The Robina Institute's Research on Community Corrections: Addressing the Intersection of Policy and Practice

Kansas Sentencing Commission

September 16, 2020

ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

Robina Institute of Criminal Law and Criminal Justice

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

UNIVERSITY OF MINNESOTA

PROBATION REVOCATION AND ITS CAUSES:
Profiles of State and Local Jurisdictions

A publication by the Robina Institute of Criminal Law and Criminal Justice

RAMSEY COUNTY, MINNESOTA

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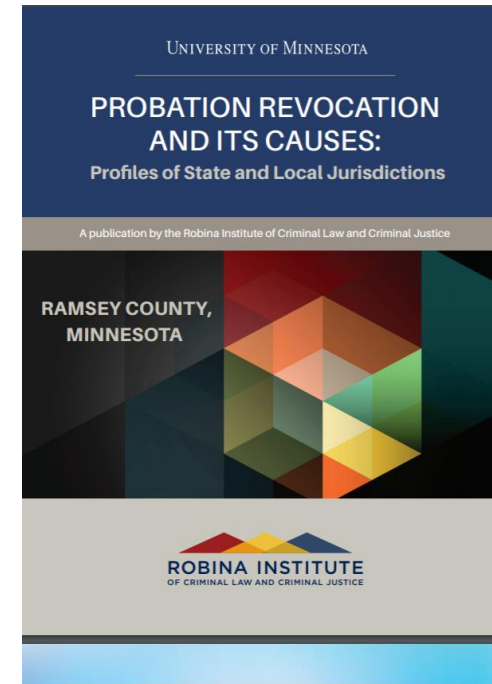
Aligning Supervision Conditions with Risk and Needs

The Problem

- Supervision agencies have put extensive effort into implementing evidence-based practices that follow a risk-need-responsivity approach.

  BUT . . .

- Parole boards and courts order people on probation and parole to comply with supervision conditions that are unrelated to public safety or behaviors that are related to their risk to reoffend, and that fail to address their criminogenic needs.

- Research suggests that in order to reduce re-offending, probation and parole conditions should reflect risk-needs-responsivity principles.

- We also know that over-supervising individuals can actually increase their risk to reoffend.

Source: Lowenkamp, C. T., Latessa, E. J., & Holsinger, A. M. (2006). The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs?. *Crime & Delinquency*, *52*(1), 77-93.

Solution: Tie Supervision Conditions to the RNR Framework

Risk

Needs

Responsivity

Project Description

This project will consist of three phases:

1. Determine how probation and parole conditions are currently set and develop a curriculum to help sites implement new policies and procedures that increase alignment between supervision conditions with risk and needs.

2. Offer policy recommendations and provide training at the three pilot sites on how to set conditions that are aligned with risk and needs; evaluate how well the policy change was implemented.

3. Finalize a curriculum on risk-and needs-based condition setting for other probation and parole agencies to use, and disseminate research findings and lessons learned in policy briefs and publications.

Example – 23 Standard Parole Conditions

- Reside at the place designated in the parole instructions. Parolee may not change residence unless prior approval is received from the supervising judicial district director or designee.
- Obey any curfew restrictions placed upon the parolee by the supervising officer.
- Remain in the county of residence unless the parolee's supervising judicial district director or designee grants prior permission to travel.
- Maintain contact with the District Department as directed and shall not lie to, mislead, or misinform the District Department either by statement or omission of information.
- Use the parolee's true name in all dealings.
- Follow all conditions that can and may be placed on parole by the Board and any additional conditions that can be added by the supervising officer at any time during the parolee's supervision.
- Refrain from association with any person having a criminal record, any person currently under supervision or any person known or suspected to be engaged in criminal activity, unless approved by the parolee's supervising judicial district director or designee.
- Treat all persons with respect and courtesy and refrain from assaultive, intimidating, or threatening verbal or physical abuse.
- Refrain from any direct or indirect contact or communication with any victim or the family of any victim of the parolee's offense(s), unless contact or communication with any victim or the family of any victim is authorized by the parolee's supervising judicial district director or designee.
- Participate in and cooperate with any treatment, rehabilitation, or monitoring programs, including any electronic monitoring, required by the supervising officer. The parolee shall seek mental health services as appropriate.
- Submit a DNA sample if requested by the parolee's supervising officer or law enforcement.
- Continue to work toward attaining a GED or complete the requirements for a high school diploma.
- Schedule and keep all appointments necessary for the successful completion of programs and services in which the parolee is participating and for the successful completion of the parolee's parole supervision.

