



College of Arts and Sciences  
Criminal Justice  
and Sociology

&

Denver Adult Probation  
Department

Reducing Revocation Challenge  
Final Report

## Table of Contents:

<b>Executive Summary</b>	<b>i</b>
<b>The Problem and Local Context</b>	<b>1</b>
<b>Administrative and Legal Context</b>	<b>1</b>
<b>Methodology</b>	<b>3</b>
<b>Revocations in the DAPD</b>	<b>4</b>
<b>Drivers of Probation Revocation in Denver Adult Probation</b>	<b>7</b>
<i>Risk and Perceptions of Risk</i>	<b>8</b>
<i>The Role of Discretion and Decision Making</i>	<b>11</b>
<i>Stability Factors as Drivers of Revocation</i>	<b>16</b>
<i>The Obstacles of Probation</i>	<b>19</b>
<i>Behavior Modification: The Missed Opportunity of Incentives</i>	<b>23</b>
<b>Directions for Policy Interventions to Reduce Recidivism</b>	<b>25</b>
<b>Appendix A: Methodology Note</b>	<b>29</b>
<b>Appendix B: Case File Coding Documents</b>	<b>31</b>

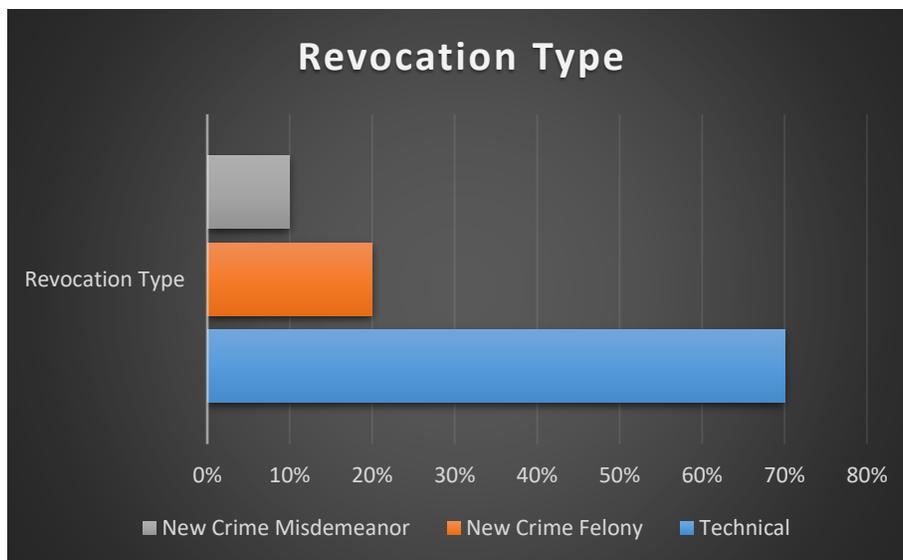
## Executive Summary

This following report provides a summary of the key findings from a study partnership between the University of Wyoming and Denver Adult Probation Department (DAPD) designed to better understand the drivers of revocation within the DAPD. The DAPD provides supervision to approximately 6,000 adult cases sentenced out of the Second Judicial District. The project was funded through a grant from Arnold Ventures and managed by the CUNY Institute for State and Local Governance. A four-phase mixed-methods approach was utilized to better understand the drivers of revocation in Denver. Phase I focused on analyzing extant policy and practice that guides the processing of violations and revocation consideration. Phase II examined administrative data dating from 2015 through 2018 provided by the Colorado Division of Probation Services to explore important questions about revocation trends in the DAPD, such as why clients are being revoked (e.g. new crime vs. technical violations) and the influence of individual-level characteristics (e.g. age, gender, and risk level) on supervision outcomes. In Phase III, data was extracted and analyzed from client case files of 200 unsuccessful and 100 successful probation discharges, providing a more in-depth look into the supervision experiences of DAPD clients. Phase IV consisted of focus groups and interviews conducted with probation officers, supervisors, and clients, as well as important stakeholders like prosecutors and defense attorneys in order to better understand the challenges of probation supervision and how revocation decisions are made.

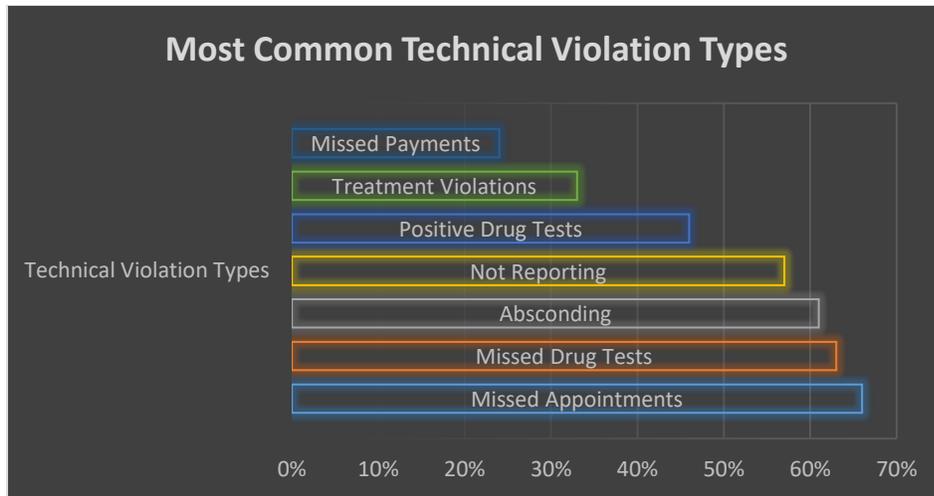
## Key Findings

### Revocations in the DAPD: A Contextual Overview

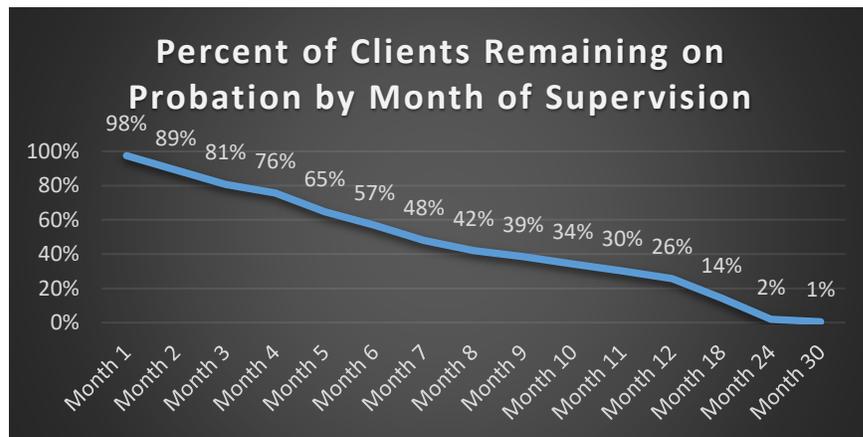
- A large portion (70%) of clients in the DAP who experience a revocation are revoked for technical violations.



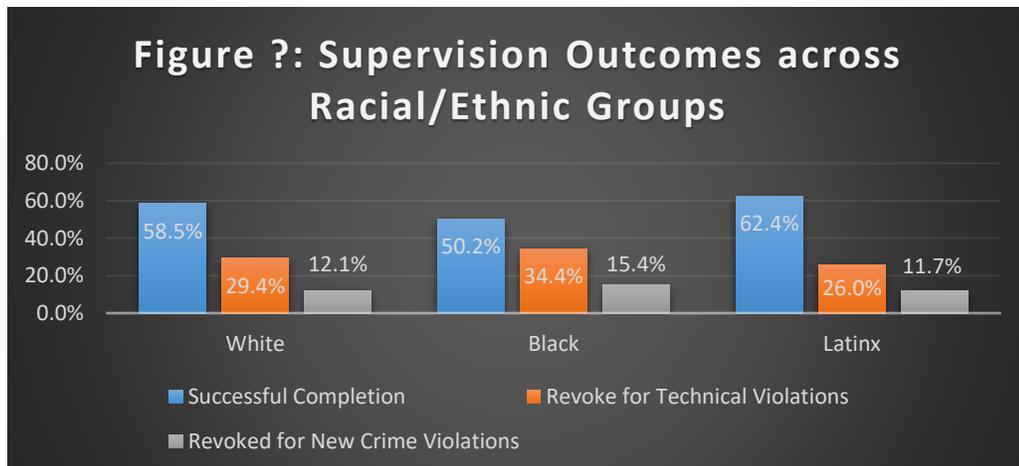
- The most common types of technical violations include missed appointments (66%), missed drug tests (63%), and absconding supervision (61%).



- The majority (approximately 75%) of all clients who experience a revocation are revoked within the first year of supervision.



- The risk of revocation varies across racial/ethnic groups with Black clients having the greatest likelihood of experiencing a revocation.

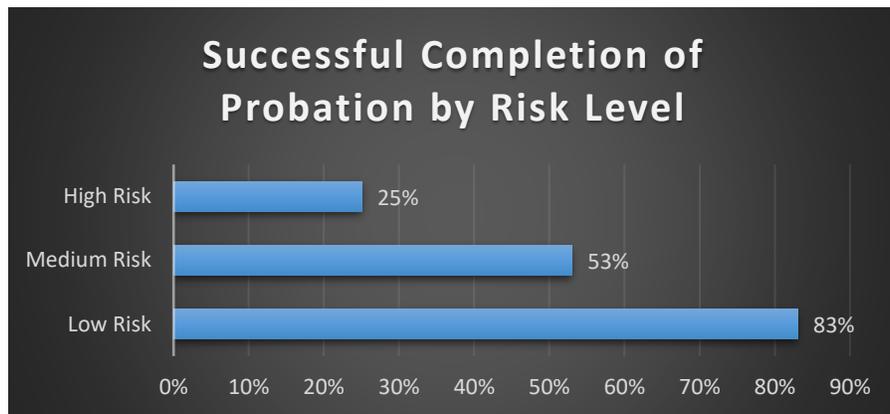


## Drivers of Revocation in the DAPD:

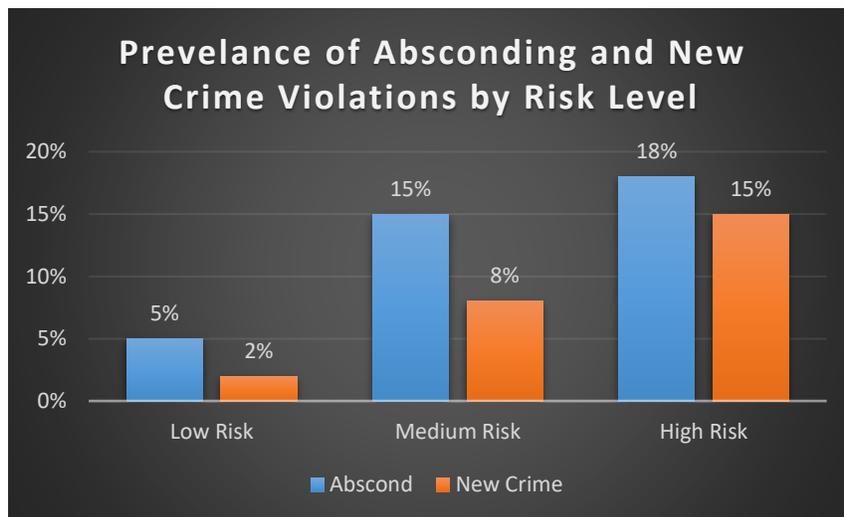
Key research findings on the drivers of probation in the DAP coalesce around five broad themes.

### *Risk and Perceptions of Risk:*

- Probation clients who scored as high risk were substantially less likely to successfully complete supervision compared to medium- and low-risk clients.



- High-risk probation clients have an elevated risk for absconding and committing a new crime while under supervision.



