The 2008/2009 Study of Probation and Parole Revocation

Prepared for the Wisconsin Department of Corrections
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By
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- Division of Community Corrections administrative staff
- Division of Community Corrections regional office staff and agents
- Bureau of Technology Management staff
- The Justice Reinvestment Initiative (JRI) Team
Report Contents

- The first portion of this comprehensive report contains the results of the data analyses, a summary of major findings, and recommendations for action.
- The second portion of the report (beginning on page 175) contains supporting materials that include more detail on the best practices literature review, current DOC efforts to address increased revocation rates, and a detailed description of the methodologies utilized for the study.
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Primary Study Questions

1) Why are offenders revoked and sent to prison when they have not been convicted of a new crime? What are the offender behaviors that lead to revocation and what alternatives are being used in advance of revocation?

2) Are revocation decisions consistently interpreted and applied across WI? What level of discretion is used when making a decision to revoke?

3) What risk factors and critical success factors are taken into account when deciding to move forward with a revocation?

4) Are we imposing special rules of supervision that are not associated with the offender’s criminal behavior pattern or criminogenic needs, creating obstacles that may set the offender up for failure?
Overview of Study Components

- **Best Practices Review – Reducing Revocation**
- **Aggregate Analysis of Historical Revocation Data (2003-2007)**
  - Historical trends and patterns in revocation
  - Contribute to the process of addressing recommendations of the Commission on Reducing Racial Disparities in the Wisconsin Justice System, including: "DOC should monitor whether there is an ongoing racial disparity in revocations and whether there is any indication that such decisions are being made based upon any inappropriate considerations such as race or whether current practices are exacerbating racial disparity."
- **Case-Level Abstraction of Random Sample of Revocation Cases**
Summary of Best Practices Review
Best Practices Review

- Conducted a comprehensive review of the available literature related to evidence-based practices in reducing revocation
- Conducted telephone interviews with targeted state correctional departments
  - Selected six states for in-depth analysis (Arkansas, Georgia, Iowa, Kansas, Pennsylvania and Texas) based on the results of the literature review and the guidance of Mr. Richard Stroker of the Center for Effective Public Policy.
  - PHI interviewed correctional department staff in each of the six states: four statewide Re-Entry Directors/Coordinators, one Director of Community Corrections, and one Public Relations Coordinator in Community Corrections.
  - A semi-structured telephone interview was developed by PHI to gather detailed information on efforts to reduce revocation due to technical violation in the selected states. The interview contained 21 open-ended questions related to the history of revocation in the state, efforts to reduce revocation rates, and policy and practice impacts. The qualitative information was analyzed thematically.
- Integrated the results of the literature review with the results of the targeted state review to summarize common themes, correctional policies, and correctional practices related to revocation
Best Practices Review

Figure B-1: Factors That Can Impact Rates of Revocation

Offender Characteristics
race/ethnicity, age, offense history and severity, etc.

Offender Behavior
criminal activity, substance use, anti-social behaviors, non-compliance with supervision conditions, etc.

Agent Response to Offender Behavior
discretion in decision-making, use of intermediate sanctions, etc.

Supervision Rules/Conditions
number and type imposed by court and agents

Judicial Response to Revocation
incarceration or new sentencing

DOC Organizational Culture and Community Expectations
Monitoring/punishment vs. rehabilitation; level of willingness to support and engage in alternative sanctions for specific offenders/offenses

Level of Monitoring by Agent
number of required contacts, caseload size, etc.

Access to Community Resources
Resources for community support services and availability of services for treatment and intermediate community-based interventions to address risk

Revocation
### Best Practices Review

**Figure B-2: Responses to Rising Revocation Rates in Other States**

<table>
<thead>
<tr>
<th>A. During Initial Sentencing</th>
<th>Develop coordinated system response through a Community Justice Act</th>
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<tbody>
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<td>Offer incentives to counties or regions based on performance-based outcomes (i.e., reduced revocation or reduced incarceration rates)</td>
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<td>Legislative changes in sentencing guidelines: Limit split-sentencing so that offenders who do not succeed in the community are not incarcerated as a result of revocation</td>
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<td>Increase offender compliance with rules (change offender behavior)</td>
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<td>Internal policy change to have agents revoke fewer offenders (i.e., mandate intermediate sanctions, limit type of evidence that can be used to revoke, incentives to decrease number of revocations)</td>
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| D. During Revocation        | Develop policy to limit the number of jail/prison days that can be sentenced for revocation to a fixed amount or partner with the judiciary to sentence those revoked to something other than incarceration |
Develop coordinated system response through a Community Justice Act: DOC (both DAI and DCC), TAD, AIM, Effective Justice Strategies, criminal courts, drug courts, Prisoner Reentry Initiative, faith-based organizations, etc.

Legislative changes in sentencing guidelines: Limit split-sentencing and extended supervision so that offenders who do not succeed in the community are not incarcerated as a result of revocation.

Develop departmental policy goal of reducing revocations by a certain percent for each supervision region.

Offer incentives to counties based on performance-based outcomes such as reduced revocation rates, reduced incarceration rates, etc.

Decreased Incarceration Due to Revocation for Technical Violation
Best Practices Review
Figure B-2B: Potential Options/Reactions During Incarceration

For Parolees: Develop departmental EBP-based reentry plan to increase chances of success after release to the community; Focus resources on education, housing, and employment to support successful reentry; Form police/community reintegration teams

Policy changes to impact department culture that supports reentry (reintegration continuum from institution to community)

For Probationers: Collaborate with jails to provide reentry services to those serving split-sentences to provide services and support to offenders to increase chances of success after release to the community

Decreased Incarceration Due to Revocation for Technical Violation

Garner legislative support to use funds to develop facilities to house violators or provide them with case management, employment, housing, treatment etc.

Develop policy to have agents enter the jails to conduct reentry planning

Develop policy to have designated agents work directly in the jails to conduct reentry planning

Develop residential violator center(s)

Use institution facilities for outpatient services
Decreased Incarceration Due to Revocation for Technical Violation

- Increase offender compliance with rules (change offender behavior) through evidence-based practices
- Limit number or type of supervision rules – customize to the individual offender
- Mandate use of intermediate sanctions that are not confinement unless public safety is at risk
- Limit type of evidence that can be used to revoke (i.e., technical violations cannot be grounds for revocation)
- Provide incentives for regions to decrease number of revocations
- Use of risk assessment and risk management to focus efforts on high risk offenders -- increase supervision contacts through lower agent caseloads or customize level of supervision contacts based on risk level; Reduce supervision of lower risk probationers
- ES Sanctions uses short-term jail incarceration as an intermediate punitive sanction
- Clarify agent decision-making to increase consistency using the Functional Response to Violation grid
- Shorten term of supervision or limit to fixed maximum time period
- Consider internal policy changes to reduce revocation rates

Best Practices Review
Figure B-2C: Potential Options/Reactions During Supervision
Best Practices Review
Figure B-2D: Potential Options/Reactions During Revocation Process

- Develop policy to limit the number of jail/prison days that can be sentenced for revocation to a fixed amount of time
- Streamline revocation process to find cost savings
- Partner with the judiciary to develop consistent judicial policy in handling technical violations -- decrease the number who are sentenced to incarceration as a result of revocation
- Automatic revocation without hearing for certain types of cases
- Use of video conferencing for hearings
- Increase speed of agent and court response to violation

Decreased Incarceration Due to Revocation for Technical Violation
Implications of Best Practice Findings

The findings of the best practices review suggest that the Department should consider a variety of the following options during sentencing, incarceration, and supervision:

- Develop a coordinated system response through a Community Justice Act
- Refine use of risk assessment to focus efforts on high risk offenders and customize supervision intensity and rules based on risk level
- Develop departmental goal of reducing revocations by a specified percent for each region and/or provide assistance to regions in decreasing revocations
- Consider legislative changes in sentencing guidelines to shorten the term of supervision or limit to fixed maximum time period
- Continue to develop a Departmental EBP-based reentry plan focusing on education, housing, and employment to support successful reentry
- Impact agent decision-making and responses to offender behavior with system-level policies that encourage graduated alternatives to revocation
- Collaborate with jails to provide reentry services for probationers serving split-sentences to provide services and support to offenders to increase chances of success after release to the community
Analyses of Revocation Study Data

- Aggregate Historical Revocation Data
- Case-Level Abstraction
The Division of Community Corrections (DCC) has eight geographic supervision regions in Wisconsin.