- Sign any release or waiver requested by the parolee's parole officer to authorize the receipt and access to any information relating to any treatment program or otherwise as requested by the parole officer.
- Refrain from the use, purchase, or possession of alcoholic beverages and submit to alcohol tests and drug tests when directed. The parolee shall not enter taverns or liquor stores or other establishments where the primary activity is the sale of alcoholic beverages. The parolee will not use, ingest, inject, huff, possess or smoke any illegal or synthetic substances. The parolee shall not use, purchase, possess or transfer any drugs unless they are prescribed by a physician.
- Obey all laws and ordinances.
- Notify a parole officer within 24 hours of any arrest, citation, or contact with law enforcement.
- Not own, possess, use or transport firearms, dangerous weapons, or imitations thereof, unless approved by the parolee's supervising officer.
- Submit to a search of the parolee's person, property, place of residence, vehicle, and personal effects at any time, with or without a search warrant, warrant of arrest or reasonable cause by any parole officer.
- Waive extradition to the state of Iowa from any jurisdiction in or outside the United States (including Indian reservation or Indian trust land) and also agree that the parolee will not contest any effort by any jurisdiction to return the parolee to the state of Iowa.
- Pay restitution, court costs, and attorney fees as directed by the court. Parolee must pay any fees associated with programs and services ordered by the supervising judicial district director during the course of the parolee's supervision. Parolee must comply with all the terms of the parolee's restitution plan. Parolee must pay to the supervising district department of correctional services an enrollment fee to offset the cost of the parolee's supervision as provided in the Iowa Code. The parolee will pay this fee upon such terms as the supervising officer directs. The parolee may not be discharged from parole until all fees are paid.
- Secure and maintain employment as directed by the supervising officer. The parolee shall seek employment if the parolee is unemployed and shall report the parolee's efforts to find employment as directed by the parolee's supervising officer. The parolee must notify the supervising officer within 24 hours if the parolee's employment is terminated.
- Not operate a motor vehicle upon the public roads and highways unless the parolee has a current, valid driver's license and insurance. If the parolee's driving privileges were suspended, revoked or barred, and have been reinstated by the department of transportation, the parolee must receive approval from the parolee's supervising judicial district director or designee prior to getting a driver's license.

Not all Conditions Apply to Every Person

- Refrain from the use, purchase, or possession of alcoholic beverages and submit to alcohol tests and drug tests when directed. The parolee shall not enter taverns or liquor stores or other establishments where the primary activity is the sale of alcoholic beverages. The parolee will not use, ingest, inject, huff, possess or smoke any illegal or synthetic substances. The parolee shall not use, purchase, possess or transfer any drugs unless they are prescribed by a physician.

Some Conditions are Unenforceable

- Treat all persons with respect and courtesy and refrain from assaultive, intimidating, or threatening verbal or physical abuse.

Aligning Conditions with Risk

Table 6: Examining the mean number of conditions assigned to people by risk level

	Mean (SD) for Number of Conditions		
	No PSI	**PSI Group**	**Total**
Risk Level			
Low	13.8 (6.4)	18.2 (8.2)	15.3 (7.3)
Medium/Moderate	15.8 (5.3)	19.5 (4.6)	17.0 (5.4)
High	15.7 (5.6)	20.8 (6.4)	18.6 (6.6)
Total	15.0 (6.0)	19.9 (6.8)	17.1 (6.8)
ANOVA			
F value	87.591**		

Note: Risk level was pulled from different assessments depending on the study group. The LS/CMI was used for the PSI group and the pre-screener was used for the non-PSI group.

**$p<.001$

Table 7: Examining the alignment of supervision conditions with needs for people who scored moderate or higher for domains on the LS/CMI

	No PSI	PSI Group	Total
Moderate or Higher on LS/CMI Domain:			
Education & Employment			n = 1,000
No conditions aligned to this domain	292 (67.6%)	236 (41.5%)	528 (52.8%)
At least one condition is aligned to this domain	140 (32.4%)	332 (58.5%)	472 (47.2%)
Family & Marital**			n=989
No conditions aligned to this domain	366 (96.6%)	364 (70.0%)	730 (81.2%)
At least one condition is aligned to this domain	13 (3.4%)	156 (30.0%)	169 (18.8%)
Leisure & Recreation			n=1,254
No conditions aligned to this domain	413 (85.5%)	682 (88.5%)	1,095 (87.3%)
At least one condition is aligned to this domain	89 (11.5%)	89 (11.5%)	159 (12.7%)
Companions (criminal vs. anticriminal)*			n=1,196
No conditions aligned to this domain	492 (98.4%)	646 (92.8%)	1,139 (95.2%)
At least one condition is aligned to this domain	8 (1.6%)	50 (7.2%)	58 (4.8%)
Alcohol & Drugs**			n=1,140
No conditions aligned to this domain	81 (17.3%)	22 (3.3%)	103 (9.0%)
At least one condition is aligned to this domain	387 (82.7%)	650 (96.7%)	1,037 (91.1%)
Procriminal Attitude/Orientation*			n=739
No conditions aligned to this domain	222 (79.0%)	184 (40.2%)	406 (54.9%)
At least one condition is aligned to this domain	59 (21.0%)	274 (59.8%)	333 (45.1%)
Antisocial Pattern			n=884
No conditions aligned to this domain	386 (97.2%)	423 (86.9%)	89 (91.5%)
At least one condition is aligned to this domain	11 (2.8%)	64 (13.1%)	75 (8.5%)