- Perceptions of risk and public safety are forefront in the minds of probation officers when making decision to pursue revocation. Findings reveal that probation officers are quicker to pursue revocation of high-risk clients. Additionally, officers rely on several factors when determining risk, including risk assessment scores, prior criminal history, and attitudinal cues.

### *The Role of Discretion and Decision Making:*

- The decision to file a revocation is often preceded by a tipping point event such as absconding supervision or arrest for a new crime. Approximately 90% of clients who experienced a revocation were deemed to have absconded supervision or were arrested for a new crime prior to the filing of the petition to revoke.
- Feedback received from probation supervisors and other officers on the decision to revoke heavily influences officer decisions.
- Noncompliant clients who are perceived by officers to have disengaged and be no longer benefitting from probation, are considered appropriate candidates for revocation.

### *Stability Factors as Drivers of Revocation:*

- This risk of revocation is greatly increased for clients who lack stable housing and employment.
- High-risk clients with stable ties to the community are more likely to succeed on probation.
- There is a lack of existing community programs to assist clients with housing and employment needs.

### *The Obstacles of Probation:*

- Probation clients often face a variety of obstacles in complying with the conditions of supervision such as a lack of reliable transportation and family and work obligations.
- Drug testing requirements present an especially formidable obstacle for many probation clients.
- Supervision practices undertaken during the COVID-19 pandemic have shown promise as a way to reduce the demands of probation.

### *Incentives:*

- Consistent use of incentives such as verbal praise and reduced drug testing was one of the strongest and most consistent predictors of supervision success.
- There is large variation across officers in their use of incentives and the emphasis they place on recognizing positive behavior.

### **Directions for Policy Interventions to Reduce Revocations in the DAPD**

Based on our findings, we identify several potential supervision and policy interventions for reducing revocation rates in the DAPD. Highlights of these interventions include:

- A need to frontload probation services during the first 12 months of supervision.
- Promote early discharge policies for clients after the first year of supervision.
- Identify strategies to prevent absconding behavior and reexamine current policy requirements that dictate the filing of revocation in all cases where clients are deemed to have absconded supervision.

- Create specialized supervision programs for high-risk clients that focus on the diverse needs of this population.
- Identify strategies to reduce the demands of supervision such as more targeted drug testing programs and the integration of technology to allow for alternative reporting methods.
- Build relationships with community partners to enhance services for clients that promote stability, especially in the areas of housing and employment.
- Integrate the use of incentives into the existing Behavior Modification Policy to promote greater consistency in the use of incentives.

## **The Problem and Local Context**

The Denver Adult Probation Department (DAPD) provides supervision services for adults convicted of felony and misdemeanor level offenses sentenced out of the Second Judicial District Court. Geographically, DAPD's jurisdiction includes the City and County of Denver that has a residential population of over 700,000. DAP is one of the largest adult supervision offices in the state of Colorado with approximately 6,000 active cases. The DAPD client population is predominately male (76%) with a diverse racial/ethnic makeup. White is the largest racial/ethnic group, making up 62% of the DAPD client population, followed by Black at 23% and Latinx at 12%. Approximately 55% of DAPD clients are under supervision for a misdemeanor offense, while the remaining 45% are supervised for felony crimes. These cases are supervised by a staff comprised of 82 supervision officers, 14 supervisors, and 4 administrative staff. In addition to traditional probation, the DAPD utilizes a variety of specialized caseloads including sex offender, drug offender, and intensive supervision.

The DAPD supervises a challenging caseload with a disproportionately high concentration of clients with severe substance abuse and mental health problems, as well as high levels of housing instability. The challenging nature of DAPD's supervision population is evident when looking at its distribution of probationers based on risk level. Over half (52%) of their caseload was determined to be high risk as determined by the Level of Services Inventory-Revised (LSI-R) risk/need assessment instrument, while medium- (32%) and low-risk (16%) clients made up the remaining 48%. These issues have been exacerbated in recent years by a substantial increase in the probation population. Over the last decade, the DAPD has experienced substantial growth in its probation population, with the greatest proportion of this growth comprised of high-risk probationers. In 2012, for example, DAPD's client population was 4230. By 2018, this number had grown to 5821. Unfortunately, this population growth has not been accompanied by a corresponding increase in resources. Currently the DAPD is at a 62% staffing rate according to staffing formulas developed by the state.

Given the challenges facing the DAPD it is not surprising that the agency has faced declining probation success rates over the last decade. In 2011, the success rate, which measures the percentage of discharged probationers who successfully completed probation as opposed to being revoked or absconding supervision, was at 61%. In fiscal year 2020, the success rate had declined to 51%, which was the lowest in the state and below the state average of 63%.

## **Administrative and Legal Context**

Very few restrictions on probation officer discretion in the handling of probation violations and decisions to pursue revocation exist outside of agency and department policy. Colorado law grants the courts broad leeway in probation matters, including the granting of probation, the setting of conditions, and the determining of revocation consequences. There are, however, a couple of notable exceptions. Colorado law prohibits the revocation of probation based solely on a failure to pay restitution or other court costs when it has been shown that the defendant lacked the financial ability to pay (C.R.S. 16-11-206). Additionally, state law dictates that probation officers are legally required to respond to violations involving the use of a controlled substance. Proscribed responses to positive drug tests include immediate arrest, revocation, increase in

supervision level, increase in testing requirements, and/or increase in treatment level (C.R.S. 16-11-209).

At the agency level, broad guidance on the handling of probationer transgressions is provided through the Standards of Probation in Colorado, which are approved by the Chief Justice of the Colorado Supreme Court. Standard 4.37, for example, states that “the probation officer shall respond to all violations of the conditions of probation, in some way, and document the violation and response in case narratives.” These standards also promote the use of behavioral approaches that include both sanctions and incentives to encourage prosocial behaviors. Aside from establishing a broad framework about working with probation clients on changing behavior, these standards provide little in the way of specific regulations that limit the officers’ discretion in making revocation decisions.

The primary policy that guides officer and supervisor discretion on decisions to pursue revocation is the DAPD Behavior Modification Policy, which was originally implemented in 2018, and later revised in October of 2019. Before discussing this policy, it is important to highlight that the majority of our quantitative data collected for this project covers supervision periods prior to the implementation of this policy. As such, we are limited in our ability to speak to the effectiveness of this policy in curbing revocation rates in the DAPD.

The Behavior Modification Policy was put in place to guide officer discretion and create accountability in the handling of probation violations. Specifically, the policy requires agents to respond to all violations (including new arrests) through the use of intermediate sanctions. This policy specifies that any violation may be considered serious enough to warrant revocation. As such, felony-level crimes and violent offenses will likely trigger revocation given the severity of the transgression. Intermediate sanctions are divided into two types – low magnitude and high magnitude sanctions. Low magnitude sanctions include responses such as written assignments, community service, increased drug testing, and sanction groups/classes. High magnitude sanctions include jail time, weekend home detention, electronic monitoring, and jail-based drug treatment. While any violation may be deemed serious enough to warrant a revocation, the general expectation is that officers will utilize four sanction responses (2 low magnitude and 2 high magnitude) before pursuing a revocation. It should be noted that high magnitude sanctions, such as jail and electronic monitoring, require a modification of the probationer’s court order, which requires the consent of the probationer. If the probationer does not consent to the modification, the case is referred to the court for revocation.

In cases where the sanctioning process has proven ineffective in curbing violation behavior or when the seriousness of the violation is deemed by the probation officer to necessitate filing a revocation, the policy requires that the probation officer complete a Behavior Management Review Board (BMRB) form, which details the client’s violation history, previous sanction history, and the officer’s recommendation to the court. This form is then forwarded to the officer’s supervisory team (supervisors in the DAPD work as a team in their oversight of probation officers) for review. The supervisory team can approve the revocation and subsequent recommendation, request modifications to the revocation and recommendation, or send it back to the officer to continue supervision. If approved, the BMRB form is forwarded to the Behavior

Management Review Board for further review. The review board consists of the Chief and Deputy Chief Officers for the department. Again, the review board can approve, request modifications, or deny the revocation request. If denied, the case returns to the officer for further supervision (see Figure 1). According to the Chief of DAP, the most common reason for denial is the failure of the officer to appropriately apply the Behavior Modification Policy.

Figure 1: Denver Adult Probation Revocation Review Flow Chart



## Methodology

This research project was conducted in four key phases with the goal to better understand the drivers of probation revocation within the DAPD. Although all four phases are interwoven to attain this goal, and the results we present are across phases, we feel it is best to explain the methodology of each phase separately. Deviations from our proposed work, largely caused by the COVID-19 pandemic, are outlined in Appendix A.

### Phase I: Review of Revocation Policy and Practices

Phase I focused on understanding the policy and practice related to the handling of violations and the revocation decision-making processes at DAPD. To explore these issues, three key activities were undertaken. First, we conducted a thorough review of all existing policies, directives, laws, and legal decisions that guide decisions related to the granting of probation, the setting of probation conditions, the decision to pursue revocation, and revocation outcomes. Second, we observed probation activities, especially those related to revocation decision-making and outcomes (e.g., staffing meetings between officers and supervisors, revocation proceedings). Third, we administered a survey to approximately 71% of DAPD probation officers and supervisors to explore how they view the seriousness of violations (e.g., missing an appointment, committing a new crime), the factors that influence their decisions to pursue revocations (e.g., probation history, feedback from other officers) and use sanctions, and their frequency of use of sanctions (e.g., increased drug testing, jail) and incentives (e.g., verbal praise, decreased reporting).

## **Phase II: Review of Administrative Data**

Phase II of the research project involved the analyses of administrative data supplied by the Colorado Division of Probation Services. Data were supplied on all cases discharged from supervision from the DAPD for a four-year period (2015-2018). This time period was selected to provide a multi-year look at revocation trends and drivers of revocation in the DAPD. Cases prior to 2015 were not selected out of concern that changes in policy and law might limit the generalizability of the findings to current practices within DAPD, and cases after 2018 were not selected to prevent having cases that might still be pending in the court system.

## **Phase III: Client Case File Reviews**

Phase III sought to gather more detailed information on the supervision experiences of probation discharges through extracting data from client case files. A sample of 200 unsuccessful and 100 successful probation discharges were selected from all discharges from the DAPD from 2015 through 2018. We first drew a disproportionate random sample of 200 unsuccessful discharges (see Appendix A for details). After selecting our 200 unsuccessful discharges, we utilized propensity score matching to select a comparable group of clients who successfully completed probation to allow for a direct test of differences in supervision strategies/practices and client behavior on probation outcomes. Specifically, we matched our sub-samples on age, race, sex, risk level, and crime type, which allowed us to explore other potential differences/drivers of revocation. After our full sample of 300 was identified, members of the research team extracted data from client case files to include detailed information about their background (e.g., education, abuse history, mental health history), violation history (e.g., missed drug tests, treatment violation, missed appointments), types of treatment referrals, and supervision events. General information was coded, along with a month-by-month log of the client's employment status, housing status, treatment compliance, violations, sanctions, incentives, supervision events, and life events (see Appendix B for the coding sheets used).

## **Phase IV: Focus Groups and Interviews**

Phase IV involved the gathering of qualitative data through focus groups and interviews with probation officers and supervisors, probation clients, and justice stakeholders (defense attorneys and prosecutors). A total of four focus groups were completed, including one with probation supervisors and three with probation officers. Individual interviews were conducted with 18 probation clients under active supervision with the DAPD, as well as with 2 prosecutors, 2 defense attorneys, and a supervisor of the trial division of the Denver District Court. See Appendix A for details on recruitment and participation.

## **Revocations in the DAPD**

In this section we provide a contextual overview of revocations in the DAPD by presenting findings related to both the frequency of revocations and the types of noncompliance that form the basis for revocations. In addition, we explore the timing of revocations and examine variations in revocation experiences across client characteristics such as race/ethnicity and gender.