The map at right can be used as a reference for analyses related to supervision region.
Aggregate Historical Analysis of Revocation Data
The total number of offenders supervised by the Division of Community Corrections during 2003 – 2007 included 355,997 cases.

To provide a frame of reference for the analyses in the current study, the following figures present the total number of offenders supervised during the five-year study timeframe by year and by probation/parole supervision region.
Total Number of Offenders Supervised During 2003-2007

The number of offenders under supervision by the Division of Community Corrections increased steadily from 2003 to 2006, and dropped slightly in 2007.

Region 3 (Milwaukee) supervised a significantly larger number of offenders than any other region in Wisconsin.
For the current study, aggregate historical data was examined to identify trends in admission to the Division of Adult Institutions (DAI) with no new sentence.
Aggregate Historical Revocation Data: Description of Dataset Parameters

- Aggregate historical data obtained from DOC was examined to identify trends in admission to prison with no new sentence (revocation for violation of supervision rules)
- The dataset included:
  - All individuals admitted to prison as a violator of probation, mandatory release (MR), extended supervision (ES), or parole with no new sentence according to DOC admission type code
  - Excludes sex offenders, alternative to revocation admissions, and temporary probation/parole admissions
  - Utilized updated administrative prison admission codes when available
  - Total number of cases = 20,315
How many offenders were revoked and admitted to prison with no new sentence between 2003 and 2007?

1) What are the characteristics of this sample?
   a) Are there trends by year, supervision region, offender demographics, probation vs. parole, offense type, or length of time incarcerated?
The number of offenders revoked and admitted to prison with no new sentence increased each year between 2003 and 2007.

Figure A-3
Number of Prison Admissions With No New Sentence (Revocation) in Aggregate Dataset by Year

N = 20,315
*Analysis excludes sex offenders
The majority of the cases in the dataset were from Region 3 (Milwaukee), which supervised the largest number of offenders.
The number of admissions increased gradually each year between 2003 and 2007 in all regions, with the exception of Region 3.
Region 3 had a larger proportion of all of the offenders they supervised admitted to prison with no new sentence than other regions, revoke about 10% each year. However, the proportion of all offenders supervised who were revoked and admitted to prison with no new sentence from the other regions increased.

*355,997 total offenders supervised  *20,315 revocation cases in dataset
41% of the dataset were admitted to prison as probation violators, 29% as ES violators, 19% as MR violators, and 11% as parole grant violators.
There were significant increases by year in the number of ES violators and probation violators admitted to prison with no new sentence.

N=20,315

*Analysis excludes sex offenders
There were significant differences by year in the proportion of each violator type in the dataset, with a sharp increase in ES violators after 2003.

The proportion of probation violators in the sample remained stable.

*Analysis excludes sex offenders
One-half of the revocations admitted to prison with no new sentence between 2003 and 2007 were black.

N = 20,315   *Analysis excludes sex offenders
Figure A-11
Describing Aggregate Dataset: Gender, Marital Status, and Education

The majority of offenders in the dataset were single males. About one-third had a high school diploma or GED/HSED.
Property crimes (i.e., theft, burglary) were the most common governing offense among offenders admitted to prison with no new sentence.

There were no significant differences in the proportion of each governing offense type by year.

N= 20,250

*Analysis excludes sex offenders
When examined by region, Region 3 had the highest proportion of offenders with governing drug offenses who were admitted to prison with no new sentence.
At least 18% of the offenders had prior juvenile incarcerations and at least 55% had one or more prior felony convictions.
Overall, violators admitted to prison with no new sentence spent an average of 551 days (18 months) incarcerated.

Region 3 offenders spent the longest time incarcerated after revocation, and Region 2 and Region 6 offenders spent the shortest.

Figure A-15
Average Days Incarcerated Due to Prison Admission With No New Sentence by Region

N = 19,228  *Analysis excludes sex offenders
Offenders were incarcerated an average of 551 days (18 months) as a result of their admission with no new sentence.

Probation violators were incarcerated significantly longer than parole, ES, or MR violators as a group.
There was a significant decrease in the average number of days incarcerated for prison admissions with no new sentence between 2003 and 2007.

What factors impacted this decrease?
The average days incarcerated decreased for probation violators between 2003 and 2007, and stayed stable for parole/ES/MR violators as a group.
While white probation violators were incarcerated slightly longer than black probation violators, the average number of days incarcerated decreased for both races from 2003-2007.

The average incarceration time for both black and white parole/ES/MR violators stayed stable over the years examined.

N = 19,228

*Analysis excludes sex offenders
Why did the average days incarcerated decrease for probation violators admitted to prison with no new sentence between 2003 and 2007?

- Did selected factors associated with risk change within the group of probationer violators admitted to prison with no new sentence between 2003 and 2007?
  - Answer: There were no changes over the years in the proportion of males/females, those with prior juvenile incarceration, those with prior felony convictions, or in the average risk and needs assessment scores.

- There was no difference in the average days incarcerated after revocation between governing offense types (violent/property/drug/OWI/other) for probation violators. Days incarcerated decreased by year for probationers of each offense type.
  - However, the proportion of probation violators with property or violent governing offenses decreased and those with drug offenses increased, possibly leading to shorter confinement sentences.
  - Although we do not have sentencing data for these offenders, the type of sentence (i.e., withheld, imposed and stayed, etc.) may impact days of incarceration more than the type of governing offense.
What impact did these trends have on prison bed utilization between 2003 and 2007?

- How many prison bed days were used by violators admitted to prison with no new sentence?

(number admitted multiplied by the number of days incarcerated as a result of the prison admission with no new sentence)
The number of probation violators increased over the years, but the amount of time spent in prison decreased. Thus, the total bed days used by probation violators each year actually decreased between 2003 and 2007.

Bed days used increased for parole/ES/MR violators, with a spike in 2006.

*Analysis excludes sex offenders
What caused the trend of increasing prison bed days used among parole/ES/MR violators?

- A larger number of probationers were revoked and admitted to prison, but they spent less time in prison once there so that the bed pressure from them has been stable or slightly decreasing over the years.

- Results suggest that probation violators may be receiving more jail credit over the years (i.e., spending more time in jail prior to admission to prison) that may have lead to the decrease in the number of days in prison.

Was the trend of increasing bed days used among the parole/ES/MR violator group impacted by the increase in the number of ES violators revoked?
Examination of ES violators admitted to prison with no new sentence revealed a decrease over time in the number of days incarcerated and an increase in the volume of admissions, leading to a dramatic increase in the prison bed days utilized by ES violators.
In Summary……

○ Probation violators used a decreasing number of prison bed days between 2003 and 2007
  ● There was an increasing number of admissions, but decreasing length of stay in prison
    ○ There has been an increase in the amount of jail credit received by probation violators that might impact the length of stay in prison even though sentence length has stayed relatively stable (based on case-level abstraction data)

○ ES violators used an increasing number of prison bed days for admission to prison with no new sentence
  ● There was an increasing number of admissions with a more stable length of stay in prison (slight decrease)

○ The number of prison admissions with no new sentence increased between 2003 and 2007, but ES violators had the greatest impact on prison bed days
Were offenders admitted to prison with no new sentence more than once between 2003 and 2007?

The 20,315 admissions to prison with no new sentence between 2003 and 2007 represented 16,395 individual offenders admitted with no new sentence during the five-year period examined.

Overall, 3,361 individual offenders were admitted to prison with no new sentence more than once between 2003 and 2007.

The 3,361 offenders admitted more than once represented more than one-third (36%) of the total admissions with no new sentence, accounting for 7,281 of the 20,315 prison admissions during the timeframe.