Note: This table presents information on people who scored moderate or higher risk by domain on the LS/CMI since it is expected that for each domain someone has a need in there should be at least one condition of supervision addressing this need (i.e., alignment). Therefore sample size for each domain varies depending on the number of people who had a score of moderate or higher on the domain across both the PSI and non-PSI groups. Items were significant at $p<.001$(**) or $p<.01$(*) in Pearson Chi-Square analysis.

Aligning Conditions with Needs

Reducing Revocations Challenge

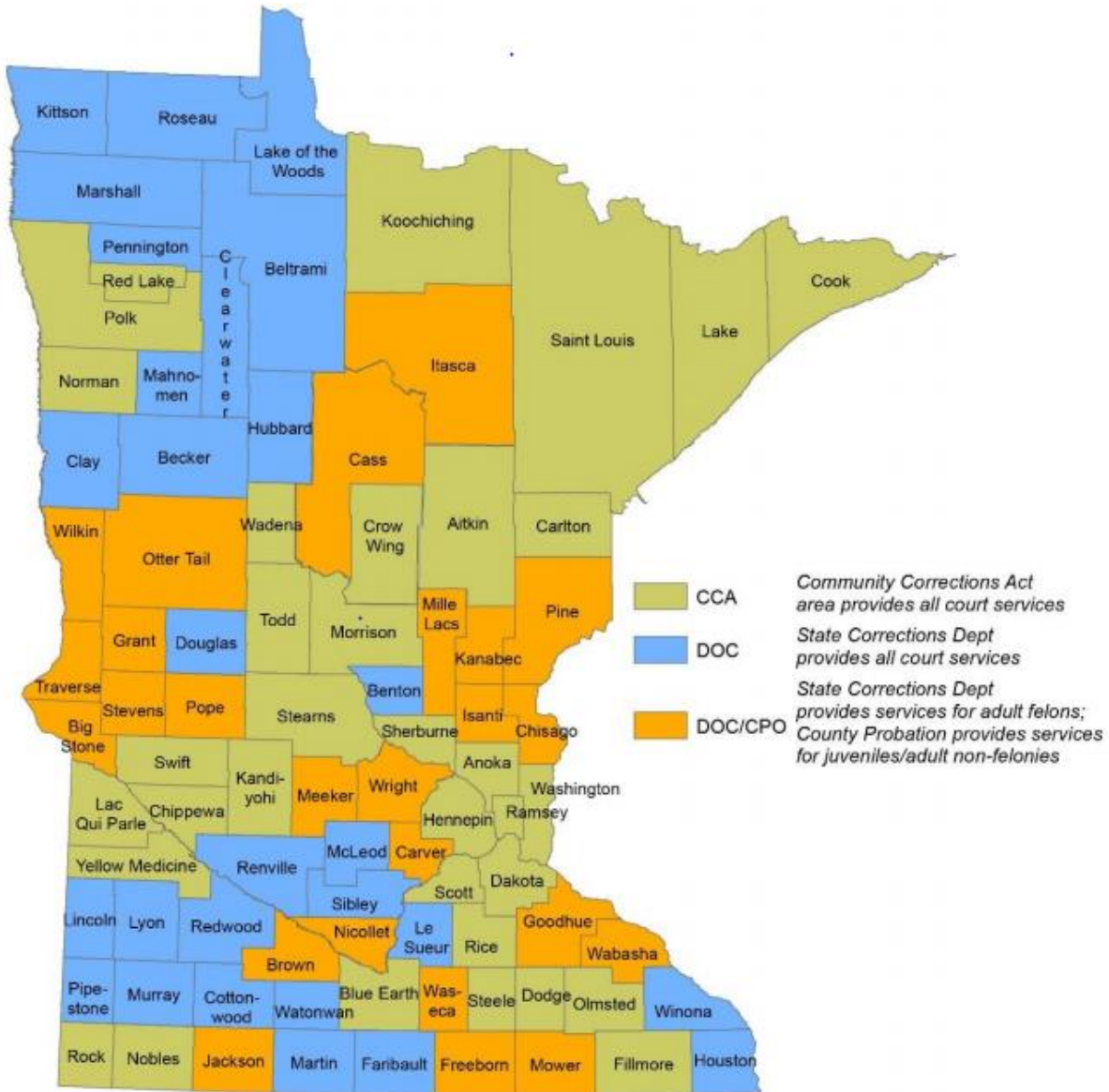Robina Institute and Ramsey County Community Corrections Partnership

Minnesota's Community Corrections Delivery System

CCA — Community Corrections Act area provides all court services

DOC — State Corrections Dept provides all court services

DOC/CPO — State Corrections Dept provides services for adult felons; County Probation provides services for juveniles/adult non-felonies

Map created by the Minnesota Department of Corrections

- Minnesota has a decentralized, three-tiered delivery system.