A total of 11,455 probation cases were discharged from supervision from 2015 through 2018. Of these cases, the most common reason for discharge was successful completion of supervision (37%), followed by revocation (27%). Approximately 13% of the discharges were due to absconding supervision<sup>1</sup> and 22% were discharged for other reasons such as being deported or death. Looking more closely at clients who experienced a revocation, a large majority (70%) were unsuccessfully discharged for technical violations, while the remaining cases (30%) were terminated for new crime violations.

Shifting focus to clients in our case file data who experienced a revocation, approximately 51% were due to new crimes and 48% were due to a technical violation. The findings in our case file data tell a slightly different story than the admin data. While the reasons for these discrepancies are not entirely clear, it is likely due to several factors such as coding errors or other limitations of the administrative data. It is also likely influenced by our decision to focus on moderate- and high-risk cases in our case file sample.

Among those whose revocation was due to technical violations, the most common types of technical violations listed on motions to revoke probation were reporting related violations, including missed appointments, missed drug tests, absconding probation, and not reporting. The least common violations were missed financial payments and treatment violations (Table 1).

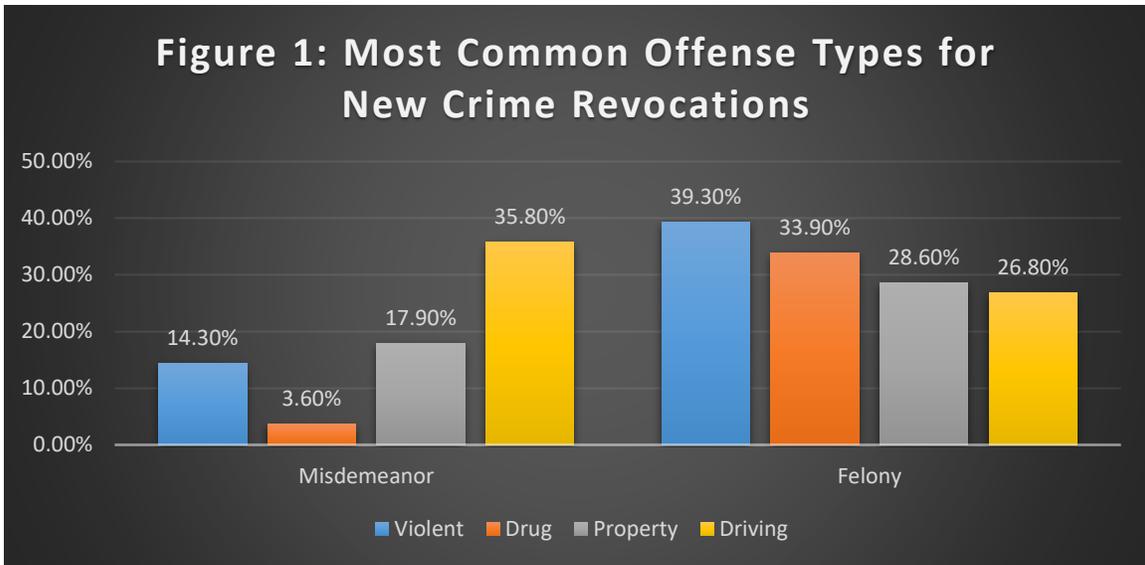
Table 1  
*Technical violation types among individuals  
revoked for only technical violations.*

<b>Violation Type</b>	<b>Case File Data</b>
Missed Appts	66.36%
Missed UAs	62.62%
Absconded	61.32%
Not Reporting	57.01%
Positive UAs	45.79%
Treatment Violations	32.71%
Missed Financials	23.81%

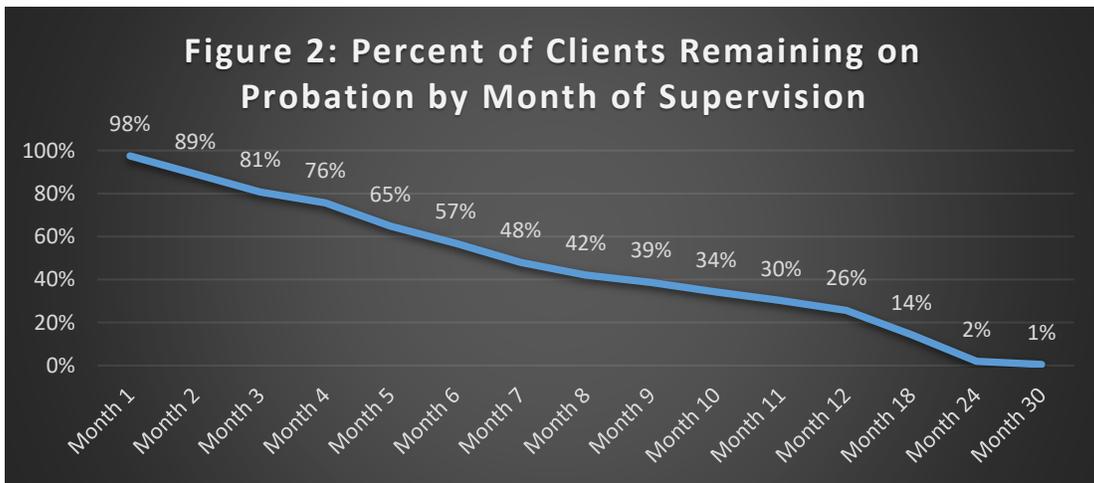
Of the probationers in the case file data whose revocation was due to a new crime, 67% were charged with a new felony, while the remaining 33% were charged with a misdemeanor. The most common types of new crimes varied across whether the new crime was a felony or misdemeanor. Of those who committed at least one new crime classified as a felony, violent, drug, and property crimes were the most common. Of those whose only new crime was a misdemeanor, driving offenses were the most dominant (see Figure 1).

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<sup>1</sup> A case is discharged as an absconder after a warrant has been issued by the court and the probation client is not apprehended on this warrant for a period of 4 months. No further information about these cases or their eventual outcomes is available.

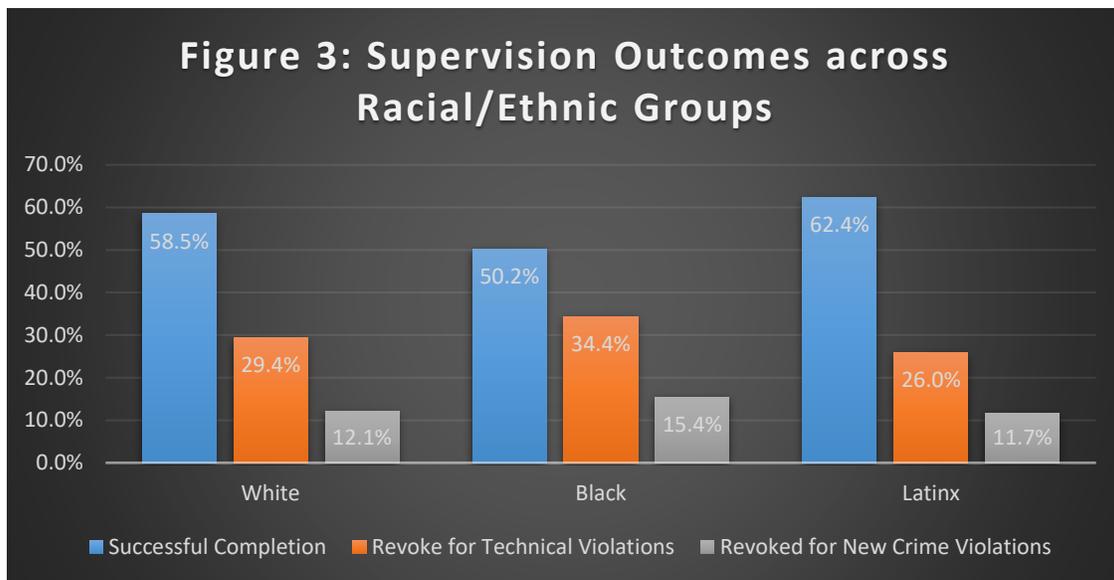


Our data show that the first year of supervision is the most crucial time for determining supervision success. As depicted in Figure 2, only 48% of the clients in our case file who experienced a revocation remained on probation by month seven, and by month 12 only a quarter of clients remained. Further analysis revealed that the odds of successfully completing probation increase substantially after the first year of supervision. For individuals who make it past the first year mark, the likelihood of successfully completing probation increases by approximately 300%.



As observed in Figure 3, we see similar patterns in supervision outcomes across racial/ethnic groups. Successful completions are the most common type of discharge across all groups, followed by technical and new crime violations. Looking across racial/ethnic groups, Black clients were significantly less likely to successfully complete probation and significantly more likely to be revoked for a technical violation when compared to the two other racial/ethnic groups. The opposite was true for Latinx clients; Latinx clients were significantly more likely to

successfully complete probation and significantly less likely than expected to be revoked for a technical violation when compared to the other two groups<sup>2</sup>.



Shifting our attention to variations across age and gender, we find that younger, male probation clients are more likely to experience a revocation. The mean age for clients who experienced a revocation was 34, while the mean age of those who successfully completed supervision was slightly higher at 35. The effects of gender were more pronounced. Approximately 62% of male clients had their supervision revoked, compared to only 55% of female clients.

### Drivers of Probation Revocation in Denver Adult Probation

In this section we highlight key findings from our research activities that contribute to our understanding of why individuals under probation supervision in the DAPD experience revocations. These findings are not a complete compilation of all outcomes across all research activities; rather, they represent some of the most salient findings that help us understand DAPD revocation rates and provide the groundwork for identifying policy solutions. Where appropriate, we address drivers of revocation by integrating findings across all research activities, including quantitative analyses of administrative and case file data, probation officer survey findings, and qualitative findings from focus groups with probation officers/supervisors and probation client interviews. It is also important to recognize that while we present the drivers as distinct categories, there was substantial overlap across categories, suggesting that

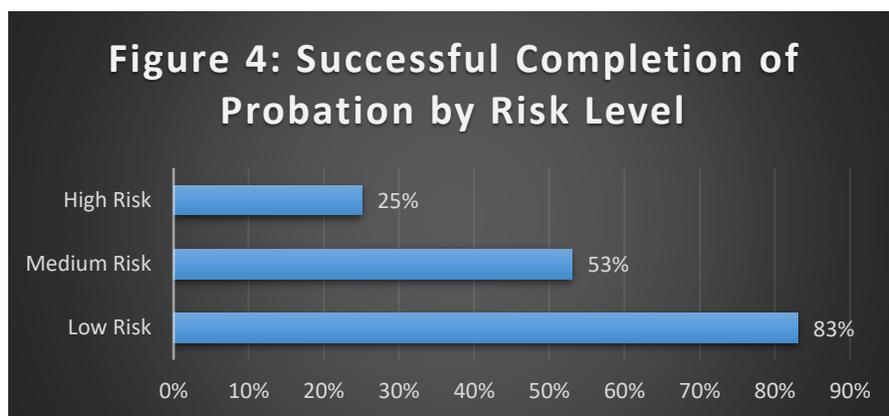
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<sup>2</sup> It should be noted that racial/ethnic differences were non-significant in the multivariate models, suggesting the observed differences across Black, White, and Latinx clients are mediated by other variables such as risk level and stability factors. This was confirmed through additional analyses which revealed substantial differences across racial/ethnic groups. The mean risk level for Black clients, for example, was 3 points higher than the mean for both White and Latinx clients. Additionally, Latinx clients were substantially more likely than both Black and White clients to have stable housing and employment during their supervision period, which likely contributed to their improved supervision completion rates.

drivers of revocation in the DAPD are highly interconnected and will require complex policy solutions.

