%)
Failure to Appear for Other (Y/N) ^b	2357 (53.7%)	356 (85.6%)
Substance Use (Y/N)	1549 (35.3%)	174 (58.2%)
Failure to Attend Program/Treatment (Y/N)	N/A	143 (47.8%)
Failure to Seek Employment (Y/N)	N/A	40 (13.4%)
Failure to Pay Fees (Y/N)	N/A	104 (35.1%)
Failure to Complete Community Service (Y/N)	N/A	70 (23.4%)
Other Non-Compliance (Y/N) ^c	N/A	101 (33.8%)
Violation (Y/N)	1869 (42.6%)	221 (73.9%)
Violation for New Offense (Y/N)	676 (15.4%)	55 (18.4%)
Violation for New Offense and Technical (Y/N)	N/A	83 (27.8%)
Violation for Technical (Y/N)	1193 (27.2%)	168 (56.2%)
Revocation (Y/N)	758 (17.3%)	135 (45.2%)

4.1 Administrative Data

We analyzed secondary administrative data on 4,111 probationers. Variables examined were: age, race, sex, risk level, prior history of probation, offense severity, problem-solving court participation, cohort, time on probation, presiding judge, PO responses to non-compliance

(sanctions, incentives, supports), and two measures of non-compliance (number of instances, proportion of months noncompliant).

The clients in this sample were largely white, non-Hispanic males who were deemed to be low risk on their risk assessments. The average age was 31.5. The majority were discharged successfully from probation (71.1%); their average length of probation was 14.8 months. Most clients (65%) became noncompliant at least once across their supervision term. Less than half of the sample (43%) received at least one formal violation. These results demonstrate that there is a sizable population of noncompliant clients who are managed with administrative sanctions instead of a formal petition to revoke. Among those who did receive a violation, fewer than a quarter (17%) were actually revoked by the judge.

Probationers who committed new offenses on probation were the most likely to receive a violation, followed by those who failed to appear for court hearings. In predicting revocation, the most salient characteristics related to the probationer and their probation sentence were risk level, original offense severity, participation in a problem-solving court, and time on probation. We found no differences in revocations as a function of cohort or judge. Although women generally are less likely to be revoked, we found no differences across other demographic groups.

All types of non-compliance were associated with higher likelihood of revocation, with the strongest effects produced for FTAs due to electronic monitoring status and new offenses. Smaller, but still significant, effects were observed for failure to appear in court, failure to appear for probation appointments, failure to appear for drug screening, and failed drug screens. Individuals with more instances of non-compliance were more likely to be revoked, unsurprisingly. However, further analysis suggested that probation officers were more willing to continue working with supervisees who had already spent a relatively longer time under their supervision, even when they exhibited periods of non-compliance.

4.2 Case File Data

Next, we looked at the detailed case files for a sub-sample of highly noncompliant clients (n = 299). Case files include more data than administrative files, including more details about

violations filed, as well as more “low severity”¹⁶ types of non-compliance. These include driving while suspended, as well as failure to: pay fees, participate in programs, obtain employment, or notify probation of a change of address or phone. Failure to provide truthful information to the probation officer was an additional non-compliance item; for example, if a client falsely claimed to have obtained employment, both the failure and the false claim would be considered non-compliance. The richer information in these files provides obvious benefits to the study; on the other hand, the sample size was limited by the time and budget constraints of the manual transcription needed to translate PDFs into computable data. Working with a combination of quantitative techniques, were able to leverage the strengths of both data sets by first identifying the strongest statistical models using our large dataset, and then applying them to the case file review targeted sub-sample for additional insights.¹⁷

For the case file review, we selected a sub-set of the larger (n = 4,111) sample that showed some of the highest rates of formal violations and revocations, in order to get a more detailed look at what leads up to these outcomes. After removing incomplete cases, such as cases that were transferred out of jurisdiction or commuted to community corrections, the final case file review consisted of data on 299 clients. We found that a larger proportion of this “high non-compliance” group consists of Black clients and clients rated high-risk. Because we were able to access more detailed information about clients, we found *more* revocations reported in the scanned case files than in the administrative data, showing that revocations are being marked incorrectly during data entry which results in (unintentionally) lower revocation rates. Thus, although we expected this smaller sample to have higher revocation rates than the larger sample because we purposefully selected people with higher rates of non-compliance – rates were even higher than we anticipated because we re-classified people as ‘revoked’ who may not have been labeled as such in the administrative dataset.

Applying our model to the case file data yielded results largely consistent with the larger data set. We were also able to look at some variables not consistently reported in the larger dataset. During this deep dive we found that neither failure to participate in programs nor failure to pay fees predicted probation revocation. However, other types of non-compliance (i.e., failure

¹⁶ These specific forms of non-compliance are classified as “low severity” violations in graduated sanction policy and procedure.

¹⁷ The case file review sample, in turn, was selected based on the outcome of our social sequence analysis (described in section 3.3). Researchers who want the full technical report may contact the corresponding author.

to notify change of address/phone number, failure to provide truthful information, driving while suspended) were associated with an increased likelihood of revocation above and beyond other types of non-compliance, probationer demographics, probationer characteristics, and PO responses. This finding illustrates how, with case file data fully accessible, researchers and ultimately practitioners could identify revocation risk more precisely.

4.3 Drivers of Violation and Revocation: Key Findings

- Black clients are 2.51 times more likely than whites to have a violation filed but no more likely to be revoked. This difference was not able to be explained by variables available to us in our dataset. Therefore, future research would need to look at additional variables external to this study (e.g., socioeconomic, health, and mental health characteristics).
- New offenses are the most prominent driver of revocation and violation rates, followed by FTAs and failed drug screens.
- Some types of low-severity non-compliance, namely driving while suspended and failures to update or truthfully report information to probation, also increase the likelihood of revocation.
- Use of incentives by POs reduces rates of revocation.

II. PATHWAYS TO REVOCATION

4.4 The Seven Pathways of Probation

What We're Analyzing:
Administrative data set¹

What We're Looking For:
What different pathways do people take through probation?