<table>
<thead>
<tr>
<th>Number of Times Admitted With No New Sentence</th>
<th>Number Of Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>13,034</td>
</tr>
<tr>
<td>2</td>
<td>2,859</td>
</tr>
<tr>
<td>3</td>
<td>448</td>
</tr>
<tr>
<td>4</td>
<td>51</td>
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<tr>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>16,395</td>
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Implications of Aggregate Findings

- Identify approaches to address “churning” of violators who are repeatedly admitted to prison with no new sentence
- Current results suggest that Truth In Sentencing practices may have increased the length of time offenders are under supervision
- Uniform use of a validated criminal risk/needs assessment that accurately differentiates between offenders of varying risk levels is critical
  - Assess the performance of the DOC-502 risk and needs assessment tool (validate scoring, develop separate cut-points for specific target groups, assess variation in scoring by region, etc.)
Case-Level Abstraction of Revocation Data
Primary study question: “What are the offender behaviors that lead to revocation and what alternatives are being used in advance of revocation?”
Population of All Supervised Offenders 2003-2007
N=355,997

Aggregate Historical Revocation Dataset
Offenders Admitted to Prison With No New Sentence Between 2003 and 2007
(probation, MR, ES, and parole violators)
N=20,315

Case-Level Abstraction Dataset
Random sample selected proportionally by region
N=200

A random sample of 200 cases was drawn proportionally by region from the aggregate dataset of 20,315 cases for in-depth review of offender behavior and agent responses.
Case-Level Data Collection

- The following documents were reviewed (as available) for each of the 200 offenders in the random sample:
  - Pre-sentence Investigation
  - Supervision Violation Reports (DOC-5)
  - Revocation Summary (DOC-1950)
  - Revocation Order
  - Risk/needs assessment results (DOC-502)
  - Classification summary (DOC-506)
  - Assessment (DOC-175)
  - Termination summary (DOC-503)
  - Revocation hearing disposition
  - EChrono narrative agent chronological logs
  - Division of Adult Institutions timeline from WICS data system
  - CCAP arrest, conviction, and sentencing data
Case-Level Data Collection

- A Microsoft Access database was developed to facilitate summary of data abstracted from the numerous sources.
- The types of data abstracted included:
  - Offender demographics
  - Criminal risk/need assessment and classification results (DOC-502 and DOC-506)
  - For each of the 15 documented contacts/events preceding revocation filing documented in the agent chronological logs, PHI gathered date of contact, offender behavior, up to two agent responses, and whether a DOC-5 (violation report) was filed
  - To facilitate data analysis, PHI staff further coded the last 10 events prior to revocation filing based on:
    - The type of offender behavior
    - The type of agent response level as defined on the DOC Functional Response Grid (low, medium or high).
  - Revocation hearing dates, results, and sentencing
  - Governing offense sentence type and length collected from pre-sentence investigation summaries and CCAP
  - Disposition of new offenses committed while under supervision prior to revocation collected from CCAP
Population of All Supervised Offenders 2003-2007  
N=355,997

Revocation Study Dataset  
Offenders Admitted to Prison With No New Sentence (probation, MR, ES, and parole violators)  
N=20,315

Case-Level Abstraction Dataset  
Random sample selected proportionally by region  
N=200

Data collection included abstraction of detailed offender behaviors and agent activity from agent chronological logs, detail from revocation summaries, and governing offense sentence data from pre-sentence investigation reports and CCAP.
The majority of cases in the case-level sample were from Region 3 which supervised the largest number of offenders. The random sample was drawn to exactly match the proportion of cases in each region in the aggregate dataset.
The number of admissions to prison with no new sentence increased gradually each year between 2003 and 2007. The largest group of admissions in the case-level sample were admitted in 2006.

N = 200  *Analysis excludes sex offenders
The random sample was roughly one-half black and one-half white.

**Figure C-3**
Describing the Sample: Race and Ethnicity

- **Race**
  - Black: 50%
  - White (includes Hispanic): 47%
  - American Indian: 2%
  - Asian/Pacific Islander: 1%

- **Ethnicity**
  - Non-Hispanic: 92%
  - Hispanic: 7%
  - Unknown: 1%

N = 200  *Analysis excludes sex offenders
The majority of offenders were single males.

Marital status and education were not available for about one-fifth of the cases so the results should be interpreted with caution.
Overall, 40% were probation violators, 28% were ES violators, 20% were MR violators, and 12% were parole grant violators.
Property offenses were the most common governing offense.

N=200   *Analysis excludes sex offenders
The majority of cases were classified at maximum supervision level at the time of revocation.

One offender was classified as low supervision level at the time of revocation.

N = 200
*Analysis excludes sex offenders
Note. Only one case was classified as "low"
Overall, at least 16% of the case-level sample had at least one juvenile incarceration and at least 55% had one or more prior felony convictions. However, these data were unavailable for 30 of the 200 cases in the sample.
Examination of Sentences for Governing Offense in Case-Level Sample

- Governing offense sentencing data for the case-level random sample of 200 revocations was gathered manually from pre-sentence investigation reports and the CCAP public-access website.

- Analyses included:
  - Examination of sentence type (imposed/stayed, withheld, determinate)
  - Sentence length
    - Comparison of confinement time and ES time
Nearly one-half (44%) of the cases reviewed served a determinate sentence for their governing offense, one-third (34%) served an imposed & stayed sentence, and about one-fifth (22%) served a withheld sentence.
Region 3 had the largest proportion of offenders serving an imposed & stayed sentence for their governing offense.
Overall, 22% of the sample were serving a withheld sentence.

Region 3 had the smallest proportion of offenders serving a withheld sentence for their governing offense.

Region 5 had the largest proportion of offenders serving a withheld sentence for their governing offense.

N=200 *Analysis excludes sex offenders
Overall, an average of 32 months of ES was sentenced for the governing offense, with the average months of ES varying significantly by region.

Offenders in Region 7 received the longest average ES sentences for governing offense, while offenders in Region 3 and Region 5 received the shortest ES sentences for governing offense.

N= 86 cases that received ES time as part of sentence for governing offense  
*Analysis excludes sex offenders
The average months of ES received as part of the governing offense sentence did not change significantly from 2003 and 2007.

Figure C-13
Average Number of ES Months Sentenced for Governing Offense by Year

N=86  *Analysis includes only those cases that received ES as a part of their governing offense sentence
The average months of ES sentenced in Region 3 was 27 months across all five years examined.

However, in Region 3 the average months of ES received as part of the governing offense sentence increased steadily from 2004 and 2007.

N=53 *Analysis includes only those Region 3 cases that received ES as a part of their governing offense sentence
Offenders were sentenced to an average of 40 months of prison for their governing offense.

There was not a difference by year of prison admission – no statistically significant change from 2003 to 2007 due to the sample size.

There was no difference by region in the average prison confinement sentence.

Figure C-15
Average Number of Prison Confinement Months Sentenced for Governing Offense by Year

N=149  *Analysis includes only those cases that received prison confinement as a part of their governing offense sentence
Overall, prison admissions with no new sentence spent an average of 555 days incarcerated.

The average days incarcerated in prison due to admission with no new sentence increased steadily between 2003 and 2007.

N= 200  *Analysis excludes sex offenders
ES violators received significantly fewer months of prison confinement as part of their governing offense sentence than either parole or MR violators.
ES violators received an average of 27 months of confinement and 32 months of ES supervision time for their governing offense.

There was no significant difference in the average prison confinement time for governing offense by region.

Figure C-18
Average Prison Confinement Months and ES Months Received for Governing Offense by Year For ES Violators

N=86 *Analysis includes only ES violators
Nearly one-half of the ES violators admitted to prison with no new sentence received an ES sentence that was longer than the confinement portion of their governing offense sentence.

Figure C-19
Case-Level Sample: Comparison of Confinement Time to ES Time in Sentence for Governing Offense

N = 85 cases that received both confinement and ES time as part of the sentence
*Analysis excludes sex offenders
Summary of Offender Behaviors Prior to Revocation and Analyses of Agent Decision-Making

- **Primary Study Question:** “What are the offender behaviors that lead to revocation and what alternatives are being used in advance of revocation?”

- Analyses conducted utilizing contact data in the agent chronological log:
  - Number and type of offender behaviors prior to revocation
  - Agent responses/activities related to offender behaviors
Agents documented an average of 2.5 offender contacts or behavioral events in the chronological log preceding the revocation.

About one-half of the agents documented more than five contacts/events for offenders prior to filing for revocation.