### **Risk and Perceptions of Risk:**

Study findings make it clear that risk and perceptions of risk are primary drivers of revocations in the DAPD. Risk level, as measured by the LSI-R, is the strongest and most consistent predictor of revocation. As observed in Figure 4, only a quarter of clients who scored high risk on their initial risk assessment went on to successfully complete supervision. This was substantially lower than the completion rates for both medium- and low-risk clients. The influence of risk is compounded by the fact that the DAPD has a high proportion (over 50%) of its caseload that scores high risk.



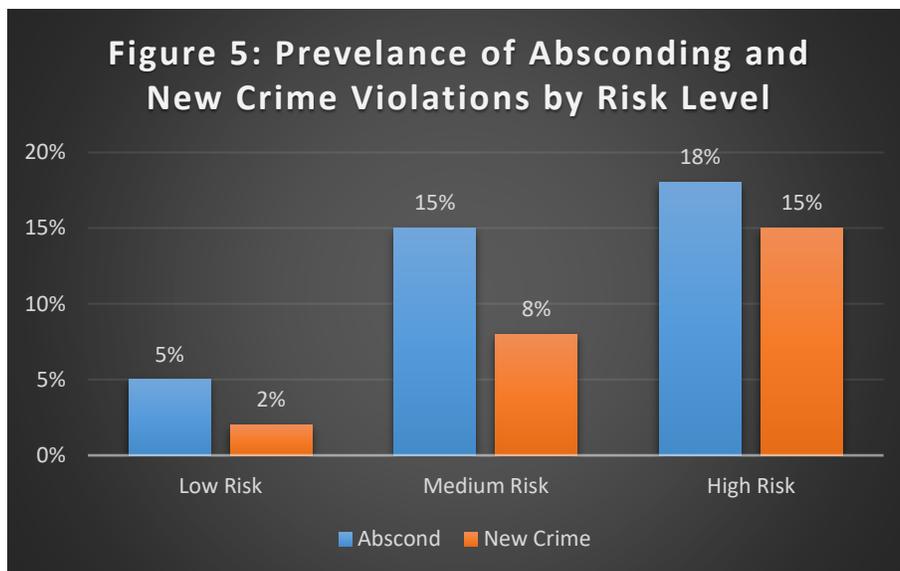
There are at least three potential explanations for the strong correlation between risk and revocation outcomes. First, it may be that high risk individuals have higher rates of noncompliance, to include higher rates of serious forms of noncompliance, that lead to revocation. Second, because risk level drives supervision intensity in the DAPD, higher revocation rates in this population might be a byproduct of more stringent rules and requirements. Finally, probation officers may give high-risk clients less leeway when making decision about pursuing revocation. In this section, we look more closely at what our findings tell us about how risk drives revocations in the DAPD.

#### *Risk and Noncompliance:*

Our findings suggest two somewhat diverging themes related to the relationship between risk and noncompliance. First, there is no clear evidence that risk level is associated with higher rates of overall noncompliance. In our case file reviews of high- and moderate-risk clients, we found that it was common for probation clients, both those who experienced a revocation and those who successfully completed supervision, to engage in common forms of noncompliance during their period of supervision, such as missing probation meetings and positive drug tests. To explore variations in compliance across clients who completed probation and those who were revoked, monthly compliance scores were created that assign point values to various types of violations based on the seriousness of the transgressions. Overall, monthly compliance scores

were very similar across successful completers and those who were revoked, suggesting that both groups engage in similar levels of noncompliance during their time on supervision.

While risk was not directly associated with overall levels of compliance, our data does show that risk is predictive of more serious forms of noncompliance, such as absconding and new crime violations. As shown in Figure 5, high-risk clients were more likely than medium- and low-risk clients to both abscond supervision and commit a new crime while under supervision. Thus, there is evidence to support that elevated revocation rates for high-risk probation clients is due, at least in part, to their engagement in more serious forms of noncompliance.



#### *Risk, Supervision Intensity and Revocation:*

Untangling the associations among risk, supervision intensity, and likelihood of revocation for clients in the DAPD is not an easy task. Per agency policy, supervision level is determined by risk scores. As such, high-risk clients are more likely to be supervised under maximum supervision or other forms of intensive supervision, such as Limit Setter Intensive Supervision (LSIP). These higher levels of supervision create greater obstacles of supervision, such as more drug testing, increased reporting, and enhanced treatment requirements. These added requirements also create more opportunities for clients to violate their probation.

#### *Risk and Decisions to Pursue Revocation:*

Does risk enter into decisions to pursue revocation among officers in the DAPD? The answer to this question seems to be a clear yes. Our quantitative data, for example, showed that when controlling for factors such as the frequency and seriousness of violation behavior, officers were quicker to revoke high-risk clients, suggesting that the threshold for revocation for high-risk probationers is lower than for other clients.

The importance of risk in officer decision making was also evident in our officer focus groups and survey findings. Officers generally rated factors that were indicative of risk, especially risk

for violence, as weighing heavily on decisions to file a petition to revoke probation. The perceived threat the client poses to the community, for example, was given the highest rating in terms of its level of importance in deciding to pursue revocation. Issues of risk were also evident in how officers perceive the seriousness of different types of violation behavior. For example, while driving-related new crimes, such as driving without a valid license, were viewed as some of the least serious violations, substance-related violations, such as driving while under the influence, were viewed as more serious violations.

When asked about the role of risk in decisions to pursue revocation, officers confirmed that it is often central to revocation decisions. As one officer noted, “Yes, I commonly think about the threat to the community. It goes back to the mission to protect the community.” When asked why risk weighs so heavily on these decisions, officers reported that it is not something they are necessarily trained on, but something that is ingrained in the nature of the job. One officer described risk to the community as the “unspoken rule.” Another officer noted that prior experiences often bring into focus the importance of risk. She talked specifically about a former client who committed a murder while under her supervision. It was clear from her comments that this event had a strong impact on how she approached her job. Other officers relayed similar experiences and the difficulty of having to live with these events.

When asked how officers judge risk and the level of threat a client poses to the community, several officers reported that they rely on a variety of input, such as the client’s risk assessment score, nature of underlying charges, and behavior while under supervision. Officers noted that when thinking about risk, they generally focus on risk of future violence. Past behavior is a primary indicator for officers when determining risk, but they also note that it is not simply the nature of the crime. They also take cues from situational and attitudinal factors surrounding past behavior. One officer noted that she gains a lot of insight about risk from “conversations with the client and their attitude about their crimes and beliefs on crime.” Another officer noted that “asking clients the circumstances surrounding new charges or previous charges helps you to know your client and their risk level.”

When asked how confident they felt in their abilities to judge a client’s risk, officers generally reported a high level of confidence. However, they also noted that it has been much more difficult recently due to the pandemic and not being able to meet with clients in person. They reported that the in-person interactions are very valuable when assessing risk. One officer noted that “some people can put on a really good voice over the phone and it seems fine, but mannerisms really matter when judging risk.” Another officer commented that judging risk is complex:

Risk has to be broken down into little pieces, such as how much risk or how dangerous is your client? It is one thing to determine if they will commit another crime, but it is hard to tell if someone is dangerous. We hope to be good and do our best to piece things together.

### *Key Takeaways:*

- **Risk level is highly correlated with revocation outcomes.** Perhaps not surprising, high-risk probation clients are more likely to experience a revocation during their period of supervision. Seventy-five percent of high-risk clients had their probation sentence terminated as the result of a revocation, compared to only 47% of medium-risk clients and 17% of low-risk clients.
- **High-risk clients are more likely to commit more serious forms of noncompliance that lead to revocation.** High-risk clients were more likely than medium- and low-risk clients to be revoked for new-crime violations and abscond supervision. These violations are considered tipping point events that compel officers to pursue revocation.
- **High-risk clients are subject to more intense forms of supervision that increase opportunities for violations.** High-risk clients are funneled into supervision programs that require more stringent conditions, such as increased drug testing and reporting requirements. These added requirements also create more opportunities for clients to violate their probation, which likely contribute to elevated risks of revocation.
- **Perceptions of risk and public safety are forefront in the minds of probation officers when making decisions to pursue revocation.** Findings reveal that probation officers are quicker to pursue revocation of high-risk clients. Additionally, officers rely on several factors when determining risk, including risk assessment scores, prior criminal history, and attitudinal cues.

### **The Role of Officer Discretion and Decision Making:**

The filing of a probation revocation requires two events – an act or acts of noncompliance by the person under supervision and a decision by the probation officer to forego alternative responses and return the client to court to face revocation. In this section we focus on the later. More specifically, we explore what our research findings tell us about how probation officers make these important decisions.

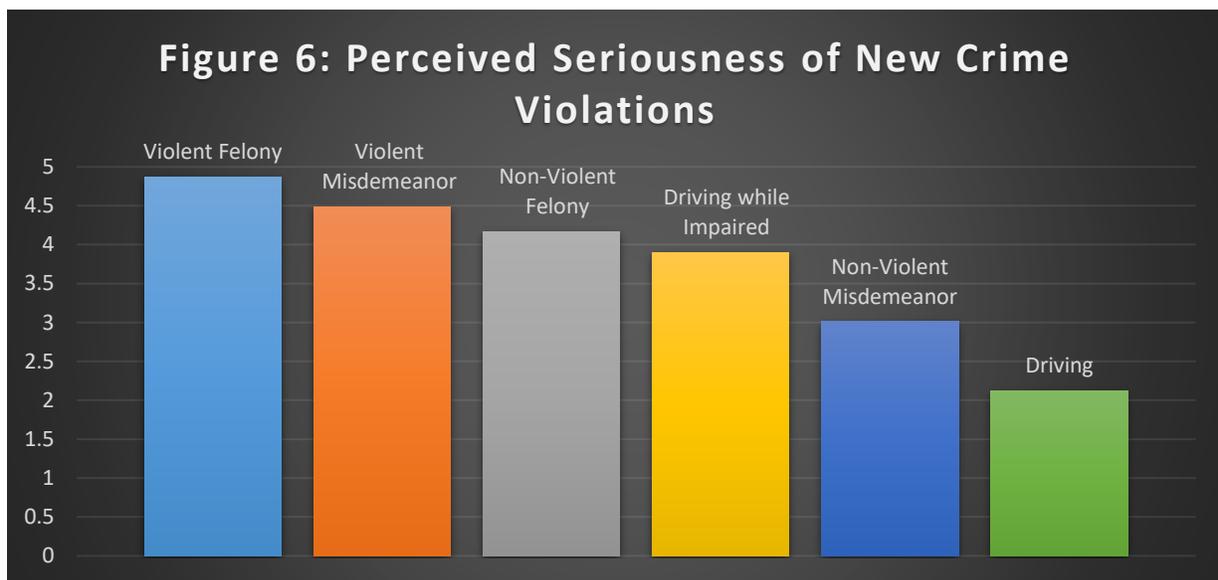
It is important to recognize that a completed revocation involves two distinct decision points. The first is the decision by the officer to file a formal violation petitioning the court to revoke the client's supervision. The second is a decision by the court to revoke the probation and impose a sentence. Due to limitations of our administrative data, we were unable to separate these two decision-making points. We were able to track the number of petitions filed by the probation office that were returned to probation with no revocation. Overall, these were rare events. In 2018, for example, only 96 out of the over 1300 petitions were returned with no revocation. Stated differently, in approximately 93% of cases where a probation officer files a petition to revoke, the case ends in a revocation. Given the importance of the probation officer's decision to seek revocation, we focus on this point of discretion as a key driver of revocations in the DAPD.

### *Tipping Point Events:*

In many instances, our data reveal that officers are pushed into decisions to pursue revocation due to certain tipping point events that occur during supervision. A tipping point event refers to an act of noncompliance on the part of the client that compels the officers to pursue revocation.