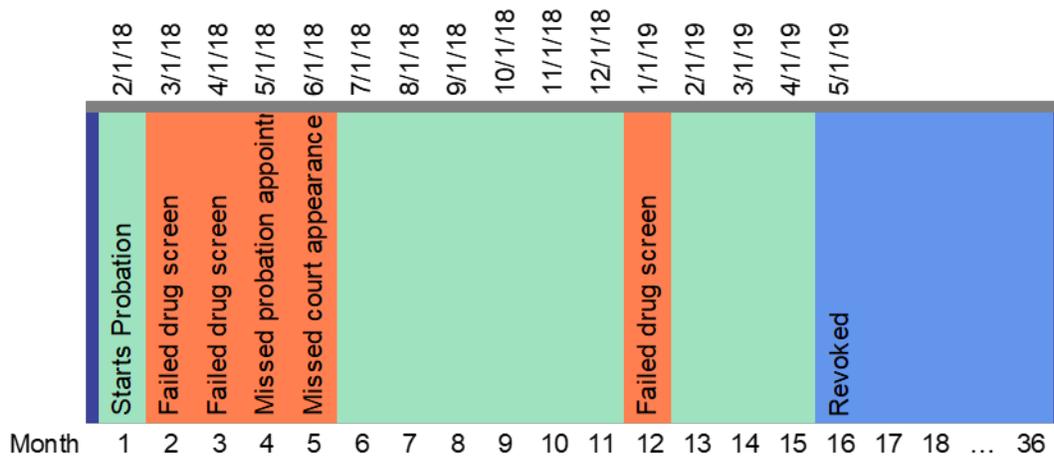
Method Used:
Social Sequence Analysis

The core aim of this study was to compare clients in terms of their trajectories through probation. We analyzed our administrative data set (n = 4,111) on people who started probation between 2014 and 2019, using social sequence analysis in order to visualize and compare the different pathways people follow during their probation. What kind of

pathways lead to revocation? What kinds of probationers end up on each pathway?

Social sequence analysis¹⁸ is a descriptive data analysis strategy that aims to identify, describe, and summarize how individuals progress through various states over time. Data suitable for a social sequence analysis must be coded in intervals of a fixed length of time (e.g., months), with different states possible per time unit.¹⁹ We tracked each probationer over a period of 36 months, categorizing each month into one of six categories that allow us to see patterns of compliance and non-compliance with the terms of supervision. Each month could be coded as one of six possible “states”: (1) Compliant (i.e., no events were recorded in this month that broke the terms of supervision), (2) Non-Compliant—Failure to Appear, (3) Non-Compliant—Substance Use, (4) Non-Compliant for both Failure to Appear and Substance Use, and (5) Non-Compliant—New Offense. When individuals finished probation, each subsequent month was marked as status (6) “Finished Probation.” Figure 3 provides a generic example of what a single individual’s trajectory might look like over a six-month period. Referring to our six states, in Figure 2, the first five months would be coded as: (1) (3) (3) (2) (2).

(Figure 3) Sample sequence for a single probationer



Well over half of the participants were non-compliant at least once during supervision. The most common forms of non-compliance were failing to appear to probation appointments

¹⁸ Abbott, A. (1995). Sequence Analysis: New Methods for Old Ideas. *Annual Review of Sociology*, 21(1), 93–113. <https://doi.org/10.1146/annurev.so.21.080195.000521>

¹⁹ Gabadinho, A., Ritschard, G., Müller, N.S. & Studer, M. (2011), Analyzing and visualizing state sequences in R with TraMineR, *Journal of Statistical Software*. Vol. 40(4), pp. 1-37.

(53.7%) or using substances (35.3%). However, smaller numbers were non-compliant for committing a new offense (16.3%) or failing to appear in court (14%). As a result of non-compliance, 43% received violations and 17% had their probation revoked.

Social sequence analysis allows us to see not only total revocations, but also the duration and spacing of non-compliance episodes—how frequently clients break a rule, and how long it takes them to achieve a month of full compliance. Once each individual trajectory was coded, it became possible to compare these trajectories and find patterns. For the purpose of the executive summary, we identified seven common pathways through probation that clients typically take.²⁰ Figure 4 depicts all seven pathways. You can see the proportion of each pathway that ends in a discharge (green) versus revocation (orange) – most people in the sample end in a discharge. You can also see how the pathways diverge from each other. For example, pathways 2, 3, and 4 mostly experience one main non-compliance event whereas pathways 5 and 6 are described better as many types of non-compliance occurring concurrently or consecutively. Pathways then further splinter off based on characteristics of the type of non-compliance. For example, people on pathway 2 experienced mostly FTA whereas people on pathway 3 experiences substance use. Pathways were named based on the most dominant characteristic in the social sequence analyses (not shown here). For example, pathway 4 has both a prominent single non-compliance event which is followed by recurrent non-compliance events. When we look at the monthly time blocks (not shown here) the most prominent event is the single event – the recurrent events are fewer and farther between than the ‘recurrent pathways’ (Pathways 5 and 6) and is thus grouped with pathways 2 and 3.

Then, to answer the question *What kinds of probationers end up on what pathways?* we analyzed the individuals in each pathway in terms of age, sex, race/ethnicity, risk level on a five-point scale, prior probation, prior community corrections; offense severity, misdemeanor vs. felony status, and violent vs. nonviolent offense status; starting supervision level, violations, and revocations.

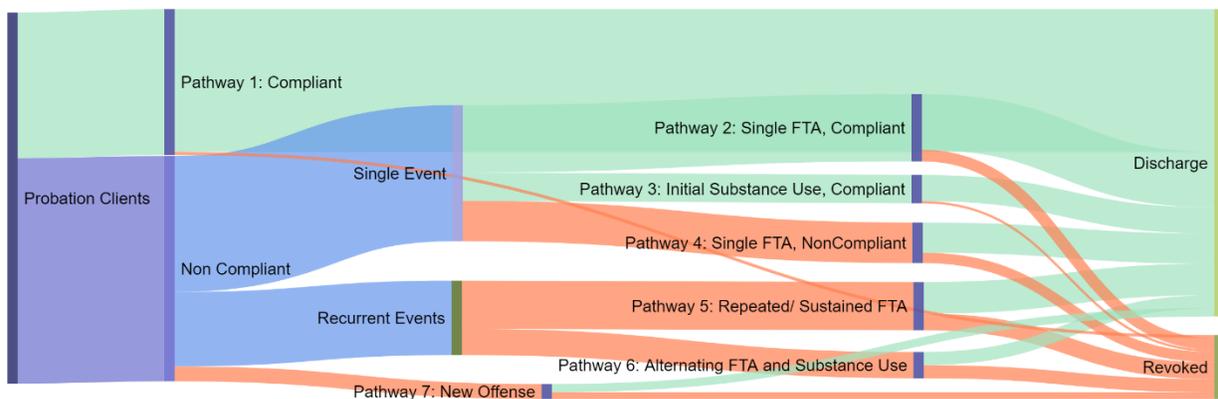
Of the 7 groupings, two bookend the spectrum of compliance: Pathway 1 comprised probationers who demonstrated full compliance over the full 36 months; this group made up nearly 40% of the original sample. Pathway 7 comprises the 4% of the sample who were arrested for a new offense during their probation period; this group had a relatively high rate of

²⁰ Some of these seven can be further subdivided, as presented in the technical report.

revocation, although, interestingly, not the highest. Everyone in between these two groups was marked as non-compliant at least once during their probation.