- Delivery system decisions rest with each county's Board of Commissioners.

- Each tier has different funding streams and oversight structure.

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

Alexi Jones. Correctional Control 2018: *Incarceration and supervision by state.* Prison Policy Initiative. December 2018. https://www.prisonpolicy.org/reports/correctionalcontrol2018.html

Revocation Rates by Twin Cities Metro Area Counties

Ramsey	20,400	4,174	20.5%
Washington	5,230	951	18.2%
Anoka	9,387	1,316	14.0%
Scott	3,212	446	13.9%
Hennepin	31,044	3,602	11.6%
Dakota	11,386	1,165	10.2%
Carver	1,500	117	7.8%

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

Minnesota Sentencing Guidelines Commission, *2017 Probation Revocations: Offenders Sentenced from 2002-2016 Revoked to Prison through 2017* (January, 2019).

What We Learned in Phase I Analysis: Developing a Project to Identify Drivers of Revocations

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RAMSEY COUNTY
Community Corrections

Identifying Drivers of Probation Revocations – Part 1

Who and what is associated with probation revocations?

Studied aggregate trends of probation violations to identify:

1) largest contributors (*i.e., which types of characteristics have the most probation violations filed?*)
2) disproportionate contributors (*i.e., do cases with similar characteristics have similar rates of probation violations?*)

Description of Sample and Methods
Phase I Exploratory Data Analysis

Data source

16,932 electronic probation case files
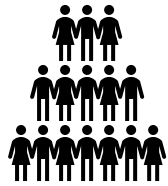
14,505 unique individual
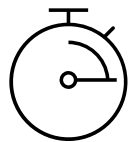
Active cases during 2015 - 2016

Variables

Demographics for people

Supervision information

Court data

Analysis Techniques

% within all probation violations filed

Probation violation rates for each category

A Few Trends...Expected *and* Unexpected

Of the probation violations filed during the 2015-2016 snapshot period...

Some trends were related to the characteristics of people:

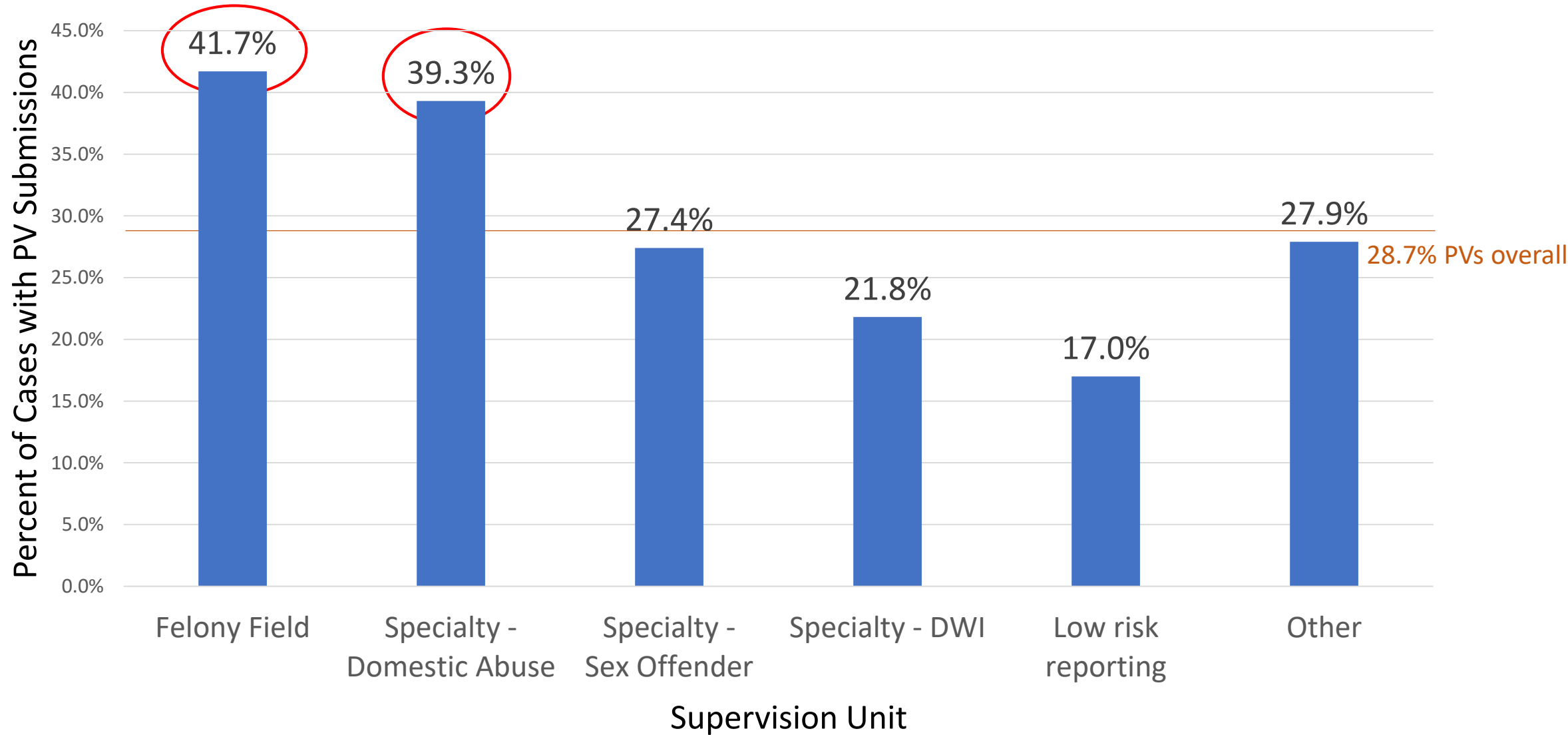- Males had higher rates of PVs than females