Two specific types of tipping point events are especially salient, absconding and the commission of a new crime. Of the 200 clients in our case file data that experienced a revocation, approximately 90% were deemed to have absconded supervision or were arrested for a new crime prior to the filing of the petition to revoke. In comparison, only 4% of successful discharges experienced a new arrest and none were deemed to have absconded supervision.

Digging a little deeper into the role of new-crime violations on decisions to revoke, it is clear that probation officers do not view all new crimes the same. Survey findings focused on understanding how officers perceive the seriousness of new-crime violations revealed that officers distinguish among different crime types in predictable ways. As measured on a seriousness scale ranging from 1 to 5 (1 = not serious, 2 = somewhat serious, 3 = moderately serious, 4 = very serious, and 5 = extremely serious), probation officers and supervisors rated violent crimes (felonies and misdemeanors) as the most serious, while driving-related offenses (e.g., driving without a license and careless driving) and non-violent misdemeanors (e.g. drug possession or theft) as the least serious (see Figure 6).



This distinction between more and less serious criminal offending was also evident in information received from probation officers in focus groups. This information suggested that new-crime violations influence decisions to revoke in two broad ways. In the case of more serious criminal acts, such as violent and felony level offenses, the criminal act on its own was enough to trigger the filing of a revocation regardless of previous noncompliance. One probation officer, for example, related the story of a previous client he was supervising who had struggled on probation in the past, but had turned things around:

He was engaged in all sorts of treatment. He met every requirement of probation and was doing everything he needed, but he picked up a new assault case. I ended up filing a revocation and termed him as unsuccessful.

When probed about why the officer pursued revocation, he related his decision to public safety concerns.

In the case of less serious criminal offending, the criminal act seemed to have more of a tipping point or straw on the camel's back effect. One probation officer related the details of a man she supervised who struggled with following the rules of probation. This client frequently refused to meet with the agent and had numerous other technical violations. The officer had staffed the case for revocation with a supervisor, but was not given permission to file revocation until he "picked up a new felony case." In this instance, the felony offense acted as the catalyst to move the revocation forward.

While probation officers retain discretion in deciding to pursue revocation in situations involving new criminal offenses, the same is not true in cases where the client is deemed to have absconded supervision. Agency policy dictates that officers must file a revocation when a client absconds. When asked about why clients abscond supervision, probation officers reported that it varies among clients. One common belief among officers is that many probation clients simply are not ready for the realities of probation (e.g., required meetings, drug testing, treatment). They noted that people take probation simply as a way to get out of going to jail or prison with little thought about what it really means to be on probation. As articulated by one veteran officer:

Clients are forced into probation, but they don't want to do the things that are required and to change their day-to-day lives. I'm surprised that there aren't more absconders. They aren't ready for the changes that probation requires.

Some officers also noted that substance abuse is a contributing factor for why people abscond supervision. Finally, some noted that absconding is also common among probation clients who are transient and lack ties to the community.

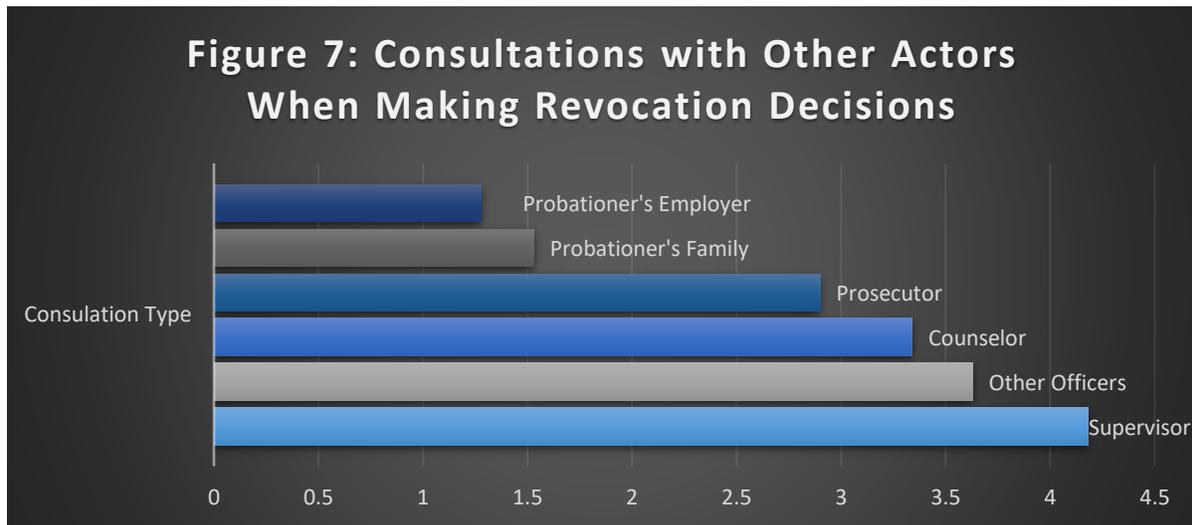
When asked how the DAPD might make changes to reduce absconding behavior and subsequent revocations, officers admitted that this is a difficult task. One idea was to have defendants talk in person to a probation officer prior to sentencing so they "understand what they are getting into." Another recommendation was to try to avoid overwhelming people at their intake into probation. One officer noted:

When you first meet with a client you have to tell them everything they need to do. It is overwhelming. We should look at telling them less at the onset and adding things as the go.

#### *Other Factors that Influence Decisions to File Revocation:*

Not all revocation decisions involve a tipping point event such as an arrest for a new crime or absconding. What then influences decisions to pursue revocation in these non-tipping point cases? Findings drawn from a survey conducted with probation officers suggest that officers consider a broad range of factors and input when making this important decision. When asked how common it is for them to consult with various actors when making revocation decisions, officers reported that it was most common to consult with their supervisor or more experienced

officers. They were least likely to consult with members of the probationer’s family or employer (see Figure 7).



Officers were also asked to rate the importance they give to various factors in the revocation process. As noted in Table 2, officers give high importance to their perceptions of threat that the client poses to the community, feedback received from the supervisor on how to proceed in the case, and positive accomplishments made while on supervision. Of moderate importance are factors such as the client’s criminal and supervision history, motivation and attitude toward probation and perceptions of how the judge and prosecutor will view the decision to file revocation. Less important factors include the probationer’s attitude toward the officer, the frequency of violation and the effect of the revocation on the client’s family and job.

Table 2: Factors that Influence the Decision to File for Revocation of Probation

High Importance	Moderate Importance	Less Importance
<ul style="list-style-type: none"> <li>• Threat to community</li> <li>• Seriousness of underlying offense</li> <li>• Feedback received from supervisor</li> <li>• Positive accomplishment while on supervision</li> </ul>	<ul style="list-style-type: none"> <li>• Probation client’s criminal history</li> <li>• Probation client’s prior supervision history</li> <li>• Probation client’s motivation in completing probation</li> <li>• Probation client’s attitude toward probation</li> <li>• Feedback received from other probation officers</li> <li>• Perception of how the judge or prosecutor will view decision to seek revocation</li> </ul>	<ul style="list-style-type: none"> <li>• Probationer attitude toward probation officer</li> <li>• Frequency of violations</li> <li>• Effect of revocation on probation client’s family</li> <li>• Effect of revocation on probation client’s job</li> </ul>

We also asked officers in the focus group to talk more about how they make revocation decisions in cases where no tipping point event occurred. More specifically, they were asked to think about a client they supervised where it was not clear whether they should pursue revocation or not and what ultimately led them to make the decision to file a petition to revoke. In cases where there is a certified victim, probation officers reported that it was important for them to reach out

to the agency's Victim Services Officer and get feedback from the victim. A dominant theme among probation officers was whether or not they felt there was any benefit to the client for continuing probation. One probation officer in recalling a specific case involving a female client noted:

Nothing was working. She was not going to treatment, just doing nothing. There was nothing we could do for her and nothing was helping – it just wasn't working.

When asked to clarify how they knew that probation was no longer working, one officer stated that probation is not working when the "PO is working harder than the client." Other officers noted concerns about wasting public resources on clients who were not progressing in their supervision. It should be recognized that probation officers did not express a particular disdain for this population, but rather they experienced a high level of frustration brought on by their belief that probation should be about more than the avoidance of incarceration.

Probation officers also noted that they do not take the decision to revoke supervision lightly and like to exhaust all options and resources before returning a client to court. When asked whether their desire to try all options before returning a client to court was motivated by a desire to show the court that all options were exhausted or a desire to see their client's succeed, officers indicated the latter was the most important. As one officer noted:

I feel like I have to have tried to do everything I can to help my client and to make their life better than it was before. I'm not too worried about the court; they will make their own decisions.

#### Key Takeaways:

- **Absconding plays a prominent role in the revocation decision.** It is clear that absconding behavior is a triggering event for decisions to revoke, and it will be crucial for policy interventions to address ways to reduce absconding and/or address agency responses to this behavior.
- **New-crime violations are a common trigger for revocation decisions.** Officers appear to have few alternatives for responding to new crime violations, especially in the case of more serious charges.
- **Internal feedback from probation supervisors heavily influences revocation decision making.** Probation officers are heavily influenced by their supervisors when deciding to pursue revocation. This suggests that policies designed to reduce revocation rates will require supervisor buy-in and support.
- **Officers appear to reach a saturation point with clients who are perceived as not engaging meaningfully in probation.** Probation officers see a benefit and purpose to probation beyond simply keeping clients out of jail or prison. Noncompliant clients who are perceived to have disengaged with probation are viewed by probation officers as no longer benefiting from supervision.

## **Stability Factors as Drivers of Revocation:**

A primary focus of our study into the drivers of probation revocation in the DAPD was not only to better understand why clients experience a revocation but to also understand why others succeed. While certain correlates such as risk level, age, and gender were found to increase a client's likelihood of experiencing a revocation, it is also important to recognize that not all clients with these attributes experience a revocation. Stated differently, some high-risk clients are able to successfully navigate supervision and receive a successful discharge.

What then separates successful clients from those who experience a revocation? In the DAPD, the answer to that question was *stability factors*, mainly in the form of stable housing and employment. Probation clients who lacked housing and employment stability are more likely to experience a probation revocation. More specifically, findings showed that clients who lacked stable employment during supervision were *one and half times* more likely than those with stable employment to experience a revocation. Similarly, clients without a stable place to live were over *six times* more likely to have their supervision end in a revocation.

### *How Stability Factors Influence Supervision Outcomes:*

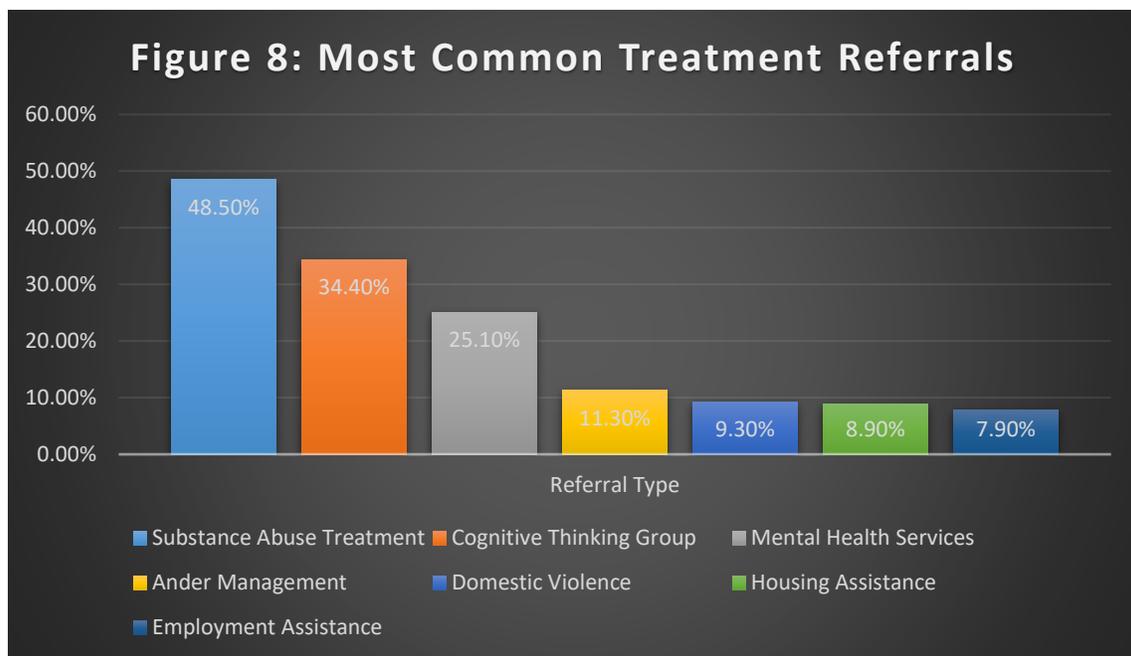
There are two primary mechanisms through which stability factors can influence supervision outcomes. In some cases, stability factors can directly influence outcomes. Employment, for example, is a standard requirement of probation supervision, and as such, failure to maintain employment can result in a violation and subsequent revocation. Instability can also indirectly influence probation outcomes by creating an added level of strain and instability that exacerbates the obstacles of supervision. It is not hard to imagine how meeting the common probation requirements such as attending scheduled office meetings or treatment programs while simultaneously dealing with the challenges of housing instability can present added barriers for clients.