A minority of clients, comprising 7% of the sample, followed a pathway characterized by an initial episode of substance use non-compliance, but then subsequent compliance (Pathway 3). In comparison to the remainder of the sample, clients on this pathway were typically ordered to probation for misdemeanor offenses and were assigned to low supervision caseloads. This group had the lowest violation and revocation rates in the sample after the fully compliant group (Pathway 1).

(Figure 4) Social sequence results showing seven pathways



Clients on Pathway 2 had one failure to appear, but it may have been lengthy, and then were able to stick with the program after that, with few violations and revocations. The clients who ended up on this pathway were more likely to be assessed as low-risk at intake to probation and more likely to be placed on low-supervision, and they had few violations and revocations. More than half never received a violation, and fewer than one in five (17.4%) were revoked. Pathway 4 consisted of non-violent offenders who exhibited repeated non-compliance and were somewhat more likely to be revoked, just over one in four (25.7%).

The most problematic trajectories were found in Pathways 5 and 6. Pathway 5 featured repeated failures to appear for supervision appointments; roughly one-third of clients on this pathway were ultimately revoked. Clients who ended up on this path included relatively more males, assessed as moderate to high risk, and ordered to supervision for violent offenses. They can be further broken down into subgroups based on length of probation, but all three subgroups

showed a high rate of violation (76–92%) and moderate level of revocation (33–38%). Clients categorized as high risk and placed on moderate or high supervision were more likely to end up on Pathway 6, with the highest rates of revocation. Pathway 6 consisted of multiple non-compliance events alternating between FTA and substance use. Under this category are subgroups that vary in terms of how long they were on probation and how intermittent their compliance was. This pathway had the highest rates of revocation, in the sample ranging from 38.4% to 61.5% across the subgroups.

(Table 2) Pathways Through Probation, by the Numbers

	<u>Clients</u>	<u>Revocation Rate</u>
Pathway 1: Fully Compliant	1,724	2.1%
Pathways 2–4: Single Event of Non-compliance	1,609	
Pathway 2: Single FTA w/Subsequent Compliance	795	17.4%
Characteristics: Low Supervision, Low Risk		
Pathway 3: Initial Substance Use Non-Compliance	335	8.1%
Characteristics: Low-Supervision, Misdemeanor Offense		
Pathway 4: Single FTA w/Subsequent Non-Compliance	479	25.7%
Characteristics: Non-Violent Offense		
Pathways 4–7: Recurrent Events of Non-compliance	880	
Pathway 5: Repeated and Sustained FTA	570	32.7 to 37.7%
Characteristics: Moderate to High Risk, Violent or Felony Offenses		
Pathway 6: Alternating FTA and Substance Use	310	38.4 to 61.5%
Characteristics: High Risk, Prior Supervision		
Pathway 7: New Offense	176	45.4%

4.5 POs' Role in Revocation Pathways

What We're Analyzing:

Administrative data set¹

What We're Looking For:

How do probation officers affect violation and revocation outcomes?

Method Used:

mixed-effects logistic regression models

Probation officers are obviously key players in the pathways clients take through probation. It is the PO who decides whether to file a formal violation (petition to revoke). POs also have other responses they can make to instances of non-compliance, namely incentives, supports, and sanctions. For this portion of the analysis, we conducted statistical analyses on our administrative data set, seeking to ascertain whether probation officers vary significantly in terms of their choice of actions,

either among each other, or among different clients.

We see significant variance between POs in terms of the rate at which they file violations and revocations but found few strong predictors of this variation. The one predictor found was that more experienced POs were less likely to file a violation. Four officers revoked 33% or more of their clients, while five officers revoked 13% or fewer of their clients. The average revocation rate by officer (without adjustments for client demographics or case characteristics) was 23%. We did not find any effects of racial or gender bias in decisions, nor variation linked to PO demographic characteristics.

Among all PO discretionary responses to non-compliance, only incentives seemed to predict reduced rates of revocation. Sanctions reduced number of violations filed, but the effect washed out by the time the violations were decided in court and didn't really change how many probationers were ultimately revoked. Disappointingly, barrier busters did not show a statistically significant effect.

III. PRACTITIONER PERSPECTIVES

What We're Analyzing:

Practitioner surveys & interviews

What We're Looking For:

How POs & other practitioners see their role, and where they see opportunity for reform

Methods Used:

Coded content analysis

After compiling the results of the quantitative analyses and conducting our review of county policy, we administered surveys and interviews to gain more insight into the roles and perspectives of probation officers, supervisors, attorneys, and judges. The surveys were designed to assess their respective roles in addressing non-compliance, query how they would ideally want others to address non-compliance, and assess their satisfaction with the revocation processes.

The goals of the interviews were to learn the practitioners' perspective on what drives the handling of cases, and potential strategies for reform.

4.6 Surveys

We developed separate questionnaires aimed respectively at probation officers, supervisors, attorneys, and judges, administered via Qualtrics. Altogether, we had 32 respondents: 15 of 28 probation officers, five of eight supervisors, 18 of 31 attorneys, and three of eight judges invited to participate. Participants were on average white, well-educated females. There seemed to be age variation across all employment categories, except supervisors, who had a bifurcated age distribution with clusters toward younger and older ends of the age spectrum.

4.7a Comparing practitioner attitudes

We asked probation officers, supervisors, attorneys, and judges to read and respond to several questions in order to measure difference between the groups.

Preferred responses to non-compliance. First, we presented all respondents with four different profiles of people on probation and two events those people could experience—for a total of eight vignettes. Each was asked to select whether, in that vignette, they would expect the person on probation to be given: support, sanctions, a violation, or a violation with a warrant. Their responses are depicted in the profiles below. In general, as the client's risk level goes up, and the acts of non-compliance become more severe, survey respondents lower the levels of support and increase higher levels of consequences such as a PTR (violation) or PTR with warrant (violation with a request to the judge that the person be held in jail until the hearing).

Responses are summarized in Figure 5.

We found that judges were the least punitive for low-risk clients. However, as the risk and infractions escalate, they became more aligned with other survey respondents and eventually, even more punitive than others. As expected, defense attorneys are the least punitive group. They consistently recommend the higher levels of supports and sanctions from probation officers much more rarely recommend filing violations. Across the board, POs and prosecuting attorneys seem to be most closely aligned in terms of resolution options (support, sanctions, PTR, PTR w/warrant). They tended to be more punitive than the other three actors (judges, PO supervisors, and defense attorneys) in recommending fewer supports and sanctions are greater use of PTRs and PTRs with warrants. Probation supervisors were less punitive than probation officers and more closely aligned with judges and defense attorneys.