- Younger age groups had higher rates than older age groups

- Native Americans had almost double rates of PVs than total probation average, though they were a small proportion of cases supervised

- Blacks & African Americans also had higher rates of PVs filed compared to the overall average
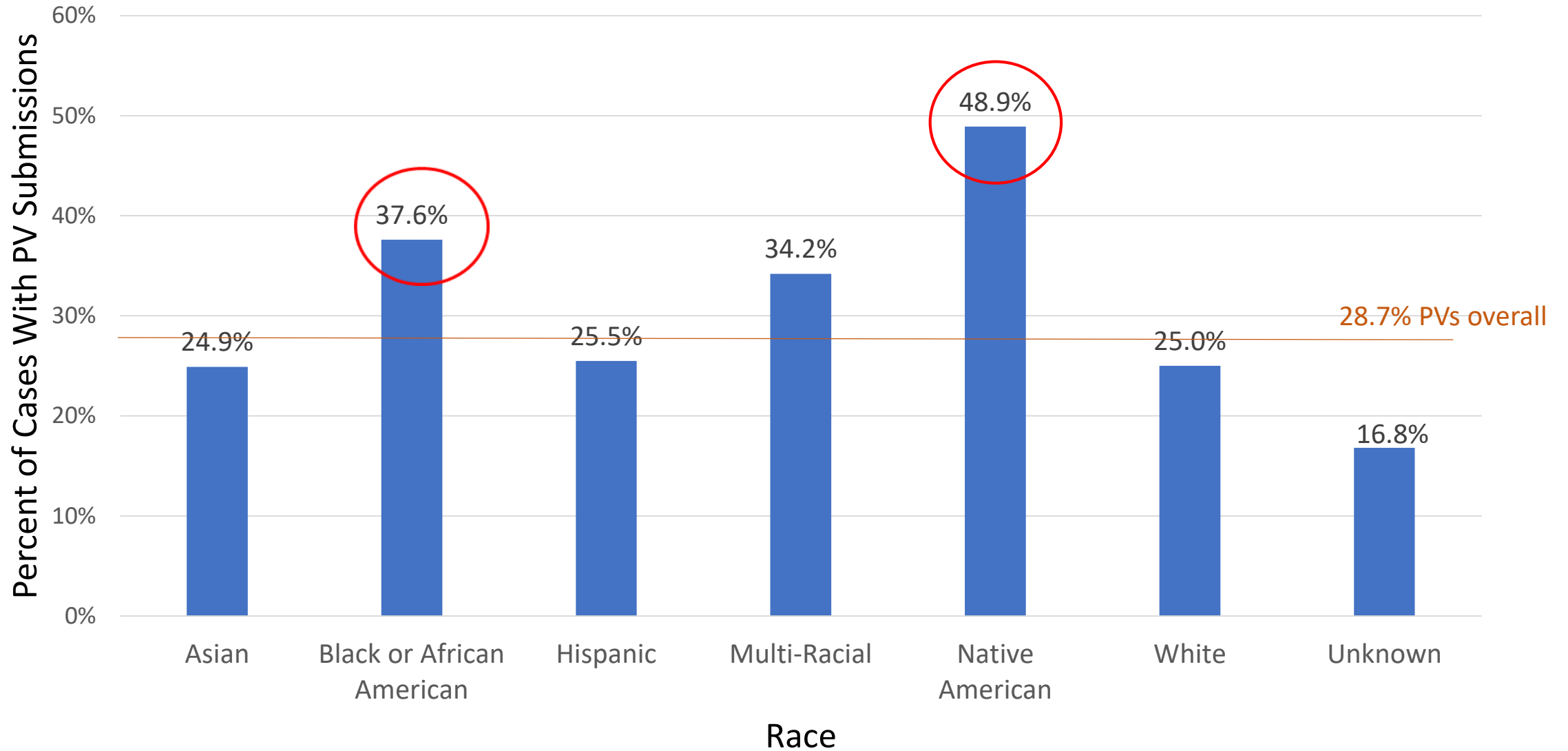
Probation Violation Rates for Offense Level
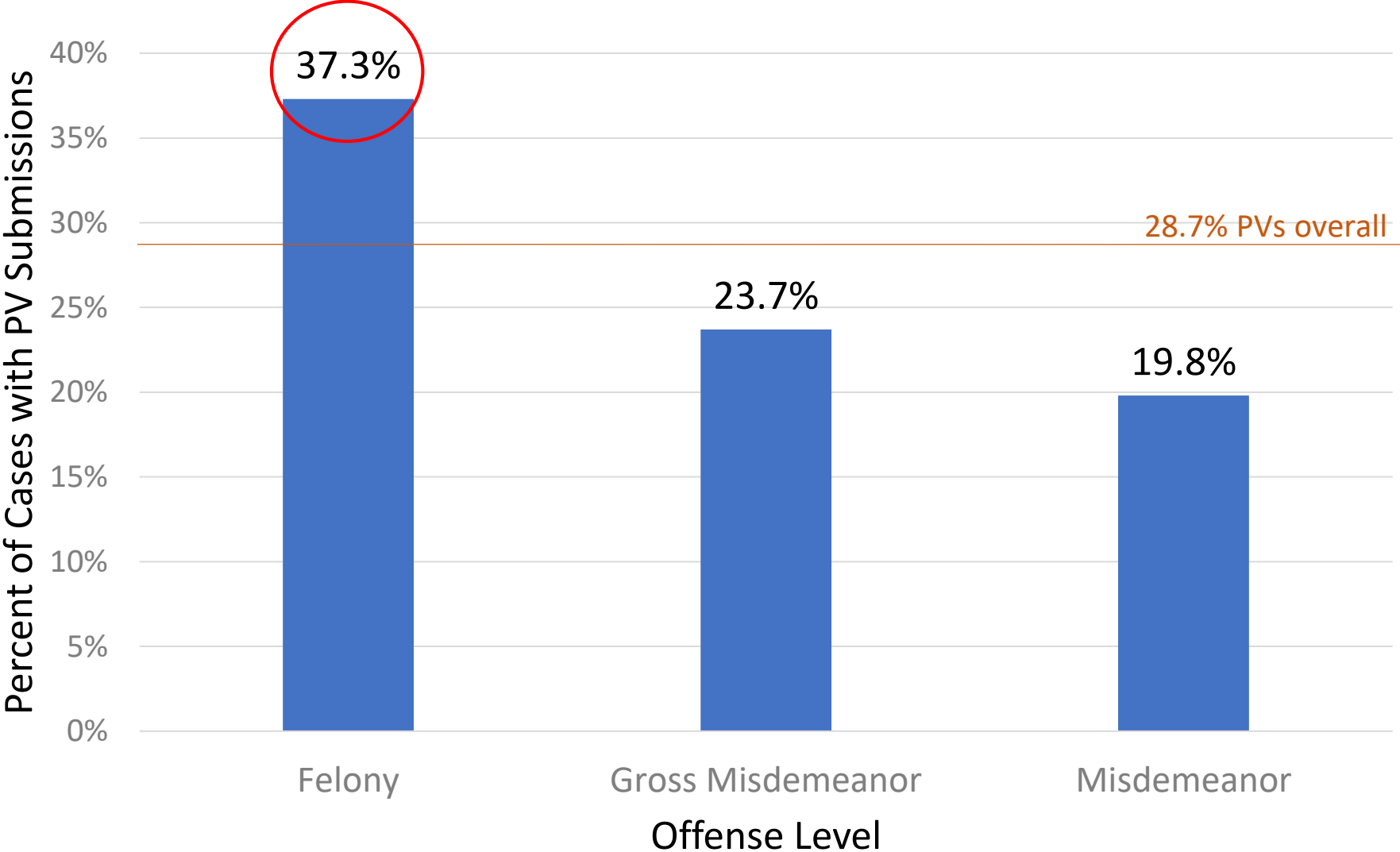
A Few Trends…Expected *and* Unexpected

