

Executive Summary

Pathways to Success on Probation

Lessons Learned from the
First Phase of the Reducing
Revocations Challenge

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Probation was designed to be an alternative to incarceration, yet for many people under supervision it turns out to be a pathway that inevitably leads them there. A major cause of this is that we know very little about how to effectively manage and support people on probation in a manner that reduces revocations, maximizes success, and works to achieve community safety and well-being. We also know very little about how to respond to people on supervision in ways that prevent new criminal activity without over-punishing less harmful behaviors or exacerbating racial and ethnic disparities. We must move toward bigger, bolder, and more innovative solutions that respond directly to drivers of revocations and advance equity in outcomes.

With this in mind, in 2019, the CUNY Institute for State & Local Governance (ISLG) launched the Reducing Revocations Challenge (Challenge), a national initiative that aims to increase success on probation through the identification, piloting, and testing of promising strategies grounded in a robust analysis and understanding of why revocations occur. With the support of Arnold Ventures, over the past two years, the Challenge has supported action research in **10 jurisdictions** around the country to explore three key questions about local probation practices:

1. Who is most likely to have a violation of their probation filed or have their probation revoked?
2. Which types of noncompliance most often lead to probation revocation?
3. What factors are driving these outcomes and what are the potential solutions?

In each jurisdiction, the work was carried out by an action research team comprised of a research group and a partner probation agency.

Findings in each site were used to inform the development of solutions that addressed the drivers of revocations that were uncovered. Across sites, the research also yielded broader insights and lessons learned to the field about what drives revocations and for whom. Some of these insights support and reinforce existing evidence in the field regarding factors and circumstances that contribute to these outcomes. Others provide a new and deeper understanding of key issues that are critical for limiting unnecessary violations and revocations and enhancing success on supervision overall—the prevalence of technical violations, new crime violations as a driver of revocations, and the role of risk in violation outcomes.

Challenge Sites

Cook County (Chicago), IL

Cook County Adult Probation Department and Loyola University Chicago

Denver, CO

Denver Adult Probation and the University of Wyoming

Harris County (Houston), TX

Harris County Community Supervision and Corrections Department and Justice System Partners

Monroe County (Bloomington), IN

Monroe Circuit Court Probation Department and Indiana University

Niagara County, NY

Niagara County Probation Department and Niagara University

Pima County (Tucson), AZ

Adult Probation Department of the Superior Court in Pima County and Urban Institute

Pulaski County (Little Rock), AR

Arkansas Division of Community Correction and the University of Arkansas for Medical Sciences

Ramsey County (St. Paul), MN

Ramsey County Community Corrections and the Robina Institute

Santa Cruz County, CA

Santa Cruz County Probation Department and Resource Development Associates

Spokane County, WA

Spokane Municipal Probation Department and ideas42

FINDINGS THAT REAFFIRM EXISTING KNOWLEDGE AND ASSUMPTIONS

1. Probation officers play a key role in the success of people on probation, but the nature of their working relationships varies greatly.
2. Many people on probation have complicated needs, and probation does not always have the services and supports to address them.
3. Racial and ethnic disparities are prominent among both violations and revocations.
4. Length of time on probation affects the likelihood of success, but the relationship between the two is complicated.

FINDING 1: Probation officers play a key role in the success of people on probation, but the nature of their working relationships varies greatly.

Probation officers in each site are directly responsible for responding to noncompliance among people on probation and for making decisions about whom to violate and for what, but their influence does not end with the violation decision. In many Challenge sites, probation officers were shown to have great influence on revocation decisions as well, with judicial dispositions largely aligned with probation officers' recommendations. The influence that probation officers exert over both violation and revocation decisions underscores the importance of their relationships with clients, yet both people on probation and officers across multiple sites described significant variation in the nature of these relationships. In some cases, officers were seen as sources of support and/or resources to those on probation; in other cases, they were more inclined to report violations for minor noncompliance or to fail to make referrals to services.

FINDING 2: Many people on probation have complicated needs, and probation does not always have the services and supports to address them. A substantial proportion of the probation population across sites demonstrated complex needs—chief among them were issues arising from substance use, mental health disorders, homelessness, and unemployment—that create barriers to success. Such needs elevate the risk of violation and/or revocation by making it difficult for clients to adhere to conditions of probation; and in some cases, conditions related to these needs can disrupt efforts to comply with other conditions. Despite these well-documented needs, probation staff in the vast majority of sites felt that the available services and resources were not sufficient to meet the needs of people on probation, particularly with respect to substance use or mental health treatment.

FINDING 3: Racial and ethnic disparities are prominent among both violations and revocations.

Racial and ethnic disparities were prevalent among probation outcomes, just as they are at other points in the criminal legal system. Across many Challenge sites, Black clients were disproportionately more likely to have a violation filed and/or have their probation revoked when compared to their white counterparts. Disparities were also apparent for Hispanic and Native American populations in some sites.

FINDING 4: Length of time on probation affects the likelihood of success, but the relationship between the two is complicated.

