



Georgia Council on Criminal Justice Reform

Third Probation Subcommittee Meeting

September 7, 2016

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THE COUNCIL OF STATE GOVERNMENTS

Data analysis and stakeholder engagement update

Data Type	Source	Status
Arrests	Georgia Crime Information Center	Analyzed
Sentencing & Revocations	ARS	Analyzed
Probation	ARS, originally provided by GDC	Analyzed
Inmate	ARS, originally provided by GDC	Analyzed
Misdemeanor Probation	Various misdemeanor providers provided aggregated summaries	Received

Stakeholder Engagement Since the July Subcommittee Meeting

1st Meeting of the Georgia Council on Criminal Justice Reform

Delivered a presentation discussing initial analysis shared with the Sentencing Subcommittee and Probation Subcommittee in July, as well as possible next steps

2nd Probation Subcommittee Meeting

Stakeholder presentations given by the Department of Community Supervision and the Southern Center for Human Rights

Felony Probation Assessment

Conducted focus groups with both new and veteran line officers; toured a Probation Detention Center, a Day Reporting Center, and a basic training facility; observed administrative hearings and an officer on contact visits; interviewed a Chief and Assistant Chiefs in one office

Calls & Meetings with Subcommittee Members & Other Stakeholders

22 conversations with representatives of the judiciary, executive, legislature, prosecuting attorneys, criminal defense, criminal justice administrators, and advocacy groups

Georgia has the highest probation rate in the country

Three key drivers appear to be:

1. Use of felony probation terms in addition to prison sentences (i.e., split sentences)
2. Lengthy felony probation sentences (in both direct and split sentences)
3. Misdemeanor placements on probation

What works in probation supervision? Risk-Need-Responsivity (RNR) principles are key to containing costs and reducing recidivism



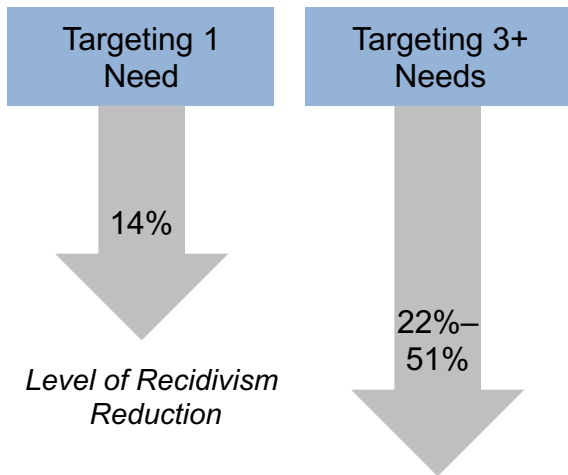
Studies have shown that treating **low-risk** people actually *increases recidivism*, while treating **high-risk** people with high-intensity programming dramatically *decreases recidivism*. Further, providing very low-intensity programming to high-risk people does little, if anything, to reduce recidivism.

Source: Donald Arthur Andrews and James Bonta, *The Psychology of Criminal Conduct* (Cincinnati: Anderson, 2010); Lee, S., Aos, S., Drake, E., Pennucci, A., Miller, M., & Anderson, L. (2012). *Return on investment: Evidence-based options to improve statewide outcomes*, April 2012 (Document No. 12-04-1201). Olympia: Washington State Institute for Public Policy.; Latessa, Lovins, and Smith, “Follow-up Evaluation of Ohio’s Community Based Correctional Facilities, Outcome Study, February 2010

To reduce recidivism, programs must address multiple need areas that drive criminal behavior

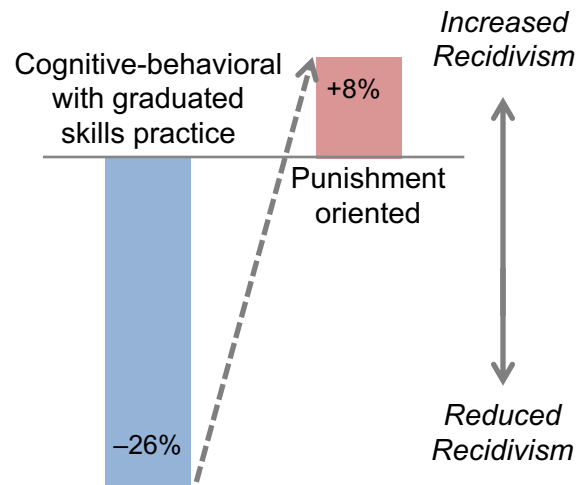
Addressing just one need is insufficient to change behavior

Addressing only one criminogenic factor has significantly less of an impact than addressing multiple factors



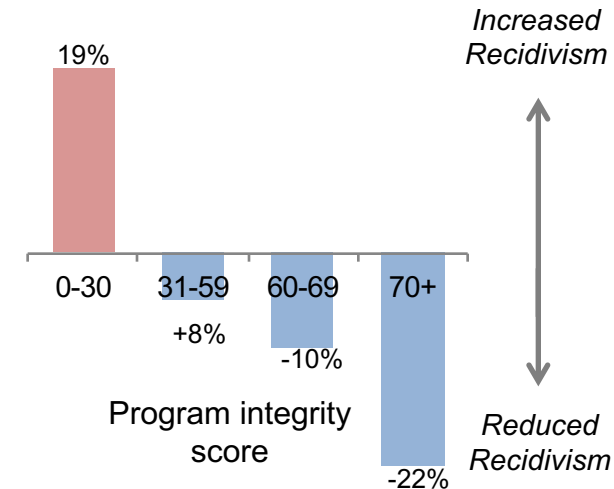
Programs must be based on proven curricula or principles of effective intervention

Evidence-based practices significantly reduce recidivism, while outdated punitive approaches can increase negative results



Programs must have high integrity

Program integrity is how closely a program aligns with best practice standards (fidelity to the model).



Source: Andrews and Bonta, *The Psychology of Criminal Conduct*, 5th ed. (New Providence, NJ: Mathew and Bender & Company, Inc., 2010); Lowenkamp, Latessa, and Holsinger, "The Risk Principle in Action: What Have We Learned from 13,676 Offenders and 97 Correctional Programs?" *Crime and Delinquency* 52, no. 1 (2006): 77-93

Research shows that effective supervision is tailored and enhances motivation

Responsivity: Using interventions that are known to be effective with probationers and tailoring interventions to mitigate barriers for the individual



Internal Responsibility

- Motivation
- Mental health: anxiety, psychopathy
- Maturity
- Transportation
- Cognitive deficiencies
- Language barriers



External Responsibility

- Program characteristics
- Facilitator characteristics
- Program setting

Overview



1

Probation population trends (felony)

2

Probation supervision practices (felony)