Of the probation violations filed during the 2015-2016 snapshot period…

Some trends were related to the probation case or supervision characteristics:

- Certain offense types had higher PV rates than the average across all probation cases: person or violent , drug, and property

- Felony field unit and domestic abuse unit had higher PV rates than the overall average

- With each increase in risk level on the risk and needs assessment, there was an increase in PV rates (i.e., high risk cases had the highest rate of PVs)

Probation Violation Rates for Supervision Unit

Percent of Cases with PV Submissions

- Felony Field: 41.7%
- Specialty - Domestic Abuse: 39.3%
- Specialty - Sex Offender: 27.4%
- Specialty - DWI: 21.8%
- Low risk reporting: 17.0%
- Other: 27.9%

28.7% PVs overall

Supervision Unit

Lessons Learned from Part 1 PV Analysis

There are differences in PV rates across demographics and supervision characteristics

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

Snapshot in time limits an understanding of the PV trajectory or pathway to revocation

Where we are Heading
Phase II: Reducing Revocations Challenge

Identifying Drivers of Probation Revocations Part 2 (RRC)

<u>Why</u> do rates of probation violations differ by characteristics of people, supervision, and other case information?

<u>How</u> are these factors contributing to revocations in Ramsey County?

Quantitative and qualitative data will:

1) Develop a revocation pathway and examine decision points impacting the pathway

2) Identify predictors of probation violations, revocations, and other outcomes

3) Synthesize multiple sources of information to identify policy and practice solutions to reduce revocations and promote success for people on supervision

4) Collaborate with advisory group to review key findings and inform a local strategy for reform

Simplified Overview of the Revocation Pathway in Ramsey County

SYSTEM ACTORS
- Court
- Probation
- Prosecutors
- Defense Attorneys
- People on Probation
- Treatment/Services

OTHER INFLUENCES
- Policies
- Practices
- Culture, philosophy and history
- Relationships
- Discretion
- Community

PROCESS and KEY DECISION POINTS

Sentencing
Conditions
Probation length
Stay type
Dispositional departure

Probation Violation (PV) Submitted
Allegations
Recommendation

Revocation Hearing Held
Admit violation
Deny/contest
Execute sentence

Court Decision (PVs Admitted or Found)
Revoke probation (incarceration)
Continue probation (with or without incarceration)
Discharge probation with no further time to serve

Description of Sample and Methods – Phase II RRC Data Analysis

Data source

Electronic *and* manual coding of court and probation case files by staff
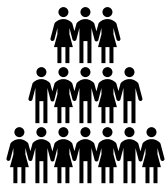
3,125 people who started on probation in 2016
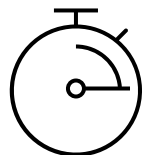
Probation cases with follow-up 2 years for PV

Variables

Demographics for people

Supervision information

Court data (more expansive)

Analysis Techniques

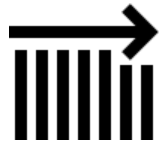Descriptive statistics (this presentation)

More analyses are in development as part of the Reducing Revocations Challenge

Data Analysis for RRC

Current research questions with data analysis:

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

Are violations and recommendations handled consistently within Ramsey County Community Corrections?

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

What is actually predicting probation revocation in Ramsey County?

What responses and interventions do probation officers use before the behavior escalates to a probation violation?

Additional Research Activities to Understand Revocations in Ramsey County

Convene an advisory group of criminal justice stakeholders and community representatives
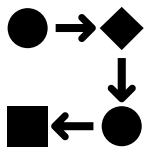
Review and map the policies, decision points and pathways that comprise the violation and revocation process across the Ramsey County criminal justice system

Conduct interviews with judges, prosecutors, defense attorneys, treatment and service providers, and people on probation in Ramsey County.
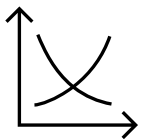
Conduct in-depth case file reviews to understand how probation officer behavioral responses and interventions impact violations

Findings for RRC so far....