N=200 *Analysis excludes sex offenders
### Categorization of Offender Behaviors Recorded in the Agent Chronological Log

<table>
<thead>
<tr>
<th>Behavior Category</th>
<th>Offender Behavior</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal behaviors or criminal justice contacts</td>
<td>New arrest&lt;br&gt;Drug possession/制造/交付&lt;br&gt;OWI&lt;br&gt;Disorderly conduct&lt;br&gt;Theft&lt;br&gt;Drive without license&lt;br&gt;Drug use</td>
</tr>
<tr>
<td></td>
<td>Positive UA&lt;br&gt;Tamper UA&lt;br&gt;Bail jumping&lt;br&gt;Fail pay child support&lt;br&gt;Fail comply w/law enforcement&lt;br&gt;Obstruct officers&lt;br&gt;Escape (run from police)</td>
</tr>
<tr>
<td>Violent behaviors</td>
<td>Weapon&lt;br&gt;Threaten&lt;br&gt;Stalking</td>
</tr>
<tr>
<td></td>
<td>Abusive behavior&lt;br&gt;Aggressive behavior</td>
</tr>
<tr>
<td>Substance use and related behaviors</td>
<td>Abscond - AOD use&lt;br&gt;Alcohol use&lt;br&gt;Positive PBT&lt;br&gt;Refuse UA/PBT&lt;br.Fail to attend treatment</td>
</tr>
<tr>
<td></td>
<td>Fail to complete treatment&lt;br&gt;Refused counseling&lt;br&gt;Associate with drug user&lt;br&gt;Enter liquor store/bar</td>
</tr>
<tr>
<td>Violate supervision rules</td>
<td>Abscond&lt;br&gt;Fail report&lt;br&gt;Electronic monitor alert&lt;br&gt;Fail to be at home visit&lt;br&gt;Leave county&lt;br&gt;Leave state&lt;br&gt;Missed curfew&lt;br&gt;Police contact&lt;br&gt;Fail pay fees&lt;br&gt;Contact victim&lt;br&gt;Inappropriate relationship</td>
</tr>
<tr>
<td></td>
<td>Inappropriate residence&lt;br&gt;Fail to report address change&lt;br&gt;Lied to agent&lt;br&gt;Poor employment&lt;br&gt;Refuse to sign info releases&lt;br&gt;Associate with criminal&lt;br&gt;Drive w/o agent permission&lt;br&gt;Inappropriate possession&lt;br&gt;Associate with gang&lt;br&gt;Traffic offense</td>
</tr>
</tbody>
</table>
Most Frequent Offender Behaviors Prior to Revocation and Admission to Prison

The five most common offender behaviors documented in the agent chronological log were:
- Failing to report to agent
- Absconding
- Drug use
- Positive UA
- Failure to attend AODA treatment

The majority of offenders in the case-level sample engaged in illegal behavior, violated a supervision rule, and/or failed to report at least once during the supervision episode.

<table>
<thead>
<tr>
<th>Offender Behavior</th>
<th>Percent With At Least One Documented Instance in Agent Log During Supervision Episode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal Behavior</td>
<td>89%</td>
</tr>
<tr>
<td>Rule Violation</td>
<td>84%</td>
</tr>
<tr>
<td>Failing to Report</td>
<td>52%</td>
</tr>
<tr>
<td>Abscond</td>
<td>45%</td>
</tr>
<tr>
<td>Drug Use</td>
<td>42%</td>
</tr>
<tr>
<td>Positive UA</td>
<td>30%</td>
</tr>
<tr>
<td>Failure to Attend AODA</td>
<td>30%</td>
</tr>
</tbody>
</table>

N=200
What Offender Behaviors Preceded Revocation?
(as documented in the agent chronological log)

- Offenders engaged in illegal activities (including drug use) an average of 2.2 times per supervision episode

- Offenders violated supervision rules an average of 2.5 times per supervision episode
The majority of offenders (89%) committed a new offense or illegal act while on supervision.

One-third (33%) committed a new offense that was the basis for the revocation.

One-fifth (17%) of all offenders committed a new offense for which they were later convicted and sentenced.

Figure C-21
Illegal and Criminal Behavior During Supervision Documented in Agent Chronological Log

N=200 *Analysis excludes sex offenders
Overall, 33% of the case-level sample committed a new offense that was the basis for the revocation and was documented in the chronological log.

These new offenses included property offenses (i.e., theft, forgery), OWI, violent offenses (i.e., battery, assault), or drug offenses (i.e., delivery, possession).
If an agent indicated in the chronological log that the offender committed a new offense, the case disposition was documented through the Circuit Court Automated Program (CCAP) website.

17% of the case-level sample was later convicted and sentenced for a new offense that they committed prior to revocation and admission to prison with no new sentence.
There was no difference in level of rule violation by region, year, supervision type, supervision level, age at admission, prior felony conviction, or prior juvenile incarceration.
Overall, 52% of the case-level sample had at least one instance of failing to report to their agent documented in the chronological log.

Regions 2 and 3 had the highest percent of offenders that failed to report at least once during the supervision episode. Regions 5, 6 and 8 had the lowest.

N=200  *Analysis excludes sex offenders
Probation violators were significantly more likely than parole/ES/MR violators to fail to report at least once during the supervision episode.
Offenders admitted to prison with no new sentence who had no prior felony convictions were significantly more likely to fail to report to the supervising agent.

There was no statistically significant difference in failing to report by year of prison admission, race, prior juvenile incarceration, age at admission, or supervision level.

Figure C-27
Failing to Report at Least Once by Prior Felony Conviction

At Least One Prior Felony Conviction
No Prior Felony Conviction
Overall

48%
62%
52%

Prior Felony Conviction

N=200 *Analysis excludes sex offenders
Analysis of Community Supervision Rules (Preliminary)

- **Primary Study Question**: “Are we imposing special rules of supervision that are not associated with the offender’s criminal behavior pattern or criminogenic needs, creating obstacles that may set the offender up for failure?”

- PHI requested copies of the DOC-10 supervision rules from regional office staff for each of the 200 randomly sampled cases.

- The results are preliminary as DOC-10s could not be obtained for nearly one-quarter of the 200 cases in time for inclusion in this report.
Supervision Rules by Region (Preliminary)

An average of 30 supervision rules were ordered for offenders who were revoked and admitted to prison with no new sentence (16 rules are standard for all offenders).

There was no difference in the average number of supervision rules by:

- Region
- Race
- Violator type
- Year
- Governing offense type
- Governing offense sentence type
- Days from supervision start to revocation filing

<table>
<thead>
<tr>
<th>DCC Region</th>
<th>Average Number of Supervision Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>2</td>
<td>28</td>
</tr>
<tr>
<td>3</td>
<td>31</td>
</tr>
<tr>
<td>4</td>
<td>28</td>
</tr>
<tr>
<td>5</td>
<td>28</td>
</tr>
<tr>
<td>6</td>
<td>33</td>
</tr>
<tr>
<td>7</td>
<td>28</td>
</tr>
<tr>
<td>8</td>
<td>29</td>
</tr>
<tr>
<td>Overall</td>
<td>30</td>
</tr>
</tbody>
</table>
Figure C-28
Preliminary Average Number of Supervision Rules by Supervision Level

Offenders at higher levels of supervision intensity at the time of revocation filing had a larger number of supervision rules.

N=157  *Analysis excludes sex offenders
Agent Responses to Offender Behaviors

- **Primary Study Question:** “...what alternatives are being used in advance of revocation?”

- Analyses conducted utilizing contact data in the agent chronological log:
  - Most common agent responses/activities related to each offender behavior
  - Use of alternatives to revocation (ATR)

*It should be noted that agent activity was based on agent documentation of offender and agent activities in the electronic agent chronological log.*
The five most common agent responses documented in the chronological log were:
- Warrant/Apprehension Request
- Jail
- Reprimand
- Attempt to Contact
- ATR Referral or Agreement

Nearly two-thirds of the agents responded to offender behaviors with a warrant/apprehension request or jail time at least once during the supervision episode.

<table>
<thead>
<tr>
<th>Agent Response</th>
<th>Percent With At Least One Documented Instance in Agent Log During the Supervision Episode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warrant/Apprehension Request</td>
<td>66%</td>
</tr>
<tr>
<td>Jail</td>
<td>60%</td>
</tr>
<tr>
<td>Reprimand</td>
<td>58%</td>
</tr>
<tr>
<td>Attempt to Contact Offender</td>
<td>33%</td>
</tr>
<tr>
<td>Community-Based ATR</td>
<td>27%</td>
</tr>
</tbody>
</table>

N=200
Overall, 27% of the agents documented at least one community-based ATR referral in the chronological log.