3

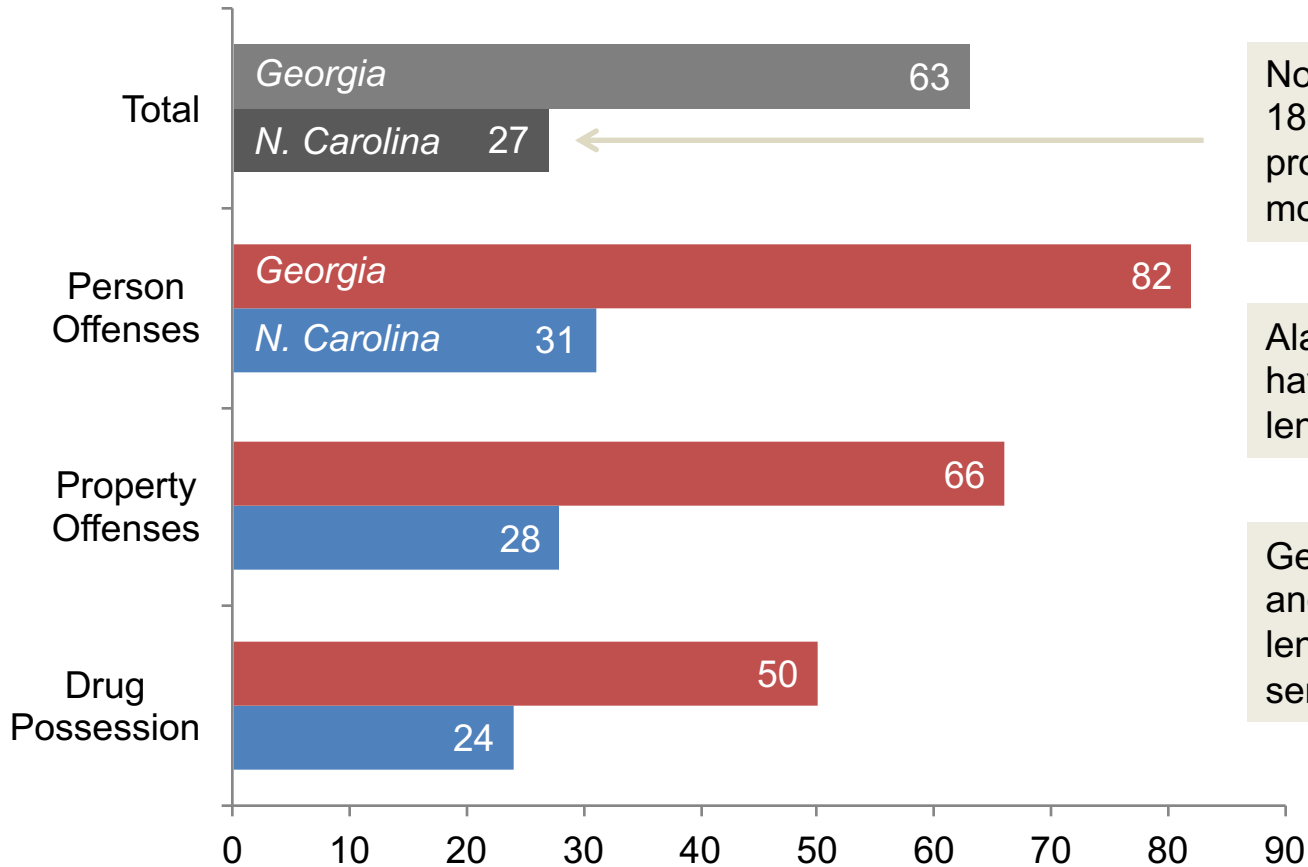
Probation recidivism outcomes (felony)

4

Next Steps

Felony probation sentence lengths are longer than they are in neighboring states

Average Sentence Length
for Felony Probation (in months), FY2015



North Carolina allows a range of 18 to 36 months for felony probation, with an average of 27 months probation ordered.

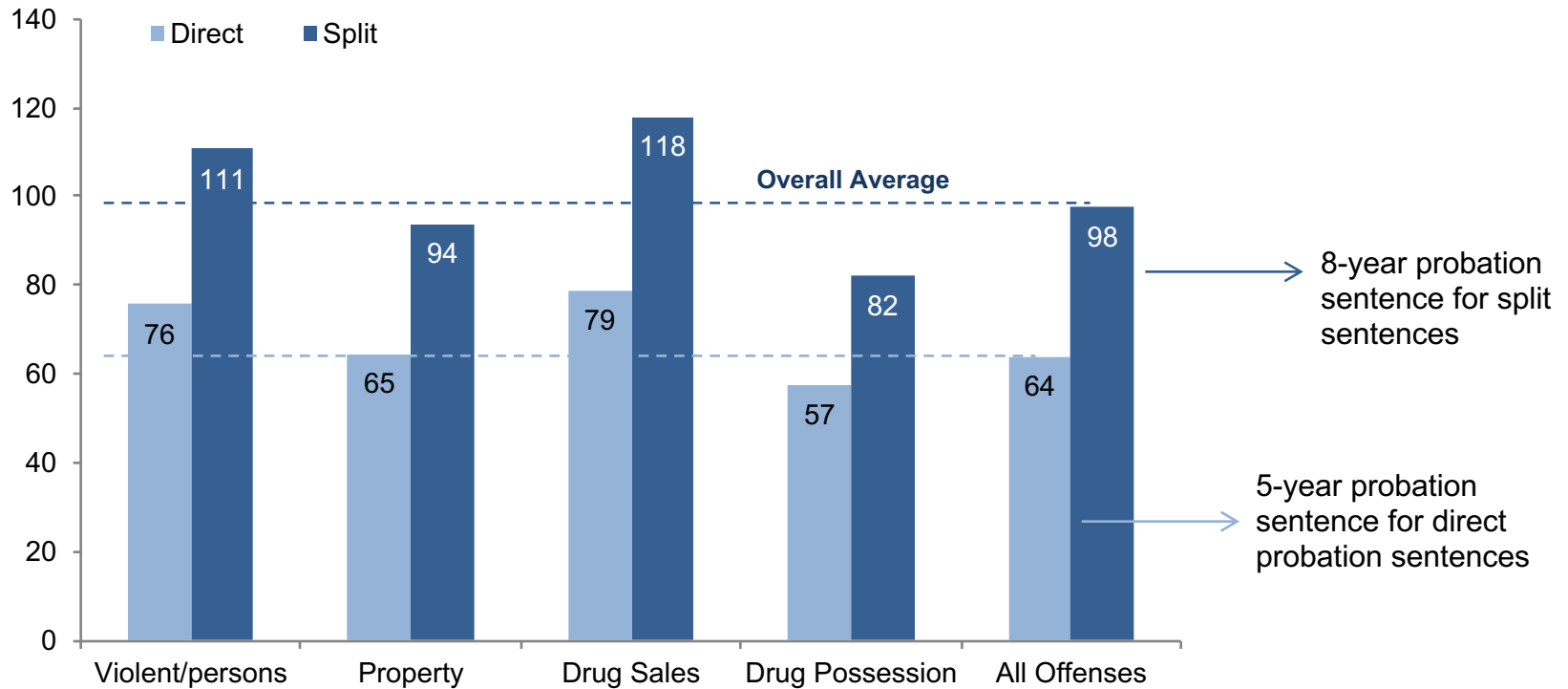
Alabama and South Carolina have capped felony probation lengths at 5 years.

Georgia has no cap on probation, and 63 months is the average length of direct probation sentences.

Source: CSG Justice Center Analysis of Georgia's Probation Research file, and North Carolina's Sentencing and Policy Advisory Commission report, "Structured Sentencing Statistical Report for Felonies and Misdemeanors FY 2014/15"

On average, people in Georgia are sentenced to 5 years for probation only sentences and 8 years of probation when it follows a prison term