Our findings suggest that the strong relationship between stability factors and supervision outcomes in the DAPD is primarily driven by indirect as opposed to direct influences. Despite high levels of unemployment among DAP clients, formal violations for failing to maintain employment were relatively rare and were never the solitary reason for pursuing a revocation. This was reinforced in our focus groups with probation officers and supervisors. While they acknowledged the importance of employment in sustaining long-term success, they were also realistic about the challenges many of their clients face. Many officers viewed employment as a long-term or distal goal to be pursued after more immediate needs such as substance abuse, mental health, and housing were addressed. As summed up by one probation supervisor:

I think a push we've tried to make in the department is really being smart about how we tackle the employment issue, and when. What steps do we need to tackle first and does it make sense to not really push [employment] with the defendant on the front end in the first month or two of supervision? Instead, let's try to get stability and some of those other things in place so that you can then jump into the employment world and be more successful.

While there was little evidence of a direct relationship between stability factors and supervision outcomes, there is strong evidence that employment and housing stability indirectly influence a client’s ability to successfully complete supervision. Probation clients with higher levels of instability were more prone to commit many technical violations such as not attending treatment and missed drug tests. In addition, they were also at higher risk to abscond supervision. This did not come as a surprise to the officers or supervisors, who generally acknowledged the difficulty of probation supervision for clients who lack stability and ties to their communities.

While officers generally acknowledged the importance of addressing stability factors, this was not always evident in the supervision practices observed in the case file reviews. As presented in Figure 8, referrals for employment and housing assistance were generally rare with officers making referrals to these programs in less than 10% of cases. Thus, it appears that while housing and employment represent critical barriers to supervision success, these issues are not always prioritized when considering treatment needs.



*A Need for More Community Resources:*

A universal belief among both probation officers and clients is a need for more resources to assist individuals in securing stable housing and employment. When asked to recommend resources that might be helpful to someone on probation in the Denver area, clients offered a range of possibilities, such as affordable rental housing, incentives for businesses to hire people with felony records, better resource materials for identifying who or what agencies can be contacted for housing and employment assistance, housing shelters that separate people by life and behavioral needs, better access to travel vouchers to ensure transportation to and from work sites, online application assistance for less tech savvy individuals, and entrepreneurial classes.

One female probationer informed us that additional employment centers would be beneficial and described one in Denver that she particularly liked and felt should be replicated:

There is a center for employment opportunities. It is a program that works specifically with people on probation and parole. It's like a day labor place. While you are working they pay you daily. They also help you build a resume. They understand you are a felon and will work with you.

Another female client touted the potential of peer coaching as a practical resource for probationers:

At a behavioral healthcare unit, they have what are called peer coaches. These are people who graduated from a probation program and were in my shoes. They have resources for housing, even homeless shelters, and food places like food banks, and information about jobs. They have all those things.

Probation officers and supervision echoed these comments, but also discussed the need for more specialized programs. One supervisor, for example, noted that while there are resources available for temporary housing, "the gap is getting people into permanent, stable housing." Others expressed a need for more comprehensive approaches that address both the need and the underlying causes. Officer recognized that housing and employment instability are often intertwined with substance abuse and mental health issues; thus, there is a need for a more case management driven approach that provides more comprehensive services to the clients.

Some officers also expressed reservations about the capacity of community-based services in addressing stability factors for all clients. When talking about housing instability, one officer distinguished between those who choose a transient lifestyle versus those who do want to get off the streets:

It seems like, at least from my experience, that you have a few different groups of people that are transient and as to why. Some just choose that because of their addiction and other circumstances. Even with all the resources in the world you're not going to get them off the streets, versus the ones that maybe they do have the genuine desire but the barriers are just so high.

#### *Key Takeaways:*

- **Probation clients with stable housing and employment are more likely to succeed on probation.** Probation clients who had stable employment were 1½ times more likely to successfully complete supervision, and clients with stable housing were over 6 times more likely to avoid revocation.
- **Stability factors indirectly influence supervision success by enhancing the obstacles of probation.** Probation clients who lack stable ties to the community were at an increased risk to commit a variety of technical violations, including missed drug tests, not attending required treatment, and absconding.

- **Referrals to assist clients with stability factors such as housing and employment were not commensurate with need.** Supervision officer referrals to programs to assist clients with housing and employment were infrequent, occurring in less than 10% of all cases.
- **Probation officers and clients indicated a need for greater availability and access to community programs to assist clients with stability factors.** Both probation clients and officers noted a need for additional programs to assist clients with employment and housing needs. Stronger connections between DAP and existing community partners is needed to ensure clients have access to programs that are available.

### **The Obstacles of Probation:**

Probation imposes a set of conditions and requirements on those who fall under its supervision. Drug testing, office meetings with probation officers, counseling requirements, maintaining employment, and financial payments are just some examples of common obligations imposed as part of the supervision process. While these conditions are meant to serve a variety of purposes, such as providing structure and accountability, encouraging abstinence, and promoting rehabilitation, they also create a series of obstacles and barriers that make compliance a challenging proposition. In this section we explore these obstacles in more detail and the role they play in driving revocations in the DAPD.

#### *Time and Place Requirements:*

The most common types of technical violations listed in motions to revoke are those that require probation clients to be at specific locations at specific times, such as missed appointments with the probation officer or missed drug testing (See Table 1 above). For many under supervision in the DAPD, resource limitations and life circumstances make compliance with these conditions particularly challenging.

Transportation-related challenges were noted by both clients and probation personnel, although access to reliable transportation typically was not an isolated problem. Transportation difficulties can co-exist with a variety of obstacles. As expected, one's ability to travel from place to place is affected greatly by financial circumstances. A probationer gave the following account:

Out here now you have to fill out an application to get a bus pass. It is crazy. Now you have to qualify for a bus pass and fill out an application and then take it to RTD. If not, you have to pay for it if you have the income. Before that my PO would give me a bus pass or tokens. Now RTD has made it impossible to get one unless you can afford it...I just pay for every day I get on the bus. I pay \$12 per day. It costs me to get around with the kids.

The downtown location of the main Denver probation office is itself a contributor to transportation difficulties. As a probation supervisor observed:

One of our greatest challenges is just the location of our building. There is no parking around here for clients. One of the things that used to be helpful is that we had satellite

offices in all four parts of Denver so we could work in the communities where we supervise clients.

A probation officer added that staff really struggle to find places to park downtown, reinforcing the magnitude of this problem.

Transportation was not the only obstacle identified by probation clients and officers. Attending probation-related meetings often conflicts with employment, treatment, and other responsibilities. One male probationer put his situation this way:

You want me to pay to attend meetings, but you're making me miss work. So what is the likeliness of me getting fired [or] going back to selling drugs or whatever the case may be--robbing somebody, stealing just to make sure that I can stay out of jail? These things need to be looked at.

It is also recognized that the challenges associated with meeting probation requirements are not equally distributed among all clients. Resource limitations are one factor that can amplify supervision obstacles. One probation officer recalled a recent interaction with a single mother on her caseload:

I spoke to a mother yesterday that has five kids and says she doesn't have anyone who can babysit those kids, so how can she drop a UA?

Housing instability and mental illness, conditions which are widely recognized as being intertwined, were also discussed by officers as contributors to noncompliance. Probation officers noted that this population often leads very chaotic lives that are not well suited to the structure and expectations of supervision. The research team experienced these challenges first-hand in our efforts to get probation clients to attend scheduled appointments to complete qualitative interviews. Over half of all clients missed their interviews, even though they were being compensated \$50 for their time. Reasons for not attending interviews varied. In some cases, individuals reported conflicts with work or other obligations. In one case a homeless man was not able to attend because he could not find anyone he trusted to watch his shopping cart with all his possessions.

When probation officers were asked why they chose to violate clients for these types of transgressions, recognizing that many probationers lack the capacity to comply, they acknowledged a tension between holding clients accountable to their conditions and appreciating the realities of the population they work with. One officer described how compliance on probation is not a universal proposition; rather, it is something that must be scaled to the abilities and circumstances of the individual:

Success for each client is different. Some can only give what they can give. You have to know your clients and what you can get out of them. It is different for all.

While officers recognized that sometimes expectations of supervision for certain clients are unrealistic, they also expressed a strong sense of duty to the court and the purpose of probation. Accountability came up frequently in our focus group discussions. Officers, while sympathetic

to the struggles of probation clients, perceive the enforcement of compliance as a core component of their supervisory role. In fact, officers expressed some frustration with the court for placing individuals on probation who clearly lack the ability to be successful under its current structure. Here is one officer's articulation of that frustration:

It's like they think that POs have magic powers and can make someone comply and make all of these issues go away. It's not reality. We can just do the best that we can with what we have. Judges and DAs need to realize when probation can and cannot help someone.

### *The Challenges of Drug Testing:*

Drug testing emerged as a particularly salient, and in some ways unique, obstacle of probation supervision. The DAPD utilizes a private company to collect urine samples (UA's) to monitor drug use and abstinence of probation clients. In most cases, these tests are harvested utilizing a random collection procedure that requires clients to call in on a daily basis to identify if they must report to produce a sample on that day. If required, they must report to the testing office by the end of the day to submit the UA. The supervision officer generally has broad discretion in deciding who will be tested and how many tests the clients will receive. Clients are also required to pay for drug testing unless vouchers are provided by the supervision officer.

Data reveal that drug testing requirements and violations are very prevalent in the DAPD. Overall, 94.7% of clients in our case file data sample were required to engage in drug testing at some point during their supervision. Drug testing violations were also some of the most common technical violations. Among clients who were required to submit drug tests, 81% had at least one missed test. Among probationers revoked on technical violations, 62% were alleged to have missed drug testing appointments.

Probationers reported several challenges associated with meeting drug testing requirements, ranging from a lack of transportation to problems remembering to call the UA line each day. Probationers made the following comments illustrating their difficulties:

[The probation office was] having me take UA's five days a week. And that made it a struggle working in the middle of nowhere [as a construction worker] to make it back [for testing].

My biggest UA struggle is remembering to call. I forget sometimes to call. When you wake up, the first thing you don't think about when you've got two children is to call the UA line. I have to set an alarm every day on my phone for every day to remind me...I have 50 alarms in one week and I still forget a lot of stuff.

If I'm at therapy three times a week and I've got drug testing requirements...it becomes too much.