There were no differences in whether agents offered a community-based ATR by region, race, gender, year, violator type, supervision level, prior felony convictions, or juvenile incarceration.
Analyses of Agent Responses To Offender Behaviors

- Each agent action/response was classified into one of three levels of intensity based on the DOC Functional Response to Violations Grid:
  - Low
  - Medium
  - High

- Offender behaviors were categorized into four groups:
  - Illegal behavior or criminal justice contact
  - Violent behavior
  - Substance use, treatment, and related
  - Violation of supervision rules

- Two overall measures of agent decision-making were developed
  - Consistency of agent response with offender behavior and with current agency practice
  - Agent use of graduated responses and alternatives to revocation

It should be noted that these analyses were based on agent documentation of offender and agent activities in the electronic agent chronological log.
Rating of Consistency of Agent Response With Offender Behavior And Current Agency Practice

- Developed as a way to provide an overall rating of whether the agent’s response(s) were consistent with offender behaviors as well as current agency practices throughout the period of the offender’s supervision episode
  - The rating included consideration of:
    - The use of graduated responses
    - Length of supervision episode
    - Number of contacts/events in chronological log
    - Length of time between events while on supervision
    - New offenses
    - Absconder status triggering revocation
    - OWI offenses which trigger revocation more quickly
  - Research staff independently reviewed and rated the overall agent response with a 93% correspondence rate
Rating Agent Use of Graduated Responses

- The presence or absence of a graduated response by the agent during the supervision episode as documented in the agent chronological log was determined using the following method:
  - If the agent responded to a series of offender behaviors with responses of increasing intensity (i.e., began with reprimand, referred to treatment, or attempted ATR prior to incarcerating or filing for revocation) the case was coded as having a graduated response.
  - PHI staff independently reviewed each individual case and assigned a graduated response code (yes/no). There was a correspondence rate of 98% between the two raters.
Agent response was rated to be consistent with offender behavior and current agency practice in 81% of the cases.

There were no significant differences by race, supervision level, prison admission year, violator type, governing offense type, or prior juvenile incarceration.

N=200
*Analysis excludes sex offenders
Agents were significantly less likely to respond in a manner consistent with offender behavior and current agency practice for offenders who had five or more prior felony convictions.
Agents used graduated responses to offender behavior prior to revocation filing for 48% of the cases.

There were no significant differences by race, year, region, violator type, supervision level, governing offense type, or prior juvenile incarceration.
How quickly are offenders revoked?

To determine how quickly agents filed for revocation, the number of days from the start of the supervision episode to the date the agent filed for revocation was calculated.
Days From Supervision Start to Revocation Filing by Agent

- Analyses revealed an overall average of 463 days (15 months) from the start of the supervision episode to the date of revocation filing.

- There were no significant differences by gender, race, age, year, region, number of prior felony convictions, prior juvenile incarceration, found guilty of a new crime committed while under supervision, governing offense type or governing offense sentence.

- However, there were differences in how quickly agents filed for revocation by violator type and by supervision level at the time of revocation.
The average number of days from the start of supervision to the date of revocation filing was 463 days (15 months).

Agents filed for revocation more quickly for ES and MR violators than for probation or parole grant violators.

Figure C-33
Average Days From Supervision Start to Revocation Filing By Violator Type

N = 195 *Analysis excludes sex offenders
The agents of offenders with imposed/stayed or determinate sentences filed for revocation more quickly than the agents of those with withheld sentences.

Figure C-34
Average Days From Supervision Start to Revocation Filing By Type of Sentence Received for Governing Offense

N = 195  *Analysis excludes sex offenders
Agents who used graduated responses prior to revocation waited longer to file for revocation.

Figure C-35
Average Days From Supervision Start to Revocation Filing By Use of Graduated Response Prior to Revocation

N = 195 *Analysis excludes sex offenders
Agents who responded in a manner consistent with offender behavior and current agency practice waited significantly longer to file for revocation.

There were no significant differences in time to revocation filing by gender, race, age, year, region, prior felony conviction, prior juvenile incarceration, convicted of a new crime, type of governing offense or length of governing offense sentence.

N = 195 *Analysis excludes sex offenders
Agents filed for revocation more quickly for rules violations for offenders supervised at a high risk level than for offenders supervised at a medium level.

Figure C-37
Case-Level Sample: Average Days from Supervision Start to Revocation Filing Date by Type of Offender Behavior and Supervision Level

N = 190 *Analysis excludes sex offenders
What factors might agents consider during decisions to file for revocation?

- Preliminary analyses of the case-level data suggest that agents may consider the following during revocation decision-making:
  - New criminal activity (new arrest/charge, particularly OWI)
  - Absconding/failing to report to agent
  - Level of compliance with supervision rules
  - Supervision level
    - Agents file for revocation for high risk or maximum supervision offenders an average of 7 months sooner than those on medium supervision (14 vs. 21 months)
      - High risk and maximum are revoked more quickly, but are not more likely to commit new crimes than medium supervision offenders
      - High risk supervision offenders are unlikely to be revoked for rules violations, but about one-quarter (24%) of maximum supervision are revoked based primarily on rules violations
  - Violator type
    - ES violators are revoked more quickly than probation, MR, or parole violators
    - ES violators were most frequently supervised at high risk at the time of revocation
  - Governing offense sentence type
    - Offenders with imposed/stayed or determinate sentences are revoked more quickly than those with withheld sentences (likely because probation violators are more likely to have withheld sentences above)
Implications of Case-Level Findings

- To reduce revocations that result in admission to prison with no new sentence, evidence-based practices should be implemented such as:
  - Increase the consistent use of graduated responses to offender behavior through continued implementation of the Department’s *Functional Response to Violations* grid
  - Continue to emphasize the use of a continuum of non-incarceration intermediate sanctions such as substance abuse treatment, mental health treatment, employment support, electronic monitoring, etc.
    - Agents responded to offender behaviors with graduated responses in about one-half of the cases and about one-quarter of the cases had a referral to a community-based ATR documented in the agent chronological log
  - Although all of the cases in the random sample were admitted to prison with “no new sentence”, the majority (89%) had at least one illegal behavior or new offense documented in the chronological log
    - One-third of the offenders in the case-level sample (33%) committed a new offense that triggered the revocation.
    - One-fifth (17%) of the offenders in the case-level sample were later convicted and sentenced for a new offense that was committed during the supervision episode.
Racial Disparities Analyses
Analyses of Racial Disparities in Revocation

Utilizing both the aggregate historical revocation data and the case-level abstraction data to assess evidence of racial disparity:

- How many blacks and whites were revoked and admitted to prison with no new sentence between 2003 and 2007?
- Was there a difference by year?

*Analyses of racial disparities include only those offenders in the dataset with a race designation of “black” or “white” in DOC administrative data, excluding those with a primary race code of Native American, Asian, or other. “White” includes hispanic.
There was a significant increase between 2003 and 2007 in the number of offenders admitted to prison with no new sentence as a result of revocation.

There were a larger number of blacks than whites admitted to prison with no new sentence each year.

*N = 19,413

*Analysis excludes sex offenders
Overview of Data Utilized for Disparities Analyses

Population of All Supervised Offenders 2003-2007
Black and White Offenders Only
N=324,912

Revocation Study Dataset
Offenders Admitted to Prison With No New Sentence (probation, MR, ES, and parole violators)
N=20,315

The first set of results presented utilize the entire population of black and white supervised offenders as the frame of reference.
Overall, 4% of whites and 9% of blacks supervised were revoked and admitted to prison with no new sentence between 2003 and 2007.

There was no difference in the proportion admitted to prison with no new sentence by year within each group.

*Analysis excludes sex offenders*
Blacks were more likely than whites to be admitted to prison with no new sentence in all regions between 2003-2007, with the exception of Region 7.

Figure R-3
Percent of Total Number of Offenders Supervised Admitted to Prison With No New Sentence by Race and Region from 2003-2007

Notes. Revocation data excludes sex offenders. Actual total number of blacks and whites under DCC supervision in each region between 2003-2007 obtained separately from WIDOC.
Were there racial disparities by region between 2003 and 2007?

Region 1

The proportion of the total supervised who were admitted to prison with no new sentence also remained relatively stable.

Region 1

The number admitted to prison with no new sentence each year remained relatively stable between 2003 and 2007.