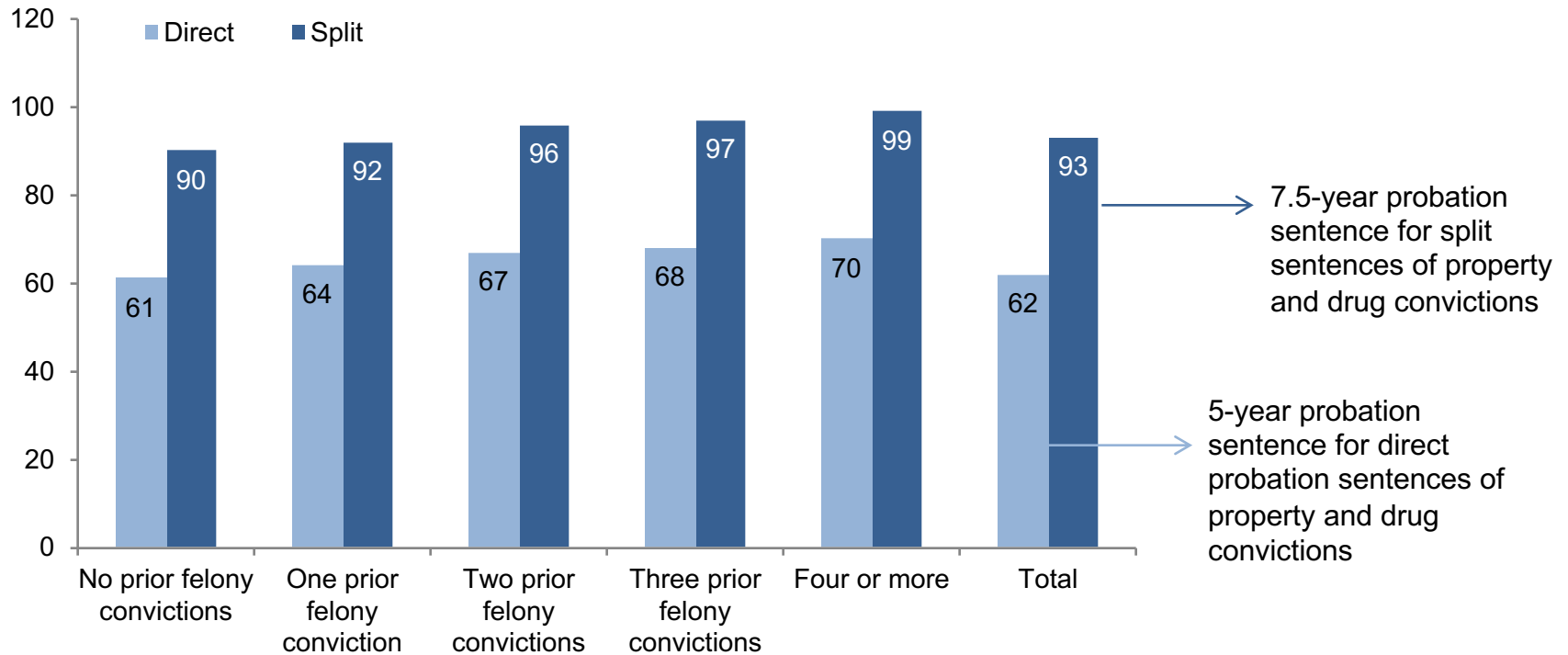
Average Probation Sentence Lengths
Placements to Probation, FY2005–FY2015



Source: CSG Justice Center Analysis of Probation Research file

People sentenced for property and drug offenses receive long probation terms and even longer probation terms following a prison sentence regardless of prior criminal history

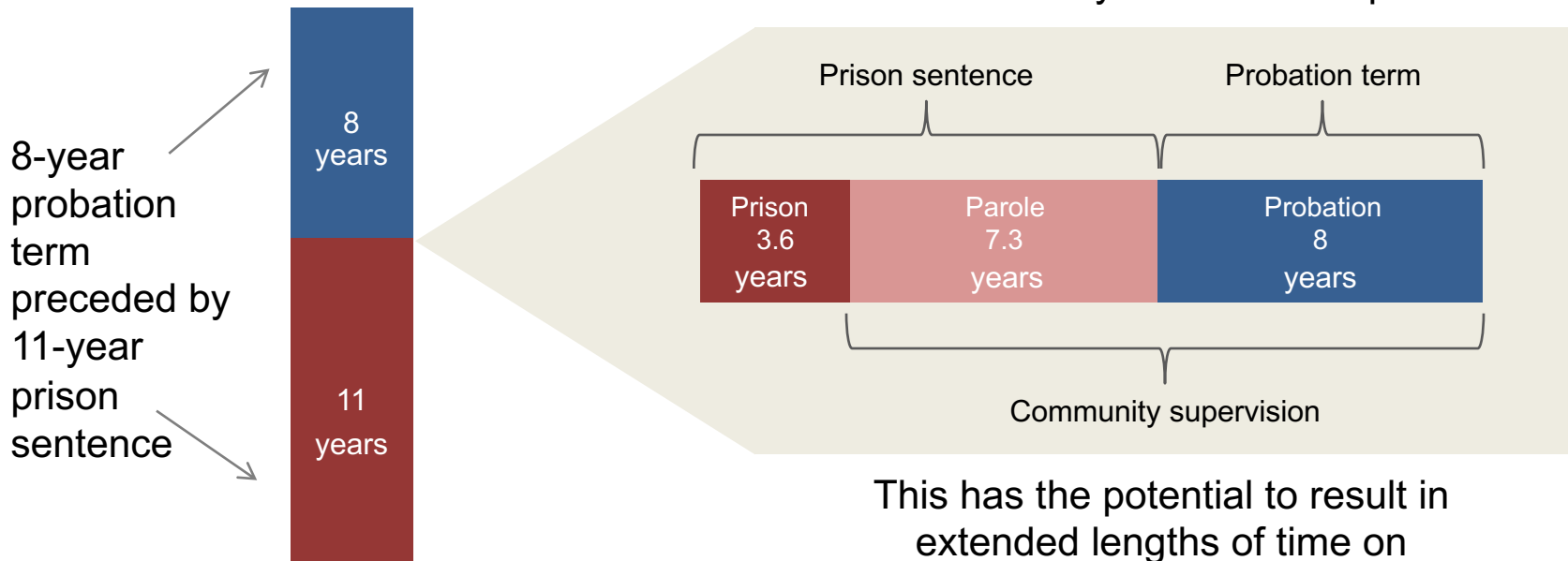
Average Probation Sentence Lengths for **Property and Drug Convictions**
Placements to Probation, FY2005–FY2015



Source: CSG Justice Center Analysis of Probation Research file

For property and drug offenses resulting in prison + probation sentences, the prison term results in a lengthy period of parole supervision, which adds even more time to the total supervision period

Average Sentence Length for Split Sentences, FY2015
Property and Drug Offenses



This has the potential to result in extended lengths of time on community supervision

In comparison, North Carolina requires a mandatory 9 to 12 months post-release supervision period for inmates leaving NCDPS custody

Source: CSG Justice Center Analysis of Inmate Research file

Average length of time already spent on probation for current probationers is over 5 years for both standard and high-risk or special caseload types

Active Probation Population, as of 4/8/2016

104,763

Actively Supervised Probationers

Only 21% of the actively supervised population started probation within the last 12 months

Low	Low to Moderate	High	Highest
<p>44,159 PRCC Caseload</p>	<p>41,634 Standard Caseload</p>	<p>12,689 High-risk Caseload</p>	<p>6,281 Specialized Caseload</p>
<p>5.7 years</p> <p>Probationers qualify for the PRCC/call-in caseload if they have been on supervision for 120 days, are employed, have had no violations of supervision, no failed drug tests, no new arrests, and have a risk score between 1 and 3</p>	<p>5.4 years</p> <p>Probationers are on standard supervision if they have a low or moderate risk score</p>	<p>5.1 years</p> <p>High-risk probationers have scored between 6 and 10 on the risk assessment, and also include Day Report Center probationers, RSAT Aftercare, and GA-PRI (Prisoner Re-entry Initiative) cases</p>	<p>7.2 years</p> <p>Special caseloads now include only sex offender cases (SPS Tiers 1 and 2) and Mental Health cases</p>

Source: CSG Justice Center Analysis of Active Probation Population as of 4/9/2016

Average length of time already spent on probation for current probationers is over 5 years for both standard and high-risk or special caseload types

Other Probation Caseload Types, as of 4/8/2016

+ 35,190 Administrative	+ 26,995 Unsupervised	+ 39,195 Warrant / Absconder
<p data-bbox="285 515 469 558">5.6 years</p> <p data-bbox="112 601 620 943">Administrative cases include probationers who currently are in custody in a Probation Detention Center or county facility, people who are in a residential treatment facility, and people who are being supervised out of state</p> <p data-bbox="112 1001 614 1079">Most of these people roll back onto active supervision</p> <p data-bbox="208 1110 552 1179">19,634 are in custody or being detained</p>	<p data-bbox="871 515 1054 558">8.6 years</p> <p data-bbox="697 601 1228 765">People on unsupervised status are not required to report, either by statute or by having met all requirements</p> <div data-bbox="794 796 1122 1100"><p data-bbox="865 851 1049 1051">How long before someone rolls onto Unsupervised status?</p></div> <p data-bbox="794 1122 1132 1190">1.8 years: Average LOS at Unsupervised level</p>	<p data-bbox="1460 515 1644 558">8.5 years</p> <p data-bbox="1286 601 1808 679">Warrant cases are inactive, and can be tolled or untolled</p>