Preliminary data analysis of probation violations:

Approximately **33%** of people convicted of gross/misdemeanor offenses and **57%** of people convicted of felony offenses received at least one PV

People should be **studied by offense level** in Ramsey County to understand factors predicting PVs
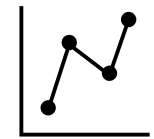
Age, **sentence length**, **risk level**, **supervision type**, and **offense type** predict the likelihood someone will receive at least one PV, but race is only predictive of PV for people convicted of gross/misdemeanor level offenses
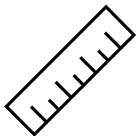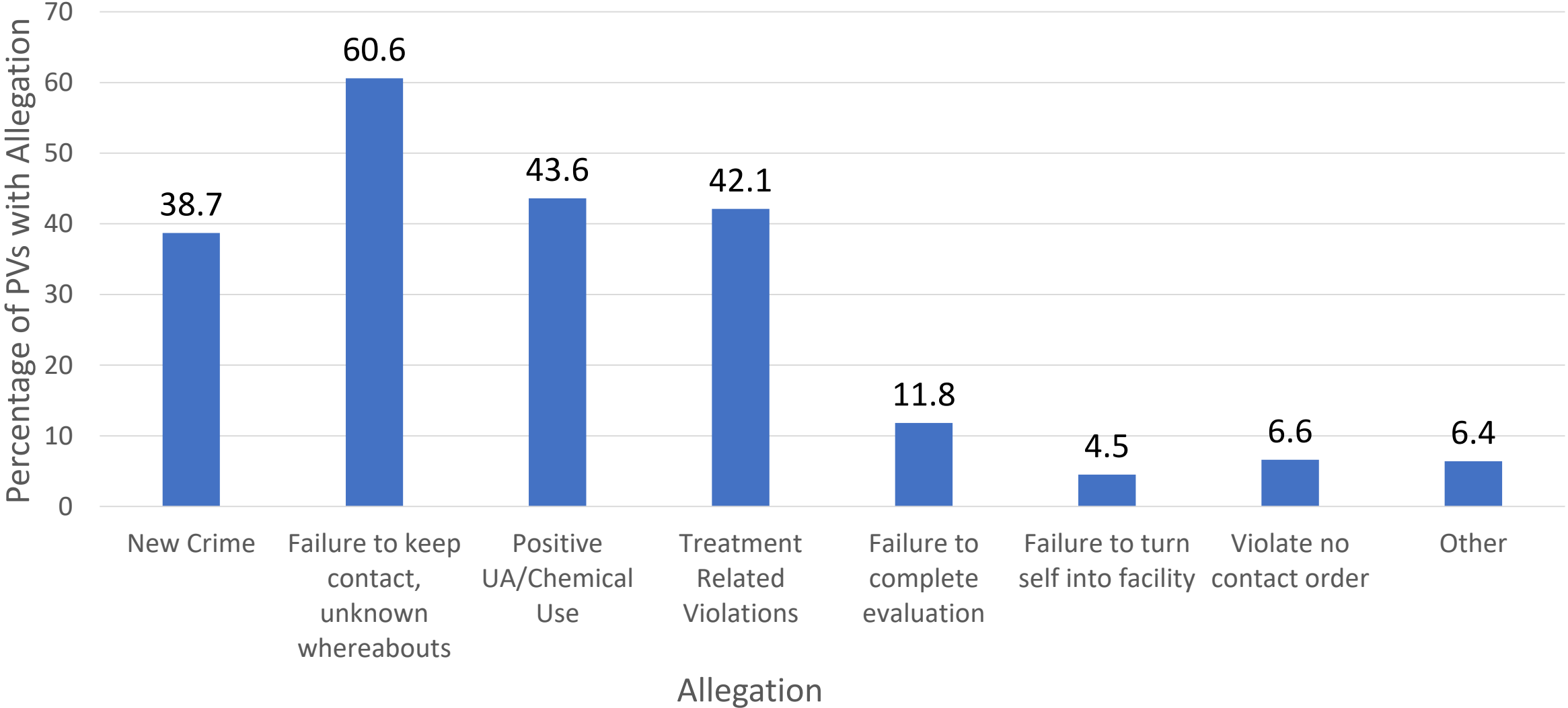
Sentence length is one of the most impactful predictors of probation violations, but still need to analyze how this relates to public safety

Group reporting is associated with lower odds of receiving a PV

Studying Reasons for Probation Violations in RRC:
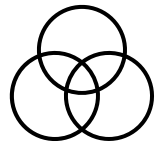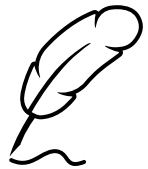*Underlying Reasons for all PV Allegations*

Findings for RRC so far….

Preliminary analysis of qualitative interviews with people working in the system:

Lessons Learned in Community Corrections Research

Studying "causes" of revocations is complicated and requires resources for data collection and mixed-methods to understand policies, practices, and trends.

Even with effective policy change at the state level, changing policy for community corrections is a highly localized process.

Despite the wealth of research on corrections, less is known about how judicial and parole board decisions can link more effectively to EBP community supervision.