(Figure 5) Practitioner Preferred Responses to Non-compliance



Who has most influence? We also asked all survey respondents who they think has the most influence on how a PTR is resolved (see Table 2). Although probation officers reported they have high levels of discretion in deciding whether or not to file a PTR, they did not think they

had much influence in how it was resolved, which makes sense given our quantitative finding that fewer than one in five PTRs produces a revocation. Seventy percent of POs felt that judges had the most influence over PTR resolution. Opinions among attorneys and probation supervisors who responded were divided; several thought the POs did have the most influence over the PTR resolution. No one attributed influence to the defense attorney or client.

(Table 2) Who has the most influence on how petition is resolved?

Respondent	Judge	Prosecutor	Probation Officer
Judge	-	-	100%
Prosecutor	29%	14%	57%
PO	70%	-	30%
Defense Atty	14%	-	86%
PO Supervisor	20%	40%	40%

How happy are you with PTR outcomes? Finally, we asked respondents how often their desired outcome for a PTR hearing matching the outcome of that hearing. Results are displayed in Table 3. Judges and defense attorneys were most likely to report their desired outcome matches final outcome. POs and prosecutors are more in the middle; but the vignette/scenario data show that they tend to have similar visions for how cases should be handled. And they tend to be the most punitive actors in the system. It is possible they would like to see higher rates of punitive outcomes. Supervisors report they rarely align with the final outcome.

(Table 3) How often does your desired outcome match the final outcome of the PTR/PTR?

	Never	Rarely	Sometimes	Often
Judge	-	-	50%	50%
Prosecutor	13%	25%	38%	25%
PO	9%	36%	36%	18%
Defense Atty	-	14%	29%	57%
PO Supervisor	-	40%	20%	20%

4.7b PO attitudes in depth

In the probation officer survey, we used the “Orientation to Criminal Behavior”²¹ scale to assess probation officers’ orientation to supervision along a spectrum from “Law Enforcer”—emphasizing authority, less concerned with rehabilitation and more concerned with compliance—to “Social Worker”—using guidance and support aimed primarily toward rehabilitation, and more flexible with rules. Monroe County probation officers scored from 59 to 84 on the scale, all well above the “firm but fair” benchmark of 42, indicating respondents approach their work with an attitude similar to a social worker—using guidance and support aimed primarily toward rehabilitation, and more flexible with rules. No one scored anywhere near the law enforcer orientation (scores 1–42).

We asked probation officers how much discretion they have when deciding whether or not to file a violation and whether or not they feel pressure around this decision. Sixty percent of probation officers said they have quite a bit of discretion or very much discretion in determining whether a violation should be filed. Only 20% of POs said they sometimes want to file a violation but feel pressured not to; and none felt pressured to file against their wishes.

4.8 Interviews

We completed interviews with 24 people: ten probation officers, six probation supervisors, seven attorneys, and two judges. Interviews were conducted via Zoom; they ranged from 45 minutes to over 120 minutes. After interviews were transcribed, they were formatted and coded for themes according to flexible coding²² criteria using QSR NVivo 12 qualitative data analysis software. The goals of the interviews were to learn, from the interviewee-perspective: (1) the drivers of violation and revocations, (2) explanations for variation between how cases are handled at the probation officer level, and (3) potential strategies for reform.

²¹ See Dembo, 1972; Glaser, 1969; Klockars, 1972; Paparozzi & Gendreau, 2005; Ricks & Eno Loudon, 2015; Skeem & Manchak, 2008.

²²For more information about flexible coding see: Deterding, N. M., & Waters, M. C. (2018). Flexible Coding of In-depth Interviews: A Twenty-first-century Approach. *Sociological Methods & Research*, 004912411879937. <https://doi.org/10.1177/0049124118799377>

4.8a What are typical characteristics of a client on a pathway to revocation?

To learn what practitioners see as the major trajectories toward revocation, we asked two questions: who is the most common client who is revoked; and what are the most common behaviors that lead to revocation? Some interviewees framed their responses in terms of behaviors, and others in terms of client characteristics, but the themes were consistent. Twenty-one of the 25 people interviewed said that the most common client has a new offense, and the most common non-compliant behavior is also committing a new offense. Terry, a PO, and Cory, a PO supervisor, further clarified that usually only serious or felony new offenses get revoked such as, "... someone who was on for a fairly serious offense, we don't typically see revocations with misdemeanor offenses," and "Definitely have to have a new offense in there. Probably a new felony offense." After new offense, the next most common factor mentioned was active substance use (drug or alcohol). Charley, a PO supervisor, says, "...the first thing that came—comes to mind is somebody who's struggling with substance abuse or addiction...It's somebody that definitely either has an addiction or is testing positive for drugs."

The combination of new offenses stacked along with active substance use was another common answer among interviewee responses. Jordan, a judge, explains, "Definitely to me, the most common reason—well, there's two. One is picking up a new offense or [second is] failing a drug screen. That's the most common." Fourteen of the 25 people in the sample said these two things, together, drive revocations—seven POs, four PO supervisors, two attorneys, and one judge. The diagram also shows that new offense seemed to be the more dominant factor—seven people on the right-hand side plus the 14 in the middle listed new offense as a factor leading to revocation for a total of 21 of 25, or 84%, of people interviewed. Whereas, only three people listed substance use without also listing new offense. Thus, new offense is the most dominant pathway to revocation in the eyes of criminal justice professionals, but it often coincides with substance use. The third prominent driver found in our quantitative analysis, FTAs, were broken into a few types for the survey and cumulatively were also prominent. So, the top three drivers cited by practitioners matched the data.

Apart from substance use and new offenses, other common types of non-compliance include a wide range of behaviors such as failure to be employed, update information, attend treatment, engage in probation, or possession of a weapon. However, an important distinction is made by almost half of people interviewed is that although there is a long list of types of non-

compliance, many factors must occur together, or be stacked, to result in a revocation. Sam, a PO supervisor, puts it this way, “I don't think we would ever revoke somebody's suspended sentence through just one thing. Generally, there's been an accumulation of behaviors that led us to this point.” In other words, none of the smaller non-compliant behaviors would create a revocation on their own. Jamie, a PO, adds, “I think if someone is doing everything else they're asked and they're not paying on their fees, I don't think that's really a big barrier to keep them on probation. I don't think any judge would revoke someone for just fees alone.”

4.8b What explains PO decisions to file petitions to revoke?