Source: CSG Justice Center Analysis of Active Probation Population as of 4/9/2016

Overview



1 Probation population trends (felony)

2 Probation supervision practices (felony)

3 Probation recidivism outcomes (felony)

4 Next Steps

Probation practices are progressing and policies are in place that support the implementation of several evidence-based practices

Risk Assessments



- Developing & integrating risk/needs assessments for both probation & parole supervision
- Risk scores intended to inform supervision intensity level & contact standards
- Assessment questions comprised of static & dynamic factors

Programming



- Use of cognitive-behavioral programs to address criminal thinking
- Have 15 Day Reporting Centers and 17 DRC Lite programs across the state

Violation Responses



- Capacity to respond to technical violations with short sanctions and some risk-reduction programming
- POM program enables swift & certain sanctioning

Training



- Starting Enhanced Supervision Program training for officers
- Highly motivated officers that spoke of “dual role” of protecting the public & reducing recidivism
- Officers are CIT certified

Evaluations



- DRC program has undergone an evaluation

Georgia's felony probation system has the opportunity to build on progress and address key challenges that still remain

Three Key Challenges:

1. DCS is not able to frontload supervision resources for those who pose the highest risk



Transitioning probationers from active to unsupervised more quickly, based on risk, will allow officers to target resources and efforts to people with the highest risk

2. Intensity of supervision for highest-risk people may not be sufficient to change behavior

DCS minimum contact standards

Specialized: Twice per month

Active: Once per month for 2–5 minutes

Standard: Once every 90 days for 2–5 minutes



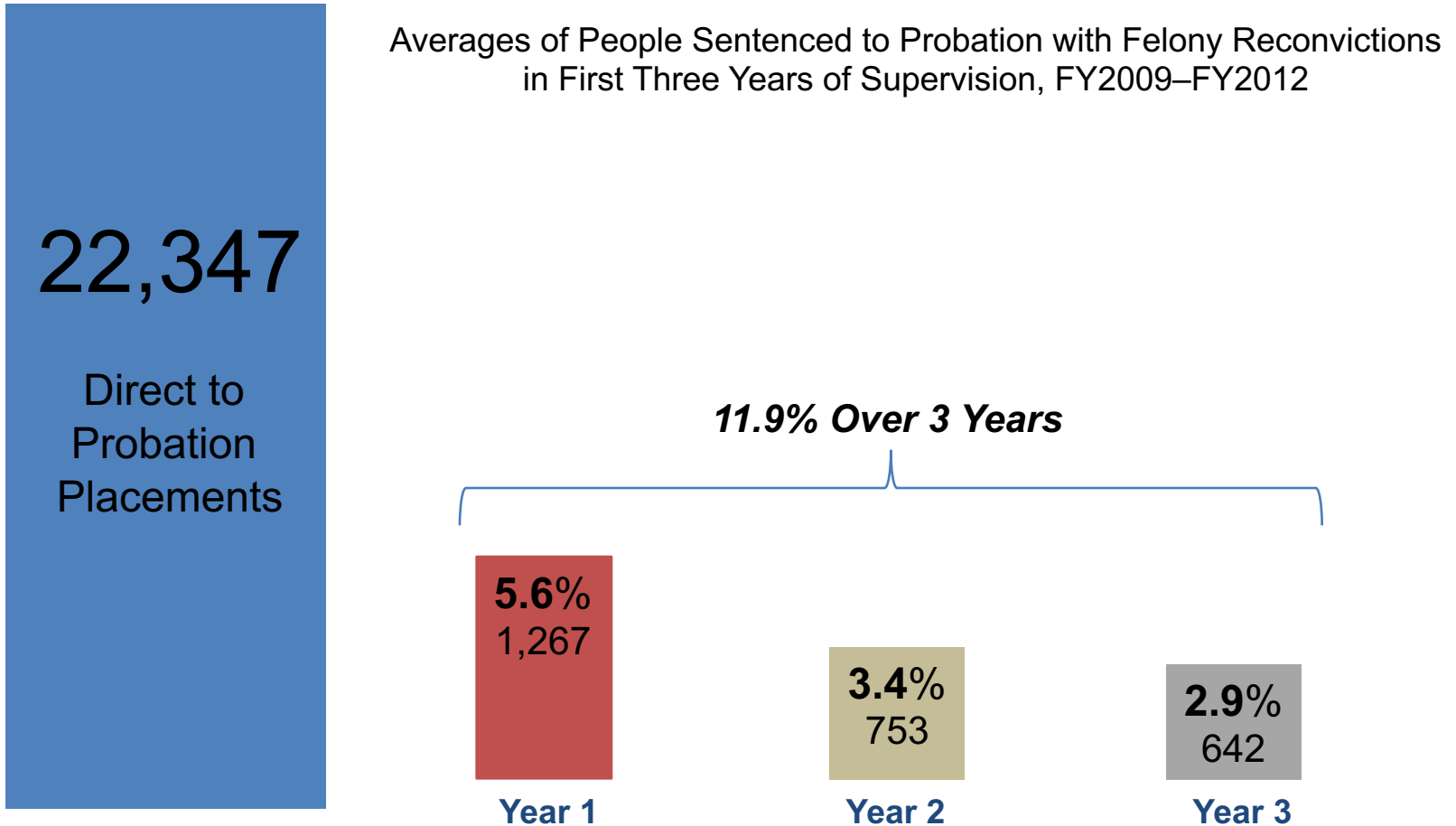
Meaningful, proactive engagement with motivational interviewing for high-risk probationers requires at least 15–20 minutes, multiple times per month

3. Due to high caseloads, supervision follows a reactive approach



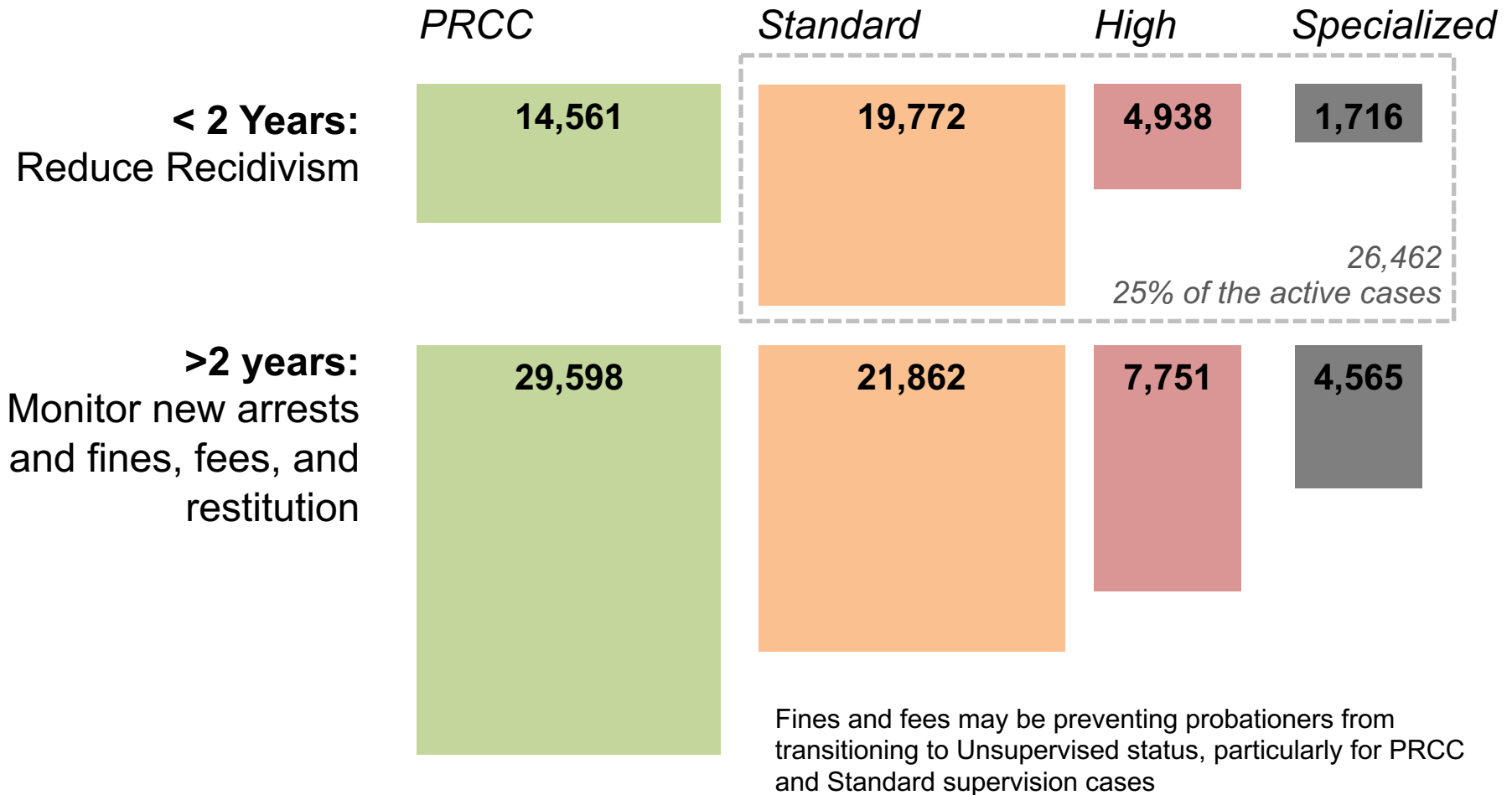
Supervision should follow a proactive case planning approach