Probation officers and supervisors were aware of the challenges facing many clients for UA testing compliance, and they try to evaluate these factors when making decisions about how to

respond to noncompliance. Some officers also reported concerns of their own related to making decisions regarding testing requirements for their clients. One officer, for example, talked about the dilemma she faces:

Do I put them on once a week so they can demonstrate compliance? If they are on once a week and they give me three weeks of clean UAs, do I continue with UA's? Do I stop with UA's? It's definitely a balance to just determine if that really is a risk factor for them.

Officers additionally talked about the value they saw in drug testing from a supervision standpoint and how they view the seriousness of a missed test. While testing is viewed as an important tool for monitoring drug use, officers clearly perceive testing compliance as a proxy measure for engagement in supervision. In fact, officers talked about how they often view a missed drug test as a more serious violation than a positive one. These officers understood that it was not realistic to expect complete abstinence from many of their clients, but if clients are willing to provide a UA, even knowing that it is positive, it tells them that they are still willing to engage with probation. One officer noted the following:

Positive drug tests for me look way better than missed drug tests. I feel with the positive drug tests, if we are able to get them to test even though they are consistently testing positive, [that] we can work with them and their treatment team.

Officers offered some strategies they have used to improve UA testing compliance. One probation officer who supervises a specialized caseload of high-risk clients with severe substance abuse problems reports that this unit has transitioned to a fixed testing schedule as opposed to a random one, which reduced missed tests substantially. Another officer reported that she has had success with being transparent with her clients about why they are being required to test and what they can do to reduce testing requirements.

I let them know the purpose of the UA's and why we are monitoring UA's because from my experience, the more they understand, the better. Then there is that incentive piece, saying "here is what you got to do. We gonna keep you on UA's for a certain amount of time until you can show you're clean. There is a potential that you can get off sooner if you show you're not using."

### *A Way Forward? Lessons from Supervision during a Pandemic:*

The coronavirus pandemic has posed unique challenges to probation resulting in many adjustments to regular practice. Although COVID-19's direct impact on professional and daily life may be short lived, some shifts in practice might remain (e.g., more extensive use of technology in supervision). When asked, none of the probation staff proposed doing away with the in-person component of probation, but the incorporation of a hybrid model was suggested multiple times. Officers noted a variety of potential benefits to allowing more online/remote interactions, including minimizing disruptions to clients' work schedules, adding a new type of incentive, reaching clients where they are, and generally reducing some barriers that clients face. Some probationers felt similarly about the potential benefits of a more virtual probation

supervision experience, noting that a video visit could allow them to schedule their check-in meeting during a break from work and would reduce the “running around” and related stress of planning transportation. One client discussed how video meetings allowed for a more one-on-one experience which the client felt increased the quality of the communication. Although not all were in support of a more hybrid model, it appears that in some ways, the pandemic allowed for a more flexible probation supervision experience for clients and officers.

*Key Takeaways:*

- **Probation clients often face a variety of obstacles in complying with the conditions of supervision.** Transportation, parking, employment, and family obligations are just some of the obstacles clients face in following the rules of supervision. The obstacles are often exacerbated for clients who live a transient lifestyle or have issues with addiction or mental illness.
- **Drug testing requirements are an especially salient challenge for many under supervision.** Missed drug tests are one of the most frequent violations experienced by probation clients in the DAPD. Challenges associated with random drug testing requirements include remembering to call the hotline each day, finding transportation to the UA collection center, and the disruptions it causes to employment.
- **Supervision practices undertaken during the COVID-19 pandemic have shown promise as a way to reduce the demands of probation.** Remote supervision practices utilizing video conferencing technologies, such as WebEx, have been popular among both officers and clients. While not appropriate for all clients at all times, these technologies may be integrated into agency supervision standards to decrease the obstacles of supervision.

### **Behavior Modification: The Missed Opportunity of Incentives**

The DAPD instituted a behavior modification policy in 2018 that guides officer responses to noncompliant behavior. This policy directs officers to utilize a series of low and high magnitude sanctions before pursuing revocation in an attempt to bring about behavioral change. While the newness of the policy prevented us from evaluating its effectiveness, the DAPD reports modest reductions in revocations following its inception. Furthermore, qualitative data suggest high levels of support for the policy among both probation officers/supervisors and clients. Probation officers and supervisors discussed many positive aspects of this policy such as increasing consistency and fairness in their supervision practices and the ability to be transparent with their clients on where they stand in their supervision.

Probation clients also liked different aspect of the policy, including the structure it provides, the collateral benefits associated with some sanctions such as writing assignments that encourage self-reflection and deliberation on behavioral consequences, and the opportunity to build better relationships with officers. More than anything else, the benefits of a writing-based sanction were acknowledged. Below are statements from two clients:

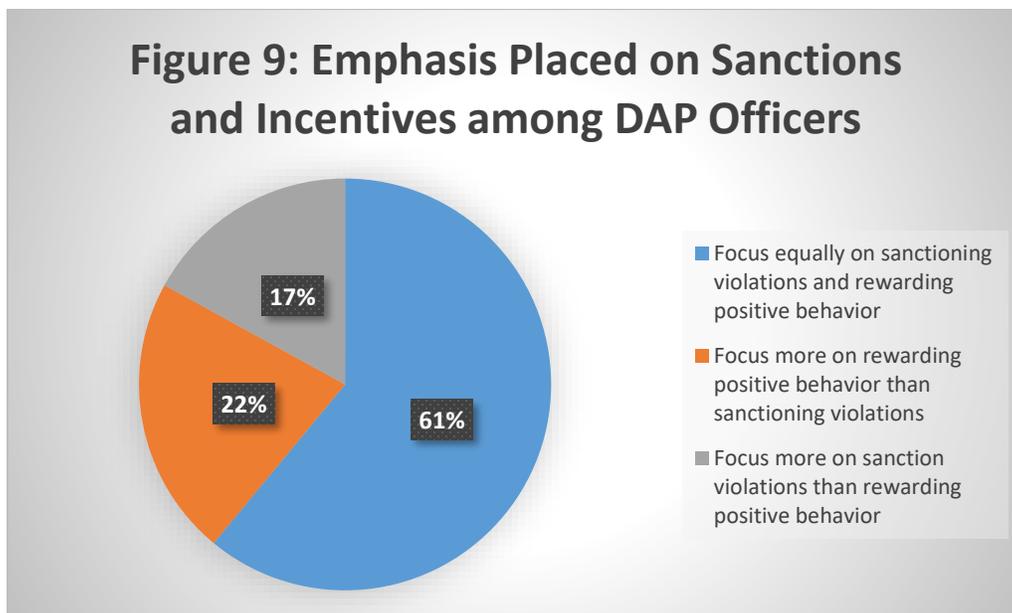
I think the behavior modification policy is pretty good. I have been sanctioned once and had to write a letter saying goodbye to drugs. It is pretty neat that they are trying to help

when we get violations. They are not just trying to get us through probation, but to succeed afterwards. It shows they care.

My second sanction was a homework assignment. I had to list five things I did wrong while on probation, five things I will do better, and some things I need to work on. This was helpful because it gave me a chance to sit down with my PO and talk about my struggles at that moment. My PO gave me good advice and opened up the door to better resources transportation wise.

Absent from the DAPD behavior modification policy is the incorporation of incentives into the broader supervision strategy designed to increase success rates and promote prosocial change. Consistent with previous research on the topic, incentives were found to be strongly correlated with supervision success in our data. Clients who successfully completed supervision received incentives more than twice as often as those who were revoked, even after adjusting for differences in time on probation. Additionally, in our multivariate models, the use of incentives was one of the strongest and most consistent predictors of supervision success.

It was also clear from our data collection that officers varied substantially in their use of incentives, which might be related to individual beliefs about the role of incentives in community supervision. In our survey of probation officers, respondents were asked to evaluate their supervision style and interactions with clients related to the use of sanctions and incentives. As shown in Figure 9, officers varied in terms of the emphasis they place on rewarding positive behavior. Just over 60% indicated an equal balance between sanctioning violations and rewarding positive behavior, while the remaining 39% indicated that they are slanted toward either sanctions or rewards. This variation suggests a need for policies to structure decision making regarding all behavioral interventions to ensure that officers, regardless of their individual orientations, are utilizing incentives and rewards in a manner consistent with best practices.



Digging a little deeper into the use of incentives in the DAPD, we see that the most common type of incentive utilized was verbal praise (see Table 3), which accounted for over two thirds of all incentives given. The only other incentive that was utilized with some regularity was decreased drug testing. This again highlights a need for specific policies on the use of incentives to guide officers in their selection of positive reinforcements.

Table 3  
*Most Common Types of Incentives Utilized*

<b>Violation Type</b>	<b>Case File Data</b>
Verbal Praise	66.96%
Decreased Drug Testing	12.23%
Voucher	6.84%
Money or Gift Card	4.37%
Early Discharge	4.22%
Level Advancement	1.89%
Curfew Extension	1.16%
Special Activity	0.58%

*Key Takeaways:*

- **The use of incentives are a strong predictor of probation success.** Clients who received incentives on a more regular basis were more likely to successfully complete supervision.
- **The DAPD Behavior Modification policy does not address the use of incentives with probation clients.** The DAPD Behavior Modification policy has strong support among both officers and clients. The current policy, however, focuses exclusively on the use of sanctions and provides no guidance to officers on the use of incentives.
- **There is substantial variation across officers in their use of incentives and the emphasis they place on rewarding positive behavior.** Officers varied greatly in their use of incentives, suggesting a need for policies to structure decision making regarding the use of incentives.

**Directions for Policy Interventions to Reduce Revocations**

In this final section, we provide a discussion of six potential areas for interventions to address revocation rates in the DAPD. This is not meant to be an exhaustive list, but rather a starting point from which ideas can be generated to spur conversations about potential ways of moving forward. It should also be recognized that drivers of probation are intertwined in ways that suggest policy responses will need to be comprehensive in their approach in order to be successful. For example, effective programs to address the needs and challenges of high-risk probation groups will require policy interventions that address multiple drivers of probation revocation, including absconding, stability factors, and the obstacles created by intense supervision practices. In response to these findings, the DAPD is proposing the creation of a specialized supervision program aimed at high-risk clients. We conclude this section with a brief overview of the Individualized Intervention Program (IIP).

## **The Timing of Services and More Early Releases from Supervision**

A clear finding from our study findings is that probation clients are at higher risk to face revocation during the first year of their supervision. Additionally, if individuals can complete the first year of supervision, the odds of supervision failure decrease dramatically. This suggests a need to focus supervision and services early in the supervision period. It also suggests that policies such as early probation discharges, which were relatively rare, might be options to explore to free up supervision resources on those who need it most.

## **Preventing and Responding to Absconding**

The DAPD has one of the highest absconding rates in the state of Colorado. Our data revealed that overall half of all individuals in our case file study population absconded supervision. Furthermore, over 60% of client in our sample who were revoked for technical violations absconded supervision before the filing of their revocation. Agency policy dictates that officers must file revocations when a probation client is deemed to have absconded. Efforts to reduce revocation rates should address both causes/precursors of absconding and agency responses.

## **Responding to High-Risk Groups**

Not surprisingly, study findings reveal that certain groups of probation clients face higher likelihoods of experiencing a revocation. As such, policy responses to reduce revocations will require focused efforts to disrupt revocation trajectories among these groups. One of the highest risk groups in the DAPD are young, high-risk, male probationers. Overall, our data suggest this group is more likely to commit new offenses while on supervision and also more likely to abscond. DAPD has shown success in developing specialized supervision programs for high-risk groups, such as those with mental health problems. As such, it is recommended that DAPD explore options for developing specialized high-risk supervision for youthful male clients. This issue has already been discussed with DAPD management and is gaining significant support. The research team will be working with DAPD to better understand the unique needs of this population to help develop a more effective supervision approach.