N = 2,002
*Analysis excludes sex offenders

N = 37,106
*Analysis excludes sex offenders
Were there racial disparities by region between 2003 and 2007?

Region 2

The proportion of the total supervised who were revoked and admitted to prison with no new sentence increased for both black and white offenders.

Region 2

The number admitted to prison with no new sentence increased steadily between 2003 and 2007.
Were there racial disparities by region between 2003 and 2007?

Region 3 revoked a larger number of blacks and a larger proportion of the blacks supervised there between 2003 and 2007.

The number revoked and admitted to prison with no new sentence remained relatively stable between 2003 and 2007.
Were there racial disparities by region between 2003 and 2007?

Region 4 had a larger number of whites revoked and admitted to prison with no new sentence (above), but since 2004 an increasing proportion of blacks supervised were admitted to prison with no new sentence.

The number revoked and admitted to prison with no new sentence increased between 2003 and 2007 for both blacks and whites.
Were there racial disparities by region between 2003 and 2007?

The number revoked and admitted to prison with no new sentence increased between 2003 and 2007.

A larger proportion of the blacks than whites supervised in Region 5 were revoked and admitted to prison with no new sentence, but it was a lower proportion than other supervision regions.
Were there racial disparities by region between 2003 and 2007?

A larger proportion of the black offenders supervised in Region 6 were admitted to prison with no new sentence when compared to white offenders in that region.
The number of whites and blacks revoked and admitted to prison with no new sentence increased between 2003 and 2007.

The proportion of the total supervised in Region 7 who were revoked and admitted to prison with no new sentence remained stable for both black and white offenders.
Were there racial disparities by region between 2003 and 2007?

In Region 8 roughly equal proportions of black and white offenders were admitted to prison with no new sentence, with the exception of an increase for black offenders in 2007.

The number of whites revoked and admitted to prison increased between 2003 and 2007.
Questions Addressed…

- Were blacks revoked and admitted to prison with no new sentence disproportionately?
  Answer: Based on the entire supervised population, racial disparities exist. From 2003 to 2007 black offenders are approximately twice as likely as white offenders to be revoked and admitted to prison with no new sentence. The data suggest that racial disparities exist in the proportion of offenders who are revoked and admitted to prison with no new sentence, with a higher proportion of blacks revoked than whites. This is consistent with the results of other efforts to examine disparities.

- Were there differences by region in the proportion revoked and admitted to prison with no new sentence?
  Answer: Based on the entire supervised population, a larger proportion of blacks than whites were revoked and admitted to prison with no new sentence in all regions. The difference between the proportion of blacks and whites revoked is the greatest in Region 3.
The next results focus on the selected group of offenders who were admitted to prison with no new sentence between 1/1/2003 and 12/31/2007.

This is defined as those with updated admission codes of:
- Probation violator, no new sentence
- Parole violator, no new sentence
- MR violator, no new sentence
- ES violator, no new sentence

Excluded from this group are sex offenders and offenders admitted to prison with admission codes of ATR or temporary P&P holds
What patterns are evident within the group of revoked offenders who were admitted to prison with no new sentence that could shed light on the disparity?
In 2007 blacks made up a smaller segment of the group of offenders admitted to prison for no new sentence than they did in 2003. This is a statistically significant decrease.
Type of governing offense did vary by race, with whites admitted to prison with no new sentence more likely to have a property offense and blacks more likely to have a drug or violent offense.

N = 19,350
*Analysis excludes sex offenders
Population of All Supervised Offenders 2003-2007
Black and White Offenders Only
N=324,912

Revocation Study Dataset
Offenders Admitted to Prison With No New Sentence (probation, MR, ES, and parole violators)
N=20,315

The next analyses examine any differences in trends for probation or parole/MR/ES violators among blacks and whites.
A larger proportion of the probationers revoked were white, with the proportion of white/black staying roughly stable over the years examined.

Over all years:
- White = 56%
- Black = 44%

N = 19,413

*Analysis excludes sex offenders
There was a significant increase in the number of ES violators admitted to prison with no new sentence and a decrease in the number of MR violators and parole violators between 2003-2007.

Figure R-15
Number of Parole, ES, and MR Violators Admitted to Prison With No New Sentence by Year

There was a significant increase in the number of ES violators admitted to prison with no new sentence and a decrease in the number of MR violators and parole violators between 2003-2007.

Figure R-15
Number of Parole, ES, and MR Violators Admitted to Prison With No New Sentence by Year

There was a significant increase in the number of ES violators admitted to prison with no new sentence and a decrease in the number of MR violators and parole violators between 2003-2007.

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Figure R-15
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There was a significant increase in the number of ES violators admitted to prison with no new sentence and a decrease in the number of MR violators and parole violators between 2003-2007.

Figure R-15
Number of Parole, ES, and MR Violators Admitted to Prison With No New Sentence by Year

There was a significant increase in the number of ES violators admitted to prison with no new sentence and a decrease in the number of MR violators and parole violators between 2003-2007.
About one-half of the ES violators and MR violators were revoked and admitted to prison with no new sentence more than once in the five-year time period examined.

There was not a significant difference by race.

N = 19,413 *Analysis excludes sex offenders
Is race a factor impacting decreases in the number of parole violators and MR violators admitted to prison?

The number of parole violators steadily decreased between 2003 and 2007 at roughly the same rate for both blacks and whites.

The proportion of black and white parole violators admitted to prison remained stable between 2003 and 2004.
The number of MR violators steadily decreased between 2003 and 2007 at roughly the same rate for both blacks and whites.

The proportion of black MR violators admitted to prison decreased between 2003 and 2004.

What about ES violators?

Is race a factor impacting decreases in the number of parole violators and MR violators admitted to prison?
The next analyses examine any differences in revocation of ES violators among blacks and whites.
The number of ES violators admitted to prison with no new sentence has risen steadily over time for both blacks and whites since Truth in Sentencing.

What about the proportion of blacks to whites admitted to prison with no new sentence?

Is race a factor impacting an increase in the number of ES violators admitted to prison?

Figure R-19
Number of Extended Supervision (ES) Violators Admitted to Prison With No New Sentence by Race and Year

- Black
- White

N = 5,719
*Analysis excludes sex offenders

Year of Physical Admission to Prison
The proportion of the ES violators admitted to prison with no new sentence who were black decreased from 71% in 2003 to 55% in 2007.

Is there a difference by region?

*5,719 ES violators  *Analysis excludes sex offenders
Is region a factor impacting a decrease in the proportion of black ES violators admitted to prison?

While all of the regions showed an increase in the number of ES violators admitted to prison with no new sentence each year, Region 3 accounts for a more rapidly increasing number of cases.

However, Region 3 accounted for a significantly decreasing proportion of the cases. The other regions showed steady increases in the proportion of ES violators admitted to prison between 2003 and 2007.

N = 5,719; *Analysis excludes sex offenders
Is region a factor impacting a decrease in the proportion of black ES violators admitted to prison?

Figure R-22
Region 3 EXTENDED SUPERVISION (ES) Violators Only
Proportion of ES Revocations Black/White By Year

In Region 3, there was no change in the proportion of black ES violators who were admitted to prison with no new sentence between 2003 and 2007.

Race does not appear to be a factor in the decreased proportion of ES violators for Region 3.

*3,275 ES violators
*Analysis excludes sex offenders
There was no significant difference by race in the number of Region 3 ES violators admitted to prison with no new sentence - the number increased for both blacks and whites.

Figure R-23
Number of ES Violators Admitted to Prison with No New Sentence in Region 3 by Year

N= 3,275
*Analysis excludes sex offenders
Summary of Questions Addressed

✓ Were there racial disparities in revocation by region between 2003 and 2007?

   Answer: The data suggest that racial disparities exist, with a larger proportion of blacks supervised being revoked and admitted to prison with no new sentence (Figure R-2).

✓ Was there a change in the racial composition of the group of offenders who were admitted to prison with no new sentence between 2003 and 2007?

   Answer: In 2007 blacks made up a smaller segment of the group of offenders admitted to prison for no new sentence than they did in 2003. This is a statistically significant decrease (Figure R-12).
What factors impacted this change in the proportion of parole/ES/MR revocations admitted to prison?
Answer: When all parole violators, MR violators, and ES violators were examined separately the data show a significant increase in the number of ES violators admitted to prison with no new sentence regardless of race and a decrease in the number of MR violators and parole violators between 2003-2007.