Supervision resources must be frontloaded to reduce recidivism



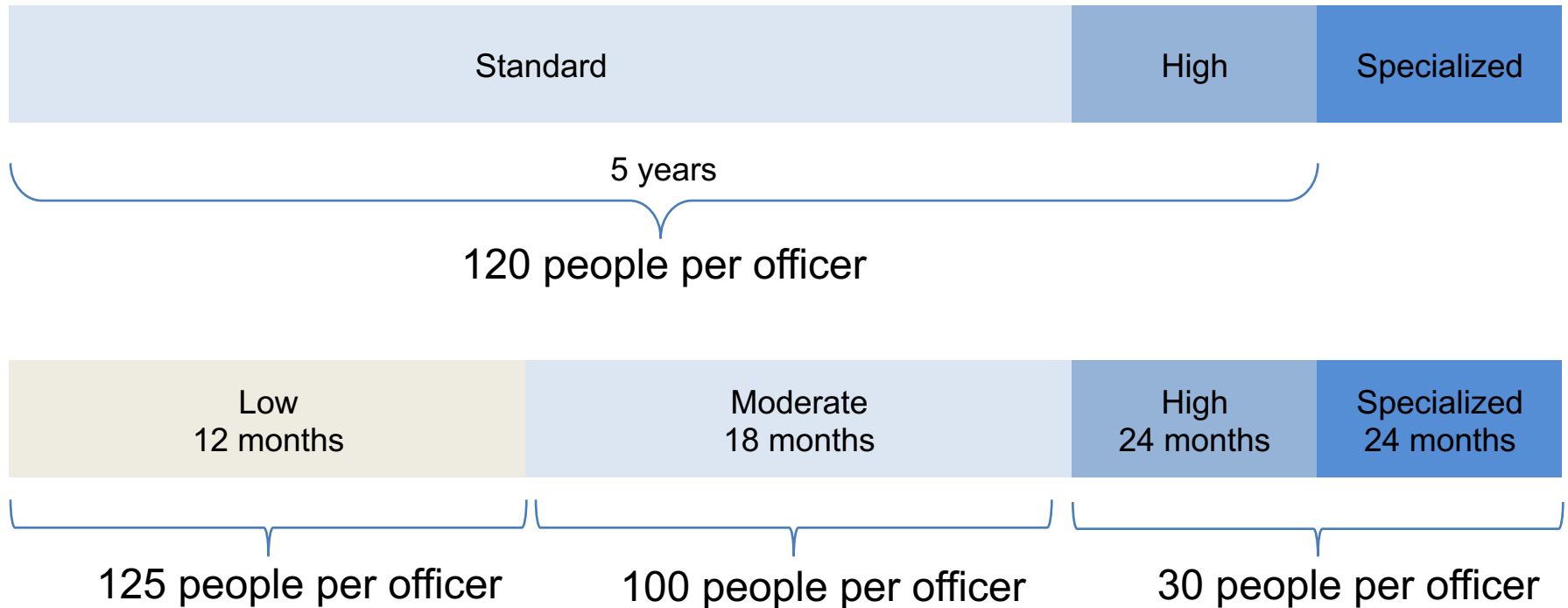
Source: CSG Justice Center Analysis of Probation and Inmate research files

Of the 104,763 people on active probation, 75 percent have served more than two years or are at the lowest supervision level



Source: CSG Justice Center analysis of Probation Research file

Applying these principles could reduce caseloads for high-risk individuals, allowing officers to deliver the frequency and intensity of supervision that is necessary



To reduce recidivism further, probation practices will need to shift from a reactive to a proactive approach

DCS has already taken measures to establish proactive policies, which are being translated into practice

Reactive Approach

Current Practices

- Ensure probationer is aware of general and special conditions
- Check to ensure probationer complies with the conditions
- Perform enforcement functions in response to violations, such as drug testing and curfew restrictions
- Requires only brief, 2–5 minute contacts with probationers
- Measure outcomes by number of appointments made, lack of violations, and completion of drug tests

Proactive Approach

Proposed Practices

- Assess for risk/needs and focus officer time on people with the highest risk
- Focus on initial months and first year of supervision when risk of recidivism is greatest
- Develop case plan with performance-based objectives that target needs
- Link and engage probationer to treatment services
- Assist probationer in complying with supervision terms and achieving behavior change
- Hold longer and more frequent contacts with probationers
- Measure outcomes by progress made toward objectives identified in case plan

Officers have multiple alternatives to incarceration when a probationer commits a violation

	DRCs	RSATs	ITFs	PDCs
Capacity	15 DRCs and 17 DRC lites	11 RSATs	2 ITFs	4,670 offenders able to be served in 1 year
Length of stay	6 month outpatient program + 6 months aftercare	9 months, secure facility	9 months, secure facility	60–180 days, secure facility
Target population	Probationers with substance use needs	Probationers with substance use needs	Probationers with co-occurring disorders; mental health screen drives placement	Probationers in violation of conditions of supervision, prior to revocation
Programming offered	Multiple programming options including MRT	Intensive substance use programming	Intensive substance use and mental health programming	GED program, dog handling, substance use class
Evaluation conducted	Evaluation demonstrated reduced recidivism when program fidelity & adherence to EBPs were assessed	None	None	None
Recommendations	Use risk tool and NGA to drive placement	Evaluate to determine impact; use risk tool and NGA to drive placement	Evaluate to determine impact; use risk tool and NGA to drive placement	Evaluate to determine impact; offer more programming, including CBT