We had earlier found evidence of significant between-PO variability in terms both of filing violations and obtaining revocations from judges, and we had found that probation officers with more years in practice would be less likely to file a violation. We wanted to examine this finding more closely, and also to look for more potential factors that could contribute to between-PO variability. Interviewees were surprised by the professional experience finding. They discussed six themes related to variability between POs including: differences between clients (n = 12), personality (n = 10), professional training and experiences (n = 9), orientations to supervision (rules versus social work; n = 8 and 4, respectively), and orientations of judges (n = 2).

When we asked interviewees to help us understand differences we were seeing between how quickly some POs file violations, compared to others, the most common answer, given by almost half of people interviewed (12 of 25 people interviewed) was that PO variability is primarily a function of client variability. Drew, a PO supervisor, explains, “That's a loaded question because some may file early based on the nature of their caseload and the nature of the risk of the individual who's being supervised. Somebody who is a very high risk, and they're on community supervision, and they violate, the response may be very appropriate to file a probation violation immediately, so there are—an immediate response to something. Then there are others who may be a low risk and they violate because they didn't get their community service done or they haven't paid their fees...” Lee, a PO, echoed Drew in emphasizing that different caseloads demand different responses. Lee also explained why, for them, decisions have to be based on the client: “If the person still is really struggling and they're, like, ‘My life's in a wreck. I really don't wanna ever go back to doing the same things I was doing. I wanna work on it,’ then you would wait and you would hold off. If a person's not showing up or they're being

really difficult or they have no investment on their end to participate in probation, then I think that that would contribute to us filing earlier.”

Casey, an attorney, explains that, “If you get four different people who trespassed at Kroger and stole a candy bar...I'll treat them different—all four of them differently, and the reason is they all have different circumstances. They have different criminal histories. They have a different reason for stealing. They had a different reason for being at the store. They are of a different age. They have different social circumstances, so I'll treat, for example, the IU student who comes in and steals a bottle of vodka from Kroger different than the transient individual who steals a candy bar. I'm not saying how I'll treat one or the other, but I will treat them differently because just everything is different about those cases, and it's just like probation.”

Other answers to the question *What explains differences between POs?* highlighted different PO personalities (n =10), a rules-orientation (8), or a background in an “older era” of professional practice (9). Two of twenty-five respondents said POs might vary their decisions in order to play to certain judges. Some of these answers suggest a picture of cultural change in the department.

Recall, in the online survey, we collected data from each PO regarding how they approach their jobs—on a continuum from law enforcer orientation to social worker orientation. In short, on average, Monroe County probation officers scored well above the scale midpoint indicating they approach their work with an attitude similar to that of a social worker—using guidance and support aimed primarily toward rehabilitation and are more flexible with rules. In fact, no individual scored anywhere near the law enforcer orientation (scores 1–42).

When we discussed these results with interviewees, and asked whether they were surprised, everyone agreed that a social work orientation accurately describes POs in Monroe County currently. After initially agreeing with the similarities in orientation between probation officers, many interviewees started explaining exceptions to this rule. The same explanations given for overall variability among POs tracked a wider description of department culture.

It is important to note that 52% (n = 16) of MCP probation officers did not take the online survey and 68% did not participate in interviews. It is possible that those officers would score much closer to the law enforcer end of the scale. Thus, our measures could suffer from selection bias—that is, the POs who are more social work oriented are also those who

participated in our online survey and interviews. The interviews themselves involved themes that would be consistent with this hypothesis.

The first theme to emerge was that the social work orientation could be a cohort-based effect. On the one hand, officers hired after the evidence-based reforms of 2015–2017 when Monroe County implemented a number of evidence-based practices that contributed to a shift from law enforcement or rules-oriented supervision to social work or strengths-based supervision, would be more likely to have a social work orientation.²³ Avery, a probation officer, says, “Some of [the probation officers] have been here a longer time, and they were more part of a compliance-based era. Evidence-based practices came along, and I mentioned that hug a thug. They’re like, ‘Eww, it’s gross. I don’t like it,’ and so ... [they’re] not as embracing of EBP as we would hope that everybody would be by now.”

On the other hand, we found in our administrative data analysis that POs with greater years in practice would be less likely to file a violation, indicating older, not newer, officers are more social work oriented. When we asked interviewees to help us understand variation between probation officers in whether and when they file violations, we heard conflicting stories. On the one hand, some (n = 2) of our interviews support the view that greater years of experience means slower to file violations. Elliot, a PO, says, “I would say a new probation officer probably files a lot faster, for sure.” Pat, a PO supervisor, explains that, “New POs are probably gonna follow more of, ‘Here’s what I do in this situation. Here’s what I do in this situation. Here’s what I do in this situation.’ Somebody with more experience is gonna know what’s best for the client and community overall. They’re gonna use a little bit more of their discretion, which is a good thing, I think.” However, more interviewees (n = 9) said the opposite—that veterans tend to file more quickly. “I would say there are still some a handful of probation officers that maybe aren’t completely bought into [EBS, coaching, and EPICS], or don’t want to spend the time dealing with that. That would lean more towards, I’m just gonna file on you and go to court rather than jump through all the hoops kind of thing,” said Cory, a PO supervisor. Further, Terry, a PO, says, “I think we have some, and that typically are the probation officers who’ve been here longer and who are just used to the old ways of you have a violation. A client violates. You file a violation. They serve their time. They don’t necessarily find value in the other interventions and tools that we’re now encouraged to use.”

²³ Note that incentives were demonstrated to be successful at reducing revocations in our quantitative results.

One respondent suggested that this cultural division is already disappearing. Kennedy, an attorney explained that, “Over the last few years, the older-school hardliners have moved out. All of the new people are embracing the evidence-based approach. I think it’s moving in the right direction...Although, there are some examples in our office of POs who’ve been there a long, long time and have adjusted their approach to match the new thinking about how best to help these people.”

Apart from a possible cohort effect, almost half of respondents attributed variation in officer orientation to personality (10 of 25 respondents), not when they were hired. For example, Evan, a PO explains that the variation is due to, “Different personalities of officers. I don't know how else to voice it. I think, different perspectives.” Another PO, Avery, had similar trouble voicing the nature of the difference, saying, “probation officers are human beings. And so, clients have a huge range of personalities, so do probation officers.” Finally, an attorney, Cam, adds, “I think that probation officers are—each of them is an individual human being with different views and different experiences that are gonna cause them to have sort of a different decision-making process.” As part of these answers, a few people pointed to empathy, patience, tolerance, or biases.