Was race a factor impacting decreases in the number of parole violators and MR violators admitted to prison with no new sentence?
Answer: The number of parole violators and MR violators steadily decreased between 2003 and 2007 for both blacks and whites.

Was race associated with the increase in the number of ES violators admitted to prison with no new sentence?
Answer: The proportion of the ES violators admitted to prison with no new sentence who were black decreased from 71% in 2003 to 55% in 2007.
Why are a decreasing proportion of black ES violators admitted to prison? Is there a difference by region?
Answer: Region 3 accounts for a more rapidly increasing number of ES violators over the timeframe, but a decreasing proportion of all ES violators admitted to prison.

What factors are impacting the decrease in the proportion of ES violators admitted to prison from Region 3 and the increase in the proportion of ES violators admitted to prison from the other regions (1, 2, 4, 5, 6, 7, and 8)?
Answer: Race was not a factor in either trend. No changes in the type of governing offense or in the level of criminal risk/need between 2003 and 2007 for blacks and whites were found that could explain the trends.

What other factors could be causing the decrease in the proportion of ES violators from Region 3 and the increase from the other regions?
Answer: These results appear to be a function of TIS, but we cannot tell definitively from these data. Additional factors for further study should include documentation of any Departmental policy or staffing changes or any changes in sentencing policies made between 2003 and 2007.
Burrowing Deeper – Can the In-Depth Review of Case-Level Data Suggest Reasons for These Trends?

- **Case-Level Abstraction Dataset**
  - Random sample of 200 cases drawn proportionately by region from the aggregate dataset. Of these 200 cases, 101 were Black, 94 were White, and 5 were Native American Indian.
  - Data collection included:
    - In-depth abstraction of supervision data from agent chronological logs, revocation summaries, Offender Active Tracking System (OATS), and CCAP.
    - Detailed documentation of offender behaviors and agent responses during the supervision episode prior to admission to prison as a result of revocation of probation, parole, ES, or MR.
    - Review of sentencing information for governing offenses and information on new offenses committed while under supervision.
Population of All Supervised Offenders 2003-2007
Black and White Offenders Only
N=324,912

Revocation Study Dataset
Offenders Admitted to Prison With No New Sentence (probation, MR, ES, and parole violators)
N=20,315

Case-Level Abstraction Dataset
Random sample selected proportionally by region
N=200

Is there evidence of racial disparity in agent decisions to file for revocation in the case-level dataset?
Examination of Agent Responses to Offender Behaviors

- **Agent actions consistent with offender behaviors and current agency practice**
  - Are agents taking action consistent with the type and severity of offender behaviors, including commission of new offenses?
  - Are there patterns of racial disparities in whether consistent action is taken by agents in response to offender behavior?

- **Graduated responses used by agent**
  - Are agents utilizing graduated responses to offender behaviors?
  - Are there patterns of racial disparities in whether agents use graduated responses?

- **Length of time between supervision start and revocation filing**
  - Are there patterns of racial disparities in how quickly agents revoke offenders?
Result: No evidence of racial disparity in agent use of responses consistent with offender behavior, graduated responses, or time to filing for revocation.

There were no significant differences in agent decisions to file for revocation between black and white offenders.
If an agent indicated in the chronological log that the offender committed a new offense the case disposition was verified through the Circuit Court Automated Program (CCAP) website.

17% of the case-level sample was later convicted and sentenced for the new offense that they committed prior to the episode of revocation and admission to prison with no new sentence.

There was no statistically significant difference by race.
Black offenders were significantly more likely to violate rules at least once during the supervision episode.

There was no significant difference in level of rule violation by region, year, supervision type, supervision level, age at admission, prior felony conviction, or prior juvenile incarceration.

Figure R-27
Percent With At Least One Supervision Rule Violation by Race

N=195  *Analysis excludes sex offenders
What other case-level data was examined to look for trends by race?

- **Days from start of supervision to final revocation hearing**
  - No difference by race

- **Committed new offense while on supervision**
  - No difference by race

- **Governing offense type**
  - OWI offenders who were admitted to prison with no new sentence were more likely to be white
  - Drug offenders who were admitted to prison with no new sentence were more likely to be black

- **Governing offense sentence type**
  - Violators with a withheld sentence who were admitted to prison with no new sentence were more likely to be white
  - Probation violators admitted to prison with no new sentence were more likely to be white
  - Violators with an imposed bifurcated sentence (prison + ES) who were admitted to prison with no new sentence were more likely to be black

- **Length of governing offense sentence (confinement vs ES)**
  - No difference by race in average confinement months sentenced or ES months sentenced by race
Differences by Race in Governing Offense Sentence Type

While there was no difference in the length of governing offense sentence between blacks and whites who were admitted to prison with no new sentence, there were significant differences in the type of sentence received.

Blacks in this sample were more likely to be serving sentences that included prison confinement and ES time, while whites were more likely to be serving withheld probation sentences.
Major Study Findings
Summary of Major Study Findings

- Best Practices in Revocation
- Aggregate Historical Data
- Case-Level Abstraction Data
- Racial Disparities
Summary of Major Findings:
Best Practices in Revocation

Based on our best practices review, most efforts to reduce revocation through changes in policy and practice in other states occurred during four phases:

- Initial Sentencing
- Incarceration
- Supervision
- Revocation Process
Summary of Major Findings: Aggregate Historical Revocation Data

1) The overall number of offenders revoked and admitted to prison with no new sentence increased each year between 2003 and 2007 in all DCC regions, with the exception of Region 3 (Milwaukee) which stayed relatively stable.

a) Significant resources were expended in Region 3 during this timeframe (i.e., WIserChoice, Prisoner Reentry Initiative, Treatment Alternatives and Diversion Program) which may have impacted this trend.
2) **Revocation trends varied by violator type**
   a) There were significant increases by year in the number of ES violators and probation violators admitted to prison with no new sentence
   b) Probation violators used a decreasing number of prison bed days
      i. While the number of probation violator admissions increased, the average length of stay in prison after revocation decreased.
      ii. The case-level data suggest that this may be partially a function of an increase in the amount of jail credit received.
   c) ES violators used an increasing number of prison bed days
      i. The number of ES violator admissions increased, but there was no change in length of stay in prison.
      ii. Bed days used increased for parole/ES/MR violators, with a spike in 2006.
3) Overall, offenders admitted to prison with no new sentence spent an average of 551 days (18 months) in prison.

4) Overall, 3,361 individual offenders were admitted to prison with no new sentence more than once between 2003 and 2007.

a) The 3,361 offenders admitted more than once represented more than one-third (36%) of the total admissions with no new sentence, accounting for 7,281 of the 20,315 prison admissions during the timeframe.
Summary of Major Findings:
Case-Level Abstraction Data

1) Agent response was consistent with offender behavior and current agency practice in 81% of the cases examined.
   a) Definition: the agent offered graduated responses, attempted a community-based ATR, made repeated attempts over a period of time to encourage offender success in the community, or filed for revocation in response to a new offense
   b) Agents used graduated responses to offender behaviors in about one-half (48%) of all of the cases.
      i. Each agent action/response was classified into one of three levels of intensity (low, medium, high) based on the DOC Functional Response to Violations Grid
      ii. 27% of all of the cases had at least one community-based ATR documented in the chronological log during the supervision episode examined
Summary of Major Findings: Case-Level Abstraction Data

2) Agents filed for revocation an average of 15 months after supervision start.
   a) Agents filed for revocation of ES violators most quickly – an average of seven months earlier than probation, MR, or parole violators.
   b) Offenders who received imposed/stayed or determinate sentences for their governing offense were revoked more quickly than those who received withheld sentences.
   c) There were no significant differences in time to revocation filing by gender, race, age, year, region, number of prior felony convictions, prior juvenile incarceration, governing offense type, or governing offense sentence length.
3) Preliminary analyses of supervision rules revealed that in addition to the standard 16 rules, offenders received an average of an additional 14 rules. Offenders received an average total of 30 supervision rules.

a) Offenders at higher levels of supervision had a larger number of supervision rules.

b) Older offenders received a larger number of supervision rules than younger offenders.

c) Agents responses were consistent with offender behavior and current agency practice more often for offenders who had a larger number of supervision rules.

d) Agents used graduated responses more frequently with offenders who had a larger number of supervision rules.
Rules violations and drug use were the most frequent offender behaviors documented in the agent chronological log. The five most common offender behaviors were (in order):

a) Failing to report to agent,
b) Absconding,
c) Drug use,
d) Positive urinalysis (UA), and
e) Failure to attend AODA treatment.
Summary of Major Findings: Case-Level Abstraction Data (continued)

5) The majority of offenders (84%) had at least one rule violation documented in the chronological log.
   a) One-half of all of the offenders (52%) failed to report to their agent at least once during the supervision episode.