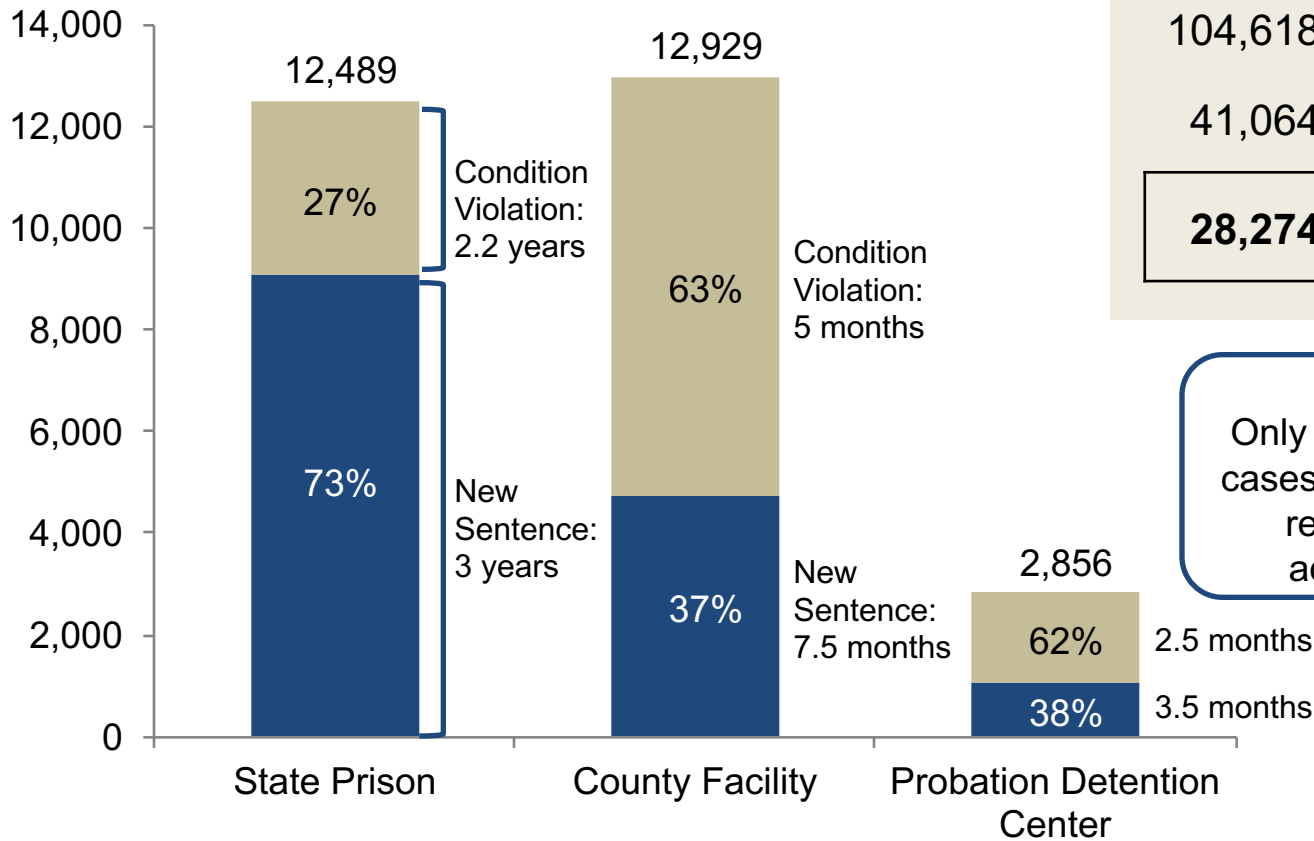
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There is a large volume of incarcerative responses to violations of supervision relative to the number of placements per year

Felony Probation Revocations, FY2015



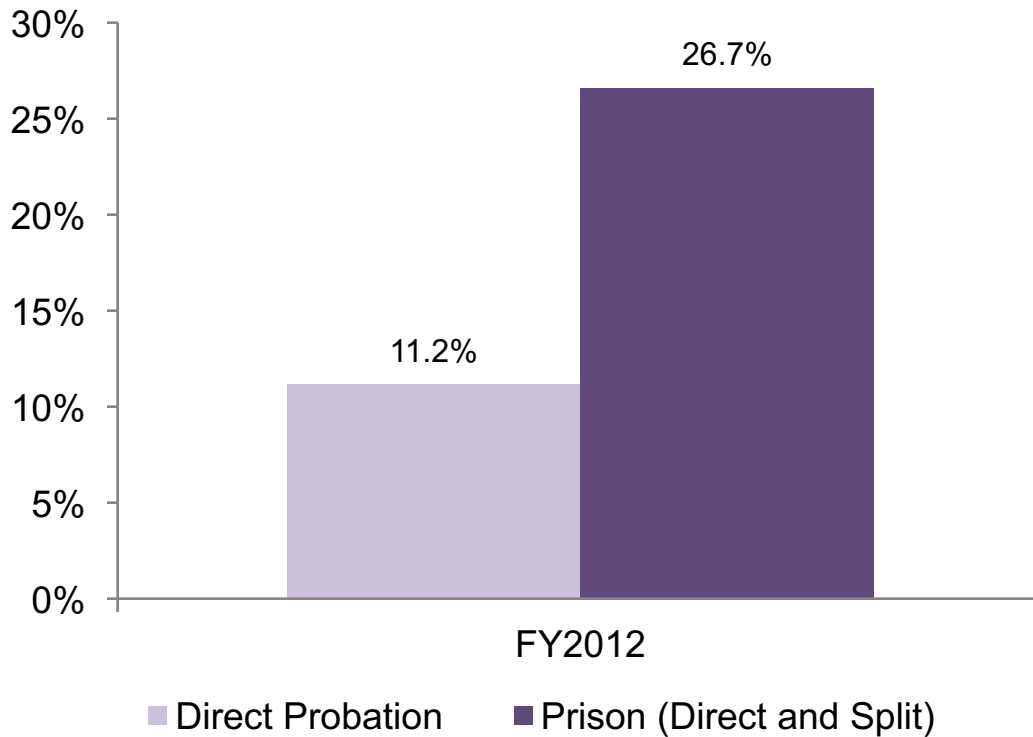
104,618	Active probationers
41,064	Probation placements in FY2015
28,274	Full or partial probation revocations in FY2015

POMS Capability:
 Only 21% of active supervision cases allow probation officers to respond to violations via administrative remedies

Source: CSG Justice Center Analysis of Sentencing Revocations data

Reconviction rates for people sentenced directly to felony probation are significantly lower than they are for people sentenced to prison