The association between time on probation and the likelihood of violation and/or revocation varied from one Challenge jurisdiction to the next, with inconsistencies in whether, and the extent to which, they were related. In just over half of sites, longer probation terms were associated with a greater likelihood of violations, though not revocations. The amount of time a person had left on their term was an important factor in decisions regarding whether to file a violation for a given act of noncompliance in many sites—specifically the perception of whether sufficient time remains on a person’s sentence to bring them into compliance.

NEW INSIGHTS AND IMPLICATIONS

New insights gleaned from the research add a critical level of depth to understanding the drivers of violations and revocations, and in particular to understanding how drivers vary for behaviors and people that are considered to be more or less “risky.” Grasping the different pathways that lead people assessed as high or low risk to unsuccessfully exit probation—and for what—is critical to carving out clearer pathways toward success and racial equity in outcomes and protecting community safety.

1. Technical violations are prevalent in many sites, but they are issued for a variety of reasons that do not always reflect a desire for revocation.
2. While technical violations are prevalent, new crimes are more likely to end in revocation.
3. People on probation who are assessed as high risk are more likely to have a violation filed, even for less serious acts of noncompliance

INSIGHT 1: Technical violations are prevalent in many sites, but they are issued for a variety of reasons that do not always reflect a desire for revocation.

Despite advances that have been made in the field over the last several decades, technical violations continue to impede success for people on probation. Technical violations are prevalent in many probation agencies around the country, and Challenge sites are no different: technical violation rates were as high as 34 per 100

people on probation, with failure to report and substance use violations chief among them. While technical violations were generally less likely to lead to revocation than new crime violations, they nonetheless were an important determinant of overall revocation numbers because of the much higher volume that are filed. This is a concern given that technical violations do not have the same implications for community safety as new crimes; and while it would be natural to assume that a preponderance of technical violations in any jurisdiction could be explained largely in terms of a punishment-oriented culture among officers, research across sites revealed that this is sometimes but not always the case. Officers also issue technical violations for reasons that do not involve them wanting to revoke a person's probation, including when they feel they have run out of other options.

» **IMPLICATIONS: The various drivers and reasons behind technical violations suggest that the best way to reduce them is by both limiting opportunities for technical violations to occur and providing probation officers with more alternative tools for engaging clients in supervision.** Among specific ways to achieve the former are reducing the number of probation conditions, establishing policies that limit the circumstances under which technical violations can be filed, and revising drug testing policies to make testing more targeted. Credible messengers can be an important component of the latter, along with establishing a robust continuum of services and supports and creating guidelines for responding to people with substance use needs that acknowledge and take into account the realities of the recovery process.

INSIGHT 2: While technical violations are prevalent, new crimes are more likely to end in revocation. New crime violations (those that involve new arrests, new charges, or new convictions) were a bigger driver of revocations in Challenge sites, in the sense that they had a greater chance of ending in a revocation outcome. This is not terribly surprising, though new crime violations can include a range of different types of offenses or charges, from low-level misdemeanors to more serious offenses involving physical harm or gun use. It is not clear from the research what types of new crimes are tied to revocations in Challenge sites, but research did reveal that many departments have formal or informal policies of automatically filing violations whenever “more serious” new crimes are alleged to have occurred, and that severity is defined quite differently site to site. Beyond that, research revealed a perception among at least some officers that issuing violations in response to new crimes is the best way to ensure community safety.

» **IMPLICATIONS: It is clear from their prevalence among revocations that addressing violations involving new crimes is critical for significantly**

reducing revocations overall. Providing services and supports that address underlying criminogenic needs among probation clients, such as substance use, mental health, housing, and employment, is central to decreasing these types of noncompliance. Beyond that, however, probation departments should reconsider policies around automatically filing violations for new offenses, particularly policies that do not fully account for the seriousness of the offense and the potential impact on community safety.

INSIGHT 3: People on probation who are assessed as high risk are more likely to have a violation filed, even for less serious acts of noncompliance. Risk was a recurring theme across Challenge sites—both the varying ways in which risk was perceived by probation officers, and how a person’s perceived risk affected their likelihood of success on probation. One of the most consistent findings to emerge was that people assessed as higher risk through empirical tools were more likely to have a violation filed (and sometimes more likely to be revoked). With that said, violations among these individuals are not always for more serious acts of noncompliance, and the same behaviors could have quite different responses depending on the assessed risk of the person on probation. Indeed, qualitative work in many sites illuminated a strong risk avoidance mentality among a lot of officers and other system actors, as well as a tendency to issue violations more quickly among people assessed as high risk for lower-level noncompliance.

» **IMPLICATIONS: This is not surprising considering that risk level is built into many graduated responses tools, but it does raise questions about the utility of issuing violations for those assessed as high risk more often,** especially given that most empirical risk assessment tools do not specifically look at the risk for violence or to community safety, but rather measure risk for any new arrest, which includes low-level offenses. Among the specific implications of this finding are reconsidering the role that assessed risk level should play in graduated response tools, and the importance of training for probation officers around what risk is, what risk assessment tools measure (and do not measure), and how to effectively respond to people assessed as high risk in a manner that maximizes success and preserves community safety and well-being.



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