## **Promoting Stability**

A strong predictor of both probation revocation and absconding was a lack of stability. Stated differently, regardless of risk level, individuals who had stabilizing factors in their lives were more likely to succeed on probation. Housing stability, employment stability, and caring for children were all variables that predicted probation success. Furthermore, our qualitative research findings also identified stability as an important component for probation success. At the same time, it is clear that there are often a lack of community resources, or, in some cases, a lack of awareness of community resources, to assist probation clients with these issues. Programs to provide felon-friendly, affordable housing was identified by both probation clients and probation officers as a resource gap. There was also a recognition that probation does not always place adequate attention on employment stability. As such, the DAPD should explore ways to leverage community resources to increase resources for probation clients. In some cases, this might involve building stronger relationships with existing community partners, while in others

it might require creating new opportunities for probation clients. This is admittedly not an easy task considering the current economic situation; however, it appears a necessary component to reverse revocation trends.

### **Reducing the Demands of Probation**

Probation supervision places a variety of demands on individuals such as requirements to attend office meetings and drug testing. These requirements are clearly challenging for individuals on probation. Research findings show that reporting and testing violations are the most common violation types. This is reinforced by qualitative interviews with probation clients. Challenges associated with attending meetings and drug testing can be great and are often related to transportation and employment issues. Additionally, probation officers indicated that their clients often lacked stability in their lives, making it difficult for them to comply with these reporting requirements. It should be recognized that while these reporting and testing violations rarely form the sole basis for decisions to revoke, it is likely that these violations build up over time, likely causing tension between probation officers and clients, which may lead to further avoidance by the probation clients. In response, it is important to explore ways in which probation demands can be lessened to make compliance more realistic. Policy options include more targeted drug testing requirements that focus testing efforts on those who need it most. Agencies should also consider maintaining alternative forms of reporting that are more convenient and realistic for probation clients. Supervision responses to the COVID-19 pandemic may provide a guide for how remote forms of check-ins may supplement or supplant in-person office visits. While not reported in this report, both probation officers and probation clients reported positive experiences with these forms of supervision.

### **DAPD Behavior Modification Policy and the Use of Incentives**

Overall, strong support exists for DAPD's Behavior Modification Policy among probation officers, supervisors, probation clients, and stakeholders (defense attorneys & prosecutors). This policy guides officers in the handling of violations and requires them to utilize behavioral responses in their supervision of probation clients in the form of sanctions as a response to noncompliance. Missing from this policy, however, is an emphasis on the use of incentives for rewarding compliance and prosocial behavior. Prior research suggests that incentives can be a valuable tool in improving success on community supervision. Findings from the current study also reveal that the use of incentives was a strong predictor of probation success. As such, efforts should be explored to incorporate reward structures into the DAPD Behavior Modification Policy to provide a more balanced approach to supervision.

### **DAPD's Individualized Intervention Program**

The DAPD IIP program is a program being established for high-risk clients that relies on assessment scores for admission. Clients who score above a 28 on the LSI (common standard for determining high risk on this instrument) will be considered for admission to the program. Denver's IIP is designed around two primary concepts. The first is that case planning for clients should be collaborative and focused on the idea of co-production of outcomes. Probation

officers and clients should work together to align values. Rather than using an authoritarian approach, probation officers will work with clients to identify needs and match them to the appropriate services. Clients will still be held accountable for actions that are in any way a threat to public safety or a violation of court orders; however, this will not be the primary focus of the programming. We are calling this concept *Value Alignment Probation*. The new model will promote interactions between officers and clients that employ coaching or mentoring strategies rather than confrontational approaches. Clients will be empowered to maximize their time on probation with a wide variety of services. Proximal and distal goals will be discussed with clients and revocations will be reserved for those clients who truly refuse to engage or commit new crimes.

The second major concept is an individualized approach to supervision. It is important to recognize the journey of each client, the pressures that they face, and the unique barriers that may exist in each of their lives. And, while it may be beneficial to group people together who are facing similar challenges for treatment and education, it is incumbent upon the probation officer to work to develop an understanding of the client as a person, in addition to what the assessment provides.

Additional key features of the IIP Program include:

- *Front-loading services and relationship building* – Understanding that most clients experience revocations early in their supervision terms, the IIP is designed around the practice of engaging clients early in the supervision process and building positive relationships.
- *The use of incentives* – Study findings revealed a strong relationship between use of incentives and positive supervision outcomes. The IIP seeks to build off these findings by incorporating the use of incentives and training officers on their value in promoting prosocial change.
- *Treatment focus* – The IIP will prioritize treatment to address criminogenic needs. This is consistent with our findings that clients who received more treatment referrals to address criminogenic needs, such as cognitive-behavior groups and substance abuse treatment, were less likely to experience a revocation.
- *Promoting stable ties to the community* – The primary factor that differentiated high-risk clients who completed probation versus those that were revoked was the presence of stable ties to the community, including stable housing and employment. The IIP will work with clients to assist in building these stability factors. This will include prioritizing employment and housing in the case planning process and building relationships with community partners to increase access to services.
- *Reduce the burdens of supervision* – Probation supervision places several burdens on clients. One of these burdens is the requirement to be at specific places at specific times, such as office visits, treatment appointments, and drug testing. In many cases, these burdens are compounded by factors such as a lack of transportation or conflicts with work schedules. Perhaps not surprisingly, these types of violations were found to be the most common types of technical noncompliance experienced by clients in the DAP. In order to ease these burdens, the IIP will prioritize the use of community contacts where the officer will meet the client outside the office.

## **Appendix A: Methodology Notes**

### ***Note 1: Deviations from Original Research Plan***

A number of deviations from the original research plan occurred, mainly due to the impacts of the COVID-19 pandemic.

- Our original research plan called for two sets of in-person focus groups/interviews with probation supervisors, officers, and justice stakeholder. The first round of interviews/focus groups in Phase I of the research project was intended to gather information on existing policies and practices regarding probation revocations and the factors that influence revocation decision-making. The second round of interviews/focus groups in Phase IV were aimed at helping us understand and contextualize the findings from our quantitative analyses and begin to formulate some ideas about potential changes in policy and practice to improve success rates. Due to COVID travel restrictions, we altered our research plan in the following ways:
  - First, instead of completing separate focus groups/interviews for Phase I & IV, we combined these into one set.
  - Second, we created and administered an on-line survey to probation supervisors to tap into factors that influence responses to probationer noncompliance.
  - Finally, we completed all focus groups and interviews using Zoom instead of in-person formats.
- In terms of our original plan to conduct focus groups with individuals on probation, we had to shift this to individual interviews, some of which were conducted in person and others over phone or Zoom.
- A final deviation that was not attributed to COVID was to expand our casefile reviews to include both unsuccessful discharges and successes. Our decision to include a sample of successes was driven by a realization that it was important to include both groups so that comparisons could be made. In short, we were especially interested to learn whether supervision differences could be identified between the two groups.

### ***Note 2: Case File Sample***

We drew our disproportionate sample of 200 unsuccessful discharges using two criteria. First, we oversampled Black males; we did this for multiple reasons: (1) to ensure adequate racial representation for future analyses aimed at detecting potential racial differences, (2) initial analyses indicated this group may be at high risk of revocation and therefore we wanted to be sufficiently powered to be able to explore this, (3) the Chief of DAPD was particularly interested in potential racial differences, and (4) race was a key focus of the granting agency due to the events of 2020 and the Black Lives Matter movement.

Second, to ensure that adequate file information was available for the case file reviews we only included individuals who had both a completed presentence investigation (PSI) and a documented LSI score in our sampling frame (approximately 25% had both). To ensure this requirement did not create a sample that was unrepresentative of the probation population, we explored how those with both a PSI and LSI score may have differed from the overall population

by comparing differences across these two groups on: success rates on supervision, basis of revocation (technical v. new crime), offense level (felony v. misdemeanor), and demographics. Overall, probationers who had both a PSI and LSI were similar in many respects to those who did not have both a PSI and LSI. There were approximately equal rates of successful completion of probation (39% vs. 36%), revocations for a new crime (10% vs. 8%), and revocation for a technical violation (19% and 23%). The groups were similar demographically in terms of age (both means = 34), sex (male = 82% vs. 77%), and race (white = 54% vs. 66%; black = 28% vs. 21%). One difference, however, was that clients who had both a PSI and LSI were somewhat more likely to have committed a felony (65%) than those who had neither a PSI or LSI (53%). Additionally, we excluded the 68 probationers categorized as minimum risk. Of our final sample of 200 unsuccessful discharges, approximately 73% were categorized as maximum and 27% as medium risk at the start of their probation term.

### ***Note 3: Focus Groups and Client Interviews***

To recruit participants for the probation supervisor and officer focus groups, emails were sent to all probation officers and supervisors asking them to participate in a focus group. Overall, 9 supervisors (out of 12 total) and 20 probation officers (out of ~80 total) volunteered to participate, but some were unable to participate due to scheduling conflicts. One supervisor focus group with 8 participants was completed, and three officer focus groups were completed. Officer focus groups ranged in size from 5 to 7 officers. Each focus group occurred via Zoom and lasted approximately one hour.

Probation clients were recruited via two methods. First, probation officers provided researchers with a list of names of clients who fit our criteria (i.e., high risk and/or struggling while on probation, English speaking, and under active supervision). Individuals were then contacted by members of the research team and scheduled for either an in-person interview at the Denver Probation Office or a phone/Zoom interview. Second, we recruited probation clients from those scheduled for office visits on the days a member of the research team was in the office and available to meet. All participants who participated were asked a series of open-ended questions regarding the challenges they have faced on probation and potential solutions for increasing success rates. Interviews took approximately an hour to complete, and participants were paid \$50 for their time.



# Monthly Coding Sheet

Month #	Employment	Housing	TXT	Payments	Violations	Sanctions	Incentives	Supervision Events	Life Events
	0 = unemployed 1 = unstable 2 = stable 3 = unable to work/SSI	0 = homeless 1 = unstable 2 = shelter 3 = inpatient facility 4 = motel 5 = stable	0 = not attending 1 = inconsistent Compliance 2 = Compliant 3 = Referral Pending 4 = none req	0 = none 1 = Partial 2 = Full Payment 3 = none req	1 = Positive UA's 2 = Missed UA's 3 = Missed Appointments 4 = Not reporting 5 = Curfew Violation 6 = Driving Citation 7 = New Crime Misd. 8 = New Crime Felony 9 = self-report drug use	1 = Verbal Reprimand 2 = Verbal Threat 3 = Increased TXT 4 = Educational class 5 = Group 6 = Behavioral Contract 7 = Jail 8 = Carey Guide 9 = Written Assignment 10 = Electronic Monitoring 11 = Community Service 12 = Increased Drug Testing 13 = Curfew 14 = Supervisor intervention 15 = Level regression/extension 15 = Drug Court Other 16 = Increased reporting	1 = Verbal praise 2 = Written praise 3 = ↓ Drug Testing 4 = ↓ Reporting 5 = Level Advance 6 = \$\$/Material 7 = Spec. Activity 8 = Curfew Extension 9 = Early Removal EM 10 = Early Discharge 11 = Voucher 12 = Drug Court Other	1 = ↑ Supervision Level 2 = ↓ Supervision Level 3 = Started new TXT Program 4 = Completed TXT Program 5 = Terminated TXT Program 6 = Completed payments 7 = Transfer PO 8 = Warrant Filed 9 = Revocation Filed 10 = Arrested 11 = Placed on Admin Status 12 = Successful completion of probation 13 = Revocation withdrawn	1 = Loss of Job 2 = Loss of residence 3 = marriage 4 = Separation (divorce, break-up) 5 = Serious health issues 6 = Birth of child 7 = Death in family 8 = Suicide attempt 9 = Completed education program 10 = Completed job-related training 11 = Experienced victimization
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