Three-Year Felony Reconviction Rates for **All Offense Types**, FY2012



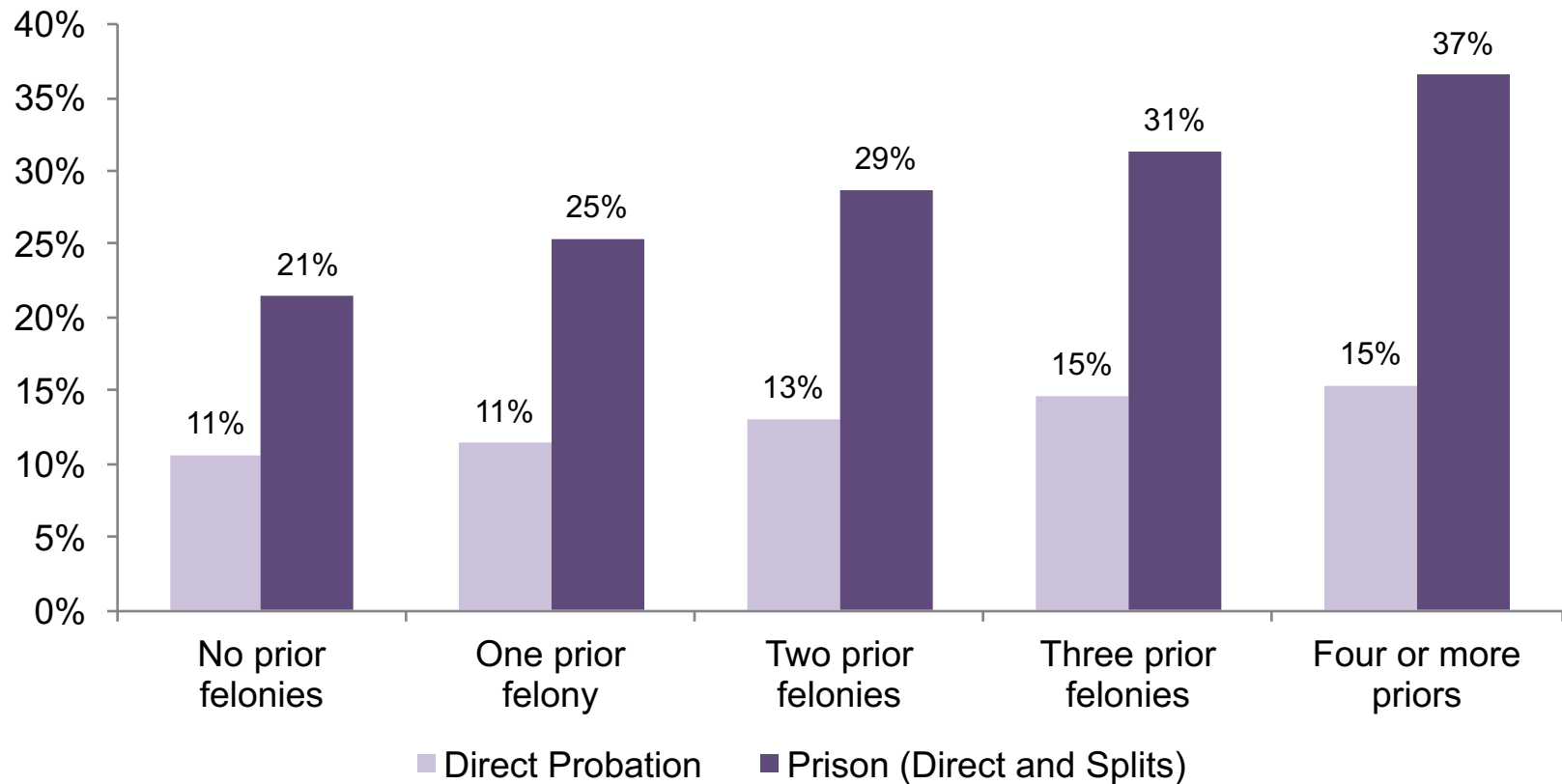
A majority of felony reconvictions occur in the first three years of community supervision

- ✓ For probationers: **68%** of felony reconvictions occur within the first three years out of a five-year window
- ✓ For former inmates: **72%** of felony reconvictions occur within the first three years out of a five-year window

Source: CSG Justice Center Analysis of Probation and Inmate research files

When accounting for criminal history, reconviction rates for people sentenced directly to probation are lower than they are for people sentenced to prison

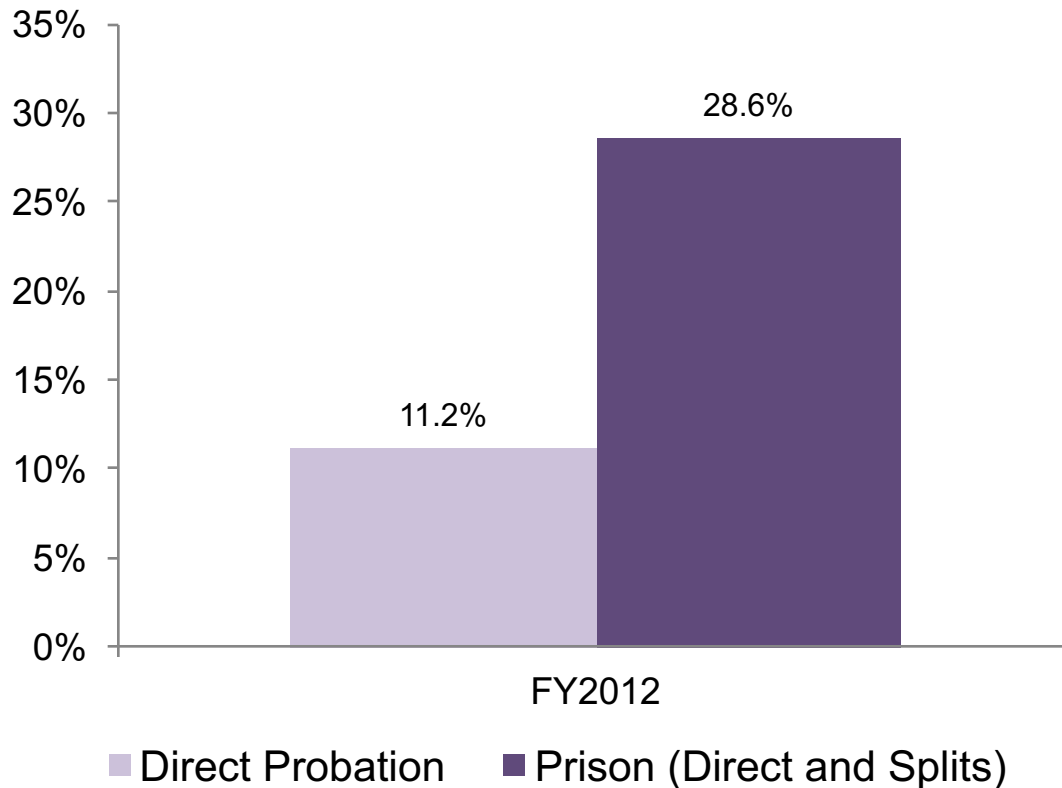
Three-Year Felony Reconviction Rates for **All Offense Types**
by **Criminal History**, FY2012



Source: CSG Justice Center Analysis of Probation and Inmate research files

For property and drug convictions, reconviction rates are slightly higher than the overall average for people with prison sentences

Three-Year Felony Reconviction Rates
for **Property and Drug Convictions**, FY2012