An interesting outlier explanation provided for why there are differences between POs in timing of filing violations was that it is really the POs responding based on their evaluation of the judge. Charley, a PO, explains, “I think, in Monroe County, we've become accustomed to the fact that, nine out of ten times, the judge is not going to revoke somebody to jail or DOC, and so a lot of our—my attitude even is, why bother then? ... We've just become apathetic to the fact that, I'm stuck with this client. The judge isn't going to pull the trigger, so to speak, and send them off to DOC, so I'm gonna save myself some time and the headache of filing and going to court month after month after month just to be told, ‘You need keep working with the client.’”

4.8c Goals for reform

In the online survey, we asked an open-ended question at the end that read: “Do you have ideas for how to improve probationer success, such that revocations are less common?” We received several responses that elicited further questions from us, as an action-research team. In the interviews, we had an opportunity to ask more about these items, including these two questions: (1) Some people indicated on an online survey that there were too many different rules or conditions for supervision. Do you feel that there’s any conditions that are unnecessary, or

maybe unnecessary for some clients? (2) Survey participants, recall that included judges, attorney's, POs, some suggested there are too many people on probation, and that they're managed with too many conditions. Do you have any suggestions of how to remedy that situation? The responses to these two questions provided a lot of information about potential strategies for reforms moving forward.

Reduce the number of standard conditions. When asked if probation has too many rules, 14 interviewees agreed there were too many rules whereas five disagreed and six expressed mixed reactions. Cam, an attorney, agreed there were too many rules that may not apply to all circumstances, "I kind of agree with some of the defense arguments that if...there's no indication that intoxication played into it at all, making that person abstain from alcohol for their period of probation seems like an untoward condition of probation...I think that it could probably benefit from being more specifically tailored to the individual's needs and criminogenic behaviors." Dana, a PO, also expressed the standard rules of probation cast a wide net that POs feel compelled to enforce and are unable to use discretion to reduce, "I think there are at times too many [conditions]...There are a lot of rules to follow...I guess it would mostly be the alcohol thing seems to be something that we could have some discretion in or not necessarily everybody has to follow that condition." Similarly, Jordan, a judge, says, "To me, unless it's related to the reason why they're committing an offense, I don't think that condition should be placed on them." Finally, Kennedy, an attorney, explains that, "The one that comes up is—or that comes to mind is consumption of alcohol. For some of our clients, it's not a problem, but it does tend to be a standard condition of probation, unless we specifically try to argue about it. It's the only one that really comes to mind that I think is broadly applied when maybe it doesn't need to be." Thus, fewer rules was a dominant theme across roles.

Five people disagreed that there are too many rules. Alex, a PO says, "I'm trying to think of anything that I feel is just ridiculous. I can't think of anything that I would change 'cause, like I said, just because someone's not following the rules doesn't mean that you have to revoke, and that every condition is an opportunity for change and growth. I feel like they're pretty basic...We can't just change our conditions because of our own beliefs, so I don't necessarily feel like our conditions need to be changed." Another PO, Jamie, agrees, "I think finding a job, doing treatment, trying to stay clean and sober, taking drug tests, showing up—because instead of being in jail, you're coming to see me instead. I think most of the things that

are requirements or expectations are valid. I think if someone was in the right mindset—and I've obviously had clients successfully complete—then it's definitely possible.”

There were also people who expressed both agreement and disagreement within the same answer. Six people were categorized as “mixed” responses. A typical response for this group sounded like, “The rules in place are not too strenuous,” followed by, “But sometimes when clients cannot do them, especially the smaller rules, I use my discretion and do not write them up for that.” For example, Lee, a PO, responds to the question about too many rules, “I don't agree with that. I think the paper has—I guess, technically, the paperwork has too many rules because they can only focus on like a handful...I don't feel that there's too many for them to...I guess if you could give me the specific ones that people think aren't necessary, maybe my brain just doesn't include them.” Or, perhaps more succinctly, another PO, Taylor, explains, “No, that would not be my opinion...I'm not one that files, specifically on fees.” In short, the sentiment seems to be that the list of rules, in general, is reasonable, but that not all rule violations should become violations of probation in the form of a PTR or eventual revocation. This is the current practice anyway—and five to 11 people are okay with that. On the other hand, 14 people feel the list of rules is either too long, too punitive, or lacks accountability.

Tailor conditions of supervision. Regardless of whether respondents agree with the number of rules—18 of 25 respondents, or 72% of respondents expressed desire to tailor the list of rules to clients as part of their response to this question. Respondents who agreed there were too many rules or conditions pointed most often to rules restricting use of alcohol and/or marijuana when they are not related to the current offense. In fact, 18 peoples' responses to this question included a recommendation to tailor the conditions of probation to individual cases. Only five of the seven attorneys agreed there were too many rules but six of them discussed the desire to tailor conditions of probation to clients' cases. Leslie, an attorney says, “Yes. I think that the law says that we should tailor the conditions of probation to fit the offense, and unfortunately, we just have generalized conditions of probation...We're not in the business of controlling people's lives. We're in the business of preventing recidivism and, hopefully, fixing what brought them in the system in the first place.”

Similarly, Parker, a probation supervisor adds, “The general thought with the conditions, or the rule on this really, is that the probation condition is supposed to relate to the reason for the criminal case existing. For example, if someone's put on probation for a misdemeanor theft that

has nothing to do with drugs or alcohol, or substances of any kind, then at least in theory, their probation condition shouldn't include conditions related to substance use...In some counties you get defense attorneys objecting frequently to different probation conditions for each particular person based on their situation. Generally, in our county we don't do that a lot...We, as a county, could probably do a little bit better job of tailoring the probation conditions to the particular probationer. 'Cause generally, they just say, "Well, there's these seven. This is what they are. That's tough luck." Responses from both probation officers and probation supervisors were similar—fewer numbers agreed there were too many rules, but greater numbers expressed desire to further tailor the rules of probation beyond any tailoring that currently exists. Both judges agreed there are too many rules; and those rules should be tailored to clients. This is interesting because judges have the ability to strike out standard conditions of probation as Parker described.

Prioritize conditions of supervision. Nine of the 25 people suggested reducing the number of supervision conditions and some of those nine suggested holding people more accountable for those (fewer) targeted conditions. Avery, a PO, says, "Pick the conditions you really care about and the behaviors that you really wanna change in your community, and put your resources there." This would reduce the number of people violating probation for less prioritized rules such as nonpayment of fees because they would have met their top priorities and have been moved people off of probation. Some of those nine pointed to literature that suggests judges or others select only a few conditions, frame them as goals, and then work with clients to achieve only those goals. They preferred this approach to monitoring clients for non-compliance with a longer, less relevant list of supervision conditions. Charley, a PO supervisor, shares, "In an ideal world, I would love it if our IRAS community supervision tool could be applied before sentencing rather than after...I think it would also help the court determine what conditions are applicable rather than having blanket conditions. That would be my dream solution."