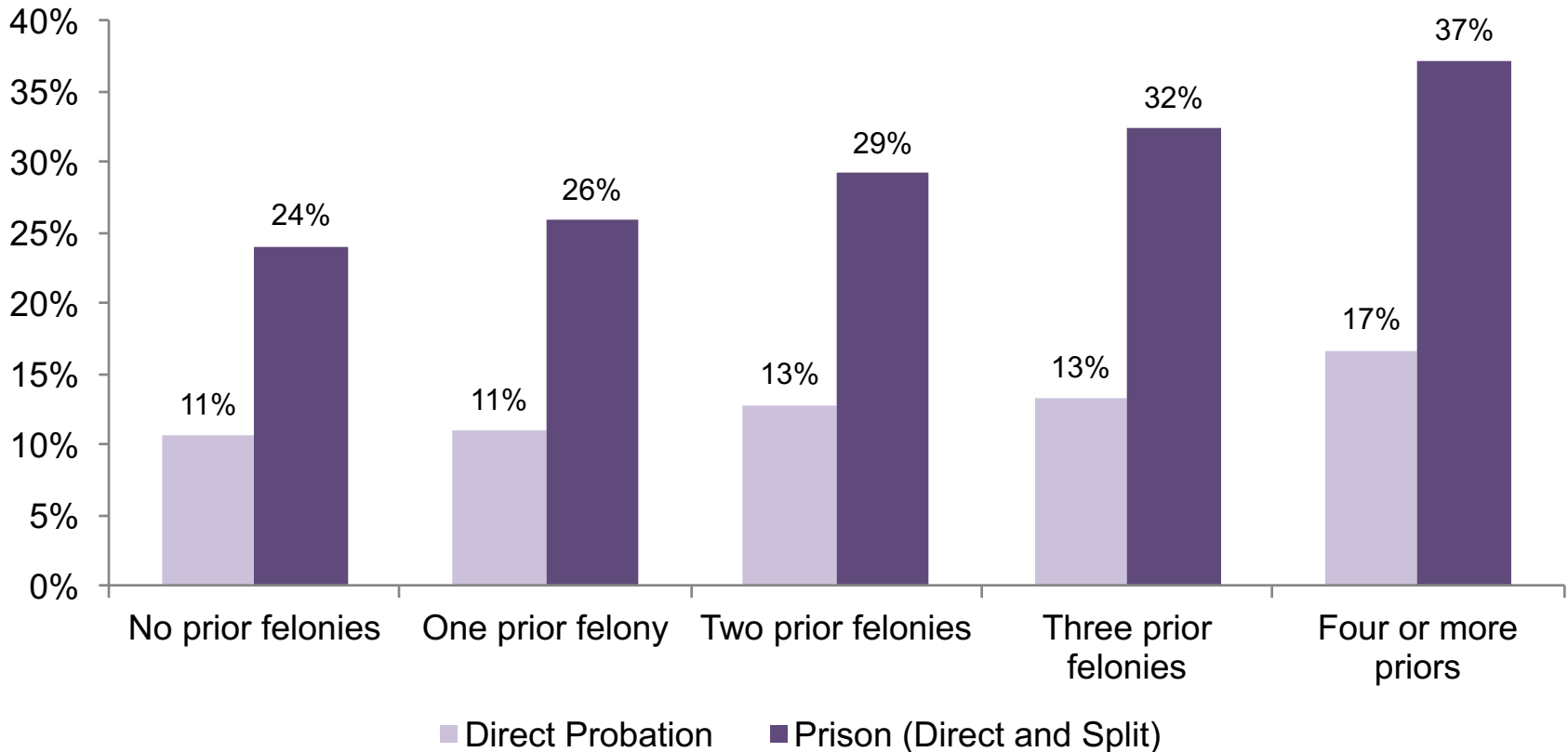


The majority of felony reconvictions occur within the first three years of community supervision

- ✓ For property and drug probationers: **70%** of felony reconvictions occur within the first three years out of a five-year window
- ✓ For former property and drug inmates: **73%** of felony reconvictions occur within the first three years out of a five-year window

When accounting for criminal history, reconviction rates for property and drug convictions are lower than they are for people sentenced directly to probation in lieu of prison

Three-Year Felony Reconviction Rates for **Property and Drug Convictions**,
by **Criminal History**, FY2012



Source: CSG Justice Center Analysis of Probation and Inmate research files

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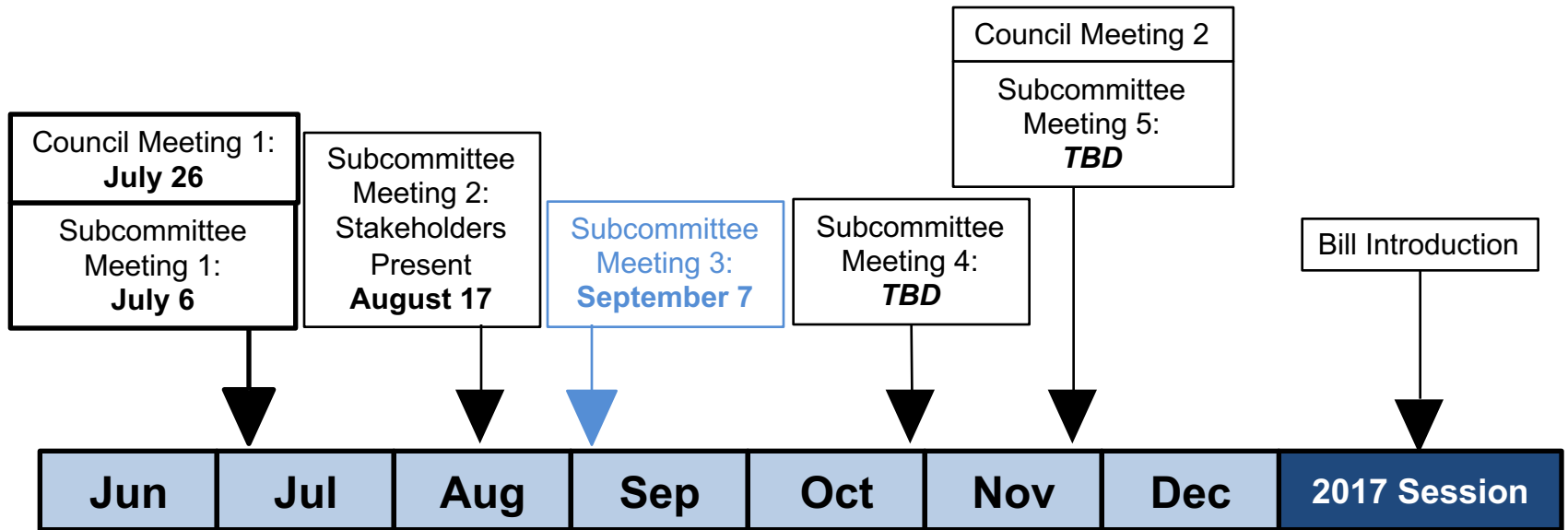
Summary of findings

- It is important to distinguish between the two types of probation supervision: diversion from prison vs. supervision following prison and/or parole terms.
- The length of probation as a sentence in lieu of incarceration averages five years regardless of an individual's criminal history.
- The average sentence for a property or drug offender sentenced to prison is 3.6 years of incarceration followed by 7.3 years on parole plus an additional 8 years on probation.
- Probation practices are improving in Georgia, but supervision resources are not targeted to provide sufficient intensity or frequency of supervision for higher-risk probationers.
- Focusing supervision resources on the initial 12–24 months people are on supervision, instead of spreading supervision resources over longer periods, could provide a much greater return on investment.
- Supervision must move from a reactive to a proactive case management approach to really reduce recidivism.
- Supervision violations and new crimes among probationers account for a significant percentage and volume of prison and jail admissions, as well as PDC/RSAT/ITF beds.
- People sentenced to probation only are reconvicted for a new felony crime at half the rate of those sentenced to a prison term (even when controlling for prior criminal history).

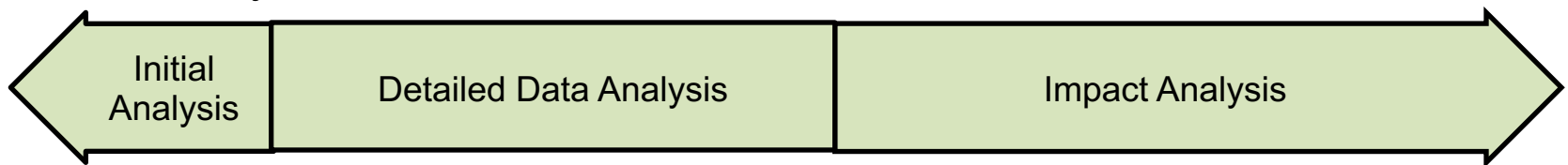
Areas still being explored and analyzed

1. Engage victim advocates to understand how probation and sentencing impacts restitution orders and collection
2. Analyze the fiscal impact of probation violations and new crime on prison admissions for revocations and new convictions.
3. Understand placement criteria and cost-effectiveness of PDC, RSAT, and ITFs
4. Misdemeanor probation analysis: data is still limited; guidance for further analysis/discussion needed from the subcommittee.
5. Other questions?

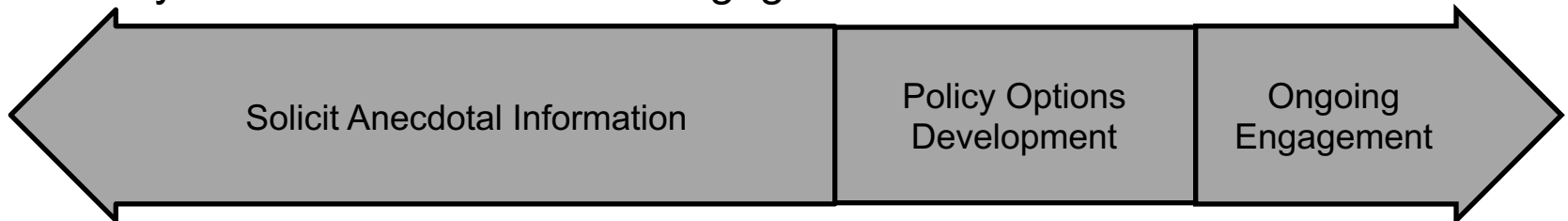
Timeline for Georgia's Justice Reinvestment project



Data Analysis



Policymaker and Stakeholder Engagement



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