Reserve probation for high-risk clients. We asked interviewees whether they thought there were too many people on probation and, if so, how they would recommend fixing that. Eighty percent (20 of 25 people) agreed that we should put fewer people on probation. Dana, a PO, says, "I think some of those low-risk clients. They don't necessarily need probation. ...Have them make restitution if it was a theft and they've never been in trouble. Then they don't necessarily be on probation...probation should primarily be for those folks that are really more high and moderate risk to reoffend." Seven people pointed to the evidence-based literature that suggests

services should be reserved for high-risk individuals. Four people said they agreed there were too many people on probation but did not have ideas for how to fix the situation. Avery, a PO, says, “Evidence-based practices again, if we’re wanting to do that, we’ve got to put our time and energy as professionals towards the people who need that. Again, quit wasting time on those people that even if they’re participating in criminal behavior, but they’re found to be low-risk, listen to that. They’re low risk to be a harm to the community.”

Utilize early discharge. Five of the 25 people interviewed suggested making greater use of early discharge. One person suggested this could serve as an incentive for people to meet their active conditions more quickly. Charley, a PO supervisor, explained, “Yeah. I would rather, especially for those low-risk—for anybody, really, but especially for those low-risk folks, if they complete all their affirmative conditions by month four, I would want them to only have to pay fees through month four and then be eligible for early discharge. I think a lot of clients would do what they need to do in order to reach that goal.” Kennedy, an attorney, has seen early discharge used more often recently and supports the change, saying, “That has started in the last couple of years...The judges have started, it seems like, ceding more decision making to the probation officers. That is working, at least for me.”

Early discharge was acknowledged to be an option that could encounter resistance. Seven individuals expressed concern that the prosecutors would not want to move low-risk people off of probation. Three individuals expressed concern that the probation department would not want fewer people to be on supervision, or increased use of early discharge, because it would decrease probation’s revenue from user fees.

4.8d Summary of interview findings

The goals of the interviews were to learn from the interviewee-perspective what are (1) the drivers of violation and revocations, (2) explanations for variation between how cases are handled at the probation officer level, and (3) potential strategies for reform. We found, in support of the administrative data analysis findings, that revocations most often resulted from two scenarios either from a series of non-compliant behaviors, often involving substance use, or from a new offense. Explanations for variation between officers in timing and decision to violate and/or revoke were attributed primarily to personality, professional training and experiences, compliance orientations and orientations of judges. Interviewees’ suggestions for reform revolved primarily around reducing the standard conditions of probation by tailoring

conditions to the client's offense. Other suggestions were to limit probation to high-risk clients and utilize early discharge as an incentive to meet conditions and move off supervision.

4.9 Systemic Data Loss

An incidental finding of this study contributes to the literature on data quality in probation departments. Large amounts of data that exist only in the handwritten case files create unfortunate limitations for researchers trying to perform large-scale analysis.

Our array of statistical analyses allowed us to look for discrepancies that can indicate systemic data loss between handwritten records (i.e., the case file review small sample) and the more limited administrative data. Our findings: formal violations are recorded at about the same rate, but revocations and non-compliance incidents are underreported in administrative records.

5. KEY FINDINGS

Across our mixed methods approach, the findings indicate that clients' risk level and offense, duration of supervision time noncompliant, and accumulation of non-compliance incidents primarily contribute to Monroe County's violation and revocation patterns. Clients with new offenses, FTAs for court, and repeated non-compliance due to substance use violations and FTAs drove the overall violation and revocation rates. We identified a small subsample of clients—approximately 3% of the overall sample—who were revoked at 3.5 times the rate of the remainder of the sample. This subsample consisted of clients who alternated between substance use violations and FTAs, were classified as high risk, were assigned to a supervision caseload requiring at least five face-to-face contacts every three months, and were previously under community supervision.

Beyond the aforementioned factors, client-, probation officer-, and system-level mechanisms leading to revocation are difficult to dissect. Most clients (65%) became noncompliant at least once across their supervision term. Less than half of the sample (43%) received at least one formal petition to revoke a suspended sentence. Among this subsample who were eligible to have their supervision revoked, less than a quarter (17%) had their petition resolved with a revocation. These results demonstrate that there is a sizable population of noncompliant clients who are managed with administrative sanctions instead of a formal petition to revoke. Further, very few of the formal petitions translate to a revocation.

The non-compliance to revocation gap observed in this study raises questions about the role of probation officer and system discretion. Although violation and revocation rates varied by

officer and case judge, officer characteristics and judicial assignment were not consistently associated with violation and revocation outcomes in the analysis of administrative records. Case file review, survey, and interview analyses provide important context to understand the application of discretion within Monroe County's justice system.

First, case file review findings demonstrate that low severity non-compliance incidents are "stacked" and submitted to the court to supplement a filed petition to revoke. Interview findings confirm this case file review trend. Probation officers, probation officer supervisors, and attorneys note that multiple, accumulated factors need to be presented to the court to arrive to a revocation. Consistently, across these roles, interviewees felt there were too many conditions and that conditions were not tailored enough to individual cases. Probation officers expressed desire to handle 'smaller' rule infractions administratively (i.e., graduated sanctions matrix). However, ultimately, if a more serious rule is broken, probation officers will stack all the minor offenses and file a violation.

Second, the survey results indicate that probation officers believe they possess a wide degree of discretion to file a petition to revoke. However, officers do not believe they have much influence in determining how the petition is resolved. Officers also indicate that the final resolution of a petition to revoke rarely or sometimes matches their desired outcome. These findings from officers' contrast with other justice system professionals. Judges, prosecuting attorneys, and defense attorneys believe probation offices have the most influence on the resolution of a petition. Judges and defense attorneys report that their desired outcome often matches the final resolution of a petition.

Third, probation officers and prosecuting attorneys were most closely aligned with one another in preferred system responses to noncompliant behavior. Both groups of justice system professionals tended to be more punitive in their preferred responses in comparison to judges and defense attorneys. Probation officer supervisors tended to be less punitive than probation officers when offering their preferred responses to non-compliance for similarly situated clients.

Fourth, survey results from probation officers showed that, as a group, they are predominantly social work oriented; however, interview results pointed to perceived differences in orientations between probation officers. Interview respondents explained that some probation officers may be more rules oriented because they were trained during an older, compliance-oriented era, or it could simply be due to personality characteristics. However, some respondents

also expressed an opposing view – supported by the administrative data – that more experienced officers are more patient, lenient, and less likely to file violations than less experienced probation officers.

Fifth, interview results also suggested that part of the variation in non-compliance may be due to an overwhelming sense that too many, and too unrelated, rules of supervision are being required of people on probation. Respondents use their discretion to select which rules they think are most important to monitor for non-compliance and those which should result in violations or revocations. Recommendations suggest that selecting fewer conditions, that are relevant to why an offense was committed, and then holding clients more accountable to those conditions is the unofficial practice but should be considered as a policy change as well.

Six, interview results suggest that too many people are being placed on probation—both clients who are low risk and high risk. First, low-risk clients are being placed unnecessarily onto probation in part because of prosecutors' desire to satisfy victims or exact retribution—not because clients are a good candidate for probation according to evidence-based practices. However, probation is also being used in lieu of jail for high-risk clients even when jail is a more appropriate option—because of jail overcrowding. Ironically, placing all these people onto probation who are not well-suited to it increases jail capacity because, as one attorney explained, if the client had been able to take two months in jail upfront, and avoid probation, the client could have avoided the resulting six months revoked to jail when they were unable to comply with conditions of supervision.

Monroe County Probation Department's organizational culture indirectly influences overall violation and revocation rates. Through official policy and structured procedure, probation officers are encouraged to use their discretion to administer incentives and distribute barrier buster supports. Incentives consistently reduced the likelihood of a formal petition to revoke and a revocation order net all other factors. Officers also use a structured decision-making policy and procedure to inform graduated sanction response options. Administrative sanctions reduced the likelihood for a petition to revoke filing. Interview and case file review findings suggest that administrative sanction options are often exhausted before a petition to revoke is filed. Formal policy and procedure coupled with probation officers holding similar supervision orientations and similar training in the use of risk-based caseloads, incentives, and Effective Practices in Community Supervision (EPICS) likely contributes to an environment

where there is flexibility for single, early episodes of less serious forms of non-compliance and over a third of clients (39%) are nearly fully compliant across their supervision term.

Limitations

Several limitations of our study deserve additional discussion. First, our definition of revocation is broad and synthetic. The county does not have a code for revocation; our definition captures any clients who served any amount of time in jail after a violation was filed and may over count some individuals. Second, we were only able to examine the first probation case for each individual. People who have multiple cases often have many interacting factors. We were not able to examine factors that may be impacting the present case from other cases.

Third, we used a narrow subset of non-compliance events for the social sequence analysis, in part due to modeling constraints and in part due to the limitations of the data available to be queried. However, our case file review did provide a valuable supplement.

Fourth, we were unable to directly test adherence to, or divergence from, incentive and graduated sanction policy and procedures. We were unable to examine new offenses in depth because we did not have dates or follow-up information for new offenses (i.e., offense level, conviction information, etc.) in the administrative data.

Finally, there is likely a selection effect in who participated in online survey and interviews. Individuals who were motivated to talk with us were more likely to participate.

We were able to examine a long window of time for many people on probation, over 4,000 individuals. Our sequential explanatory design allowed us to identify research questions in earlier stages of research, for example, the administrative data, that could be examined in later stages of research such as case-file review, survey, or interview. We had first-hand access to data and practitioners (probation officers, supervisors, attorneys, and judges) and we also had a close relationship with our practitioner partner, which greatly improved data collection, analysis, and interpretation.

6. KEY RECOMMENDATIONS

1) We recommend reducing, revising, and tailoring the conditions of supervision.

Beyond reform allowing POs to prioritize a more targeted number of conditions, we also recommend that revising the relevant statutes, forms, policies, and procedures away from the

current narrow compliance model toward a strengths-based or positive-outcome-based model will provide the POs as well as judges with the scaffolding they need to work more effectively with probation clients.

(1a) Rephrase the conditions of probation in terms of positive change. For example, “working toward sobriety” could replace “pass drug tests” as a basic probation condition. For a client who entered probation with a heroin addiction, using marijuana could be a valid step on the path to sobriety, as it represents a lower-harm substance. Current conditions do not allow POs to determine the significance of a failed drug screen for their client’s overall rehabilitation. Combined with a reduction in what POs report as a distractingly large array of mandatory conditions, the simple use of strengths-based goals will provide Monroe County POs some of the scaffolding and guidance they have been lacking to implement a shift more fully to the EPICS framework.

(1b) Provide the court and other criminal justice partners with more information prior to sentencing to support tailoring the conditions of probation. Defendants convicted of higher-level felonies are required to have a presentence investigation report completed prior to sentencing. This report provides a risk and needs profile along with other pertinent information about the defendant, which provides the court with information to consider before sentencing. However, the vast majority of clients sentenced to probation are done so without the benefit of this information. Developing a streamlined version of a presentence investigation report that can provide enough information to tailor the conditions of probation will likely increase the effectiveness of probation.

(2) We recommend increased use of incentives and early discharge from probation. The local jail population has frequently reached above capacity over the past several decades, our court strives to use incarceration for public safety rather than punishment. Possibly due to these efforts, our interviewees spoke about lack of accountability/punishments to motivate compliance behavior. On the other end of the spectrum, interviewees discussed how incentives could be increased to encourage and motivate change in client behaviors. One major incentive is the use of early discharge from probation. It already exists as an option, but is rarely used in practice.

(3) Increase fidelity to motivational interviewing, use of EPICS, and effective case planning.

Monroe County POs are trained in MI (2008) and EPICS and case planning (2018); however, both our research findings as well as the agency's periodic reviews of recorded probation appointment sessions reveal POs are not fully utilizing the skills they been trained in, for example, they may not be talking to clients about goals, or not providing incentives at correct times or in correct ways, etc. Some POs are still confused about how to implement the new system and culture. Additional training sessions aimed at increasing the use of MI and EPICS skill usage as well as level of comfort in using these skills will be beneficial. Additional training in fidelity monitoring and sustainability will also be necessary.

(4) All reforms should be accompanied by appropriate trainings for POs, judges, and prosecutors.

GLOSSARY

case file—A file held on every probationer. In the study area, these are stored as PDFs scanned from largely handwritten forms.

cohort—Any group of people designated by the researchers to be analyzed together, due to a shared characteristic or experience, typically temporal, such as inclusion in a specific program that started when they were on probation.

FTA—Failure to Appear, an act of non-compliance

PO—Probation Officer

PTR—Petition to Revoke

revocation—When a judge revokes probation and reinstates the suspended sentence. Note, our definition captures any clients who served any amount of time in jail after a violation was filed and may over count some individuals

substance use—For the context of probation, substance use, a type of non-compliance, is defined as a failed drug *or* alcohol screening

supervision—Another term for probation

suspended sentence—The jail time or other penalty linked to a probation case—which disappears if the client successfully completes probation, but is reinstated if they are revoked.

violation—Another term for PTR