6) The majority of offenders (89%) had at least one illegal behavior or new offense documented in the chronological log.
   a) One-third of all offenders (33%) committed a new offense during the supervision episode.
   b) About one-fifth (17%) of all offenders were later convicted and sentenced for a new offense committed during the supervision episode.
Summary of Major Findings: Racial Disparities Analyses

1) Are racial disparities evident in the proportion of offenders revoked and admitted to prison with no new sentence?

a) Based on the entire supervised population, the data suggest that racial disparities exist in the proportion of offenders who are revoked and admitted to prison with no new sentence, with a higher proportion of blacks revoked than whites. This is consistent with the results of other efforts to examine disparities.

b) In 2007 blacks made up a smaller segment of the group of offenders admitted to prison for no new sentence than they did in 2003. This is a statistically significant decrease.

c) There was a significant increase in the number of ES violators admitted to prison for both blacks and whites and a decrease in the number of MR violators and parole violators between 2003-2007.
2) Aggregate analyses revealed a significant increase in the overall number of ES violators between 2003 and 2007 -- Are racial disparities evident among ES violators admitted to prison with no new sentence?

a) The proportion of the ES violators admitted to prison with no new sentence who were black decreased from 71% in 2003 to 55% in 2007.
Summary of Major Findings: Racial Disparities Analyses (continued)

3) Are racial disparities evident among ES violators admitted to prison with no new sentence by supervision region?

a) Region 3 represented a decreasing overall proportion of ES violators while the proportion from other regions increased over time. Further analyses of the available data could not explain this trend. There were no significant differences between blacks and whites by year related to governing offense type, length of governing offense sentence, level of criminal risk, or level of criminal need.
There was no significant difference between blacks and whites in the type or frequency of the five most common offender behaviors documented in the agent chronological log (failing to report to agent, absconding, drug use, positive urinalysis, and/or failure to attend treatment).

The case-level data suggest that sentence type for governing offense varied by race. However, this may be confounded by sentencing patterns within Region 3 where the vast majority of black offenders are supervised.

- Violators with a withheld sentence who were admitted to prison with no new sentence were more likely to be white
- Probation violators admitted to prison with no new sentence were more likely to be white
- Violators with an imposed bifurcated sentence (prison + ES) who were admitted to prison with no new sentence were more likely to be black
Summary of Major Findings: Racial Disparities Analyses (continued)

6) There is no indication that agent decisions to file for revocation were made based upon any inappropriate considerations such as race
   a) There were no statistically significant differences between blacks and whites related to:
      i. Whether agent responses to offender behaviors preceding revocation were consistent with type/severity of offender behaviors and with current agency practice
      ii. Whether agents used graduated responses to offender behaviors prior to revocation
      iii. How quickly agents filed for revocation (days from supervision start to agent revocation filing)
Recommendations For Action
Recommendations for Action

Integration of these findings resulted in recommendations for action in the following areas:

- System-Level Policies and Practices
- DCC Policies and Practices
- Collaboration With Other Agencies/Systems
- Next Steps
Recommendations for Action:
System-Level Policies and Practices

- Collaborate with the judiciary to assess the impact of TIS-1 and TIS-2 on sentencing of ES violators (sentence type, composition, and length) and the subsequent impact on prison population and capacity
- Examine current implementation policies and practices for the DOC-502 risk/need assessment tool
  - Further examine the implications of the current process of utilizing the DOC-502 risk/need assessment scores for both workload management and classification of offenders into supervision levels
  - Assess whether the DOC-502 accurately classifies offenders into supervision levels
    - Develop new cut points for risk/need scores if necessary
    - Assess need for separate scoring protocols or cut points by violator type and gender
Recommendations for Action:
DCC Policies and Practices

- Disseminate relevant study findings to agents through DCC unit supervisors for use in internal quality improvement processes

- Improve uniform use of the DOC-502 risk/need assessment tool to focus resources on higher risk offenders and to improve the consistency of agency implementation of the assessment tool
  - Examine agent training and refresher training practices to improve consistency of agent implementation and interpretation of DOC-502 items
  - Require that agents enter all DOC-502s into WICS or OATS

- Increase the consistent use of graduated responses to offender behaviors through continued implementation of the *Functional Response to Violation* grid

- Continue to emphasize the use of a continuum of non-incarceration intermediate sanctions rather than revocation
Recommendations for Action:
DCC Policies and Practices (continued)

- Develop procedures to enhance electronic documentation of revocation information
  - Create a central revocation database, including an electronic repository for documents, forms, and scanned files related to supervision and revocation
  - Develop guidelines to improve the organization of chronological logs and other offender forms and documents within agent electronic folders to specify which materials to include and naming conventions for electronic files
  - Develop improved procedure(s) for transfer of chronological logs between agents to improve consistency of information transfer
Recommendations for Action: Collaboration With Other Agencies/Systems

- **Enhance collaboration with existing state efforts**
  - Expand collaboration with specialty treatment courts as alternatives to revocation
  - Collaborate with Department of Transportation Impaired Drivers diversion efforts/programs
  - Collaborate with existing reentry initiatives, AIM pilots, criminal justice coordinating councils, and the Treatment Alternatives and Diversion (TAD) programs
  - Coordinate with city and county agencies to facilitate increased use of community-based ATRs and other treatment and service options prior to revocation

- **Collaborate with CCAP to include a common individual identifier (SID, DOC ID, etc.) in CCAP that will allow linkage across agency systems to increase data sharing and utilization capabilities**
Next Steps
Recommendations for Action:

Next Steps

Utilize a multi-faceted approach to reducing revocation by choosing from options identified during the best practices review, the results of the current data analyses, and the recommendations of the Justice Reinvestment Initiative.

DOC administrators should collaboratively select a variety of approaches during sentencing, incarceration, and supervision to have the most comprehensive impact on revocation rates.
Recommendations for Action:

Next Steps

- **Develop a Departmental workgroup to:**
  - Integrate these results and recommendations with those of the Justice Reinvestment Initiative and the Governor’s Commission on Racial Disparities in the Criminal Justice System
  - Consider and prioritize the recommendations
  - Recommend a comprehensive, evidence-based approach to reducing revocation that identifies specific areas of focus
  - Develop an action plan based on the approach developed that includes roles, staff responsibilities, and timelines for completion
Supporting Materials
Supporting Materials for the 2008/2009 Study of Probation/Parole Revocation

Study Overview and Scope
Best Practices Review
Department Efforts to Address Revocation
Revocation Data Collection Methodology
Best Practices Review References
Best Practices Telephone Interview Protocol

This is a companion document to the “2008/2009 Study of Probation and Parole Revocation” that supplements and supports the results, findings, and recommendations.
STUDY OVERVIEW AND METHODOLOGY

The University of Wisconsin Population Health Institute (PHI) was asked by the Wisconsin Department of Corrections (DOC) to examine issues related to revocation of probation and parole. The study was conducted between April 1, 2008 and March 31, 2009.

The study population included adult offenders under any form of community supervision (probation, parole, mandatory release, or extended supervision) who were admitted to prison between January 1, 2003 and December 31, 2007 without a new sentence. The questions of primary interest to the Department were:

- Why are offenders revoked and sent to prison when they have not been convicted of a new crime? What are the offender behaviors that lead to revocation? And what alternatives are being used in advance of pursuing revocation?

- Are revocation decisions, and policy/procedures that frame the decision-making process, consistently interpreted and applied across the state? What level of discretion is used when making a decision to pursue revocation?

- What risk factors are taken into account when deciding to move forward with a revocation proceeding? Are critical success factors taken into account when a decision is made to revoke a client (i.e., stability of living conditions, employment, family, etc…)?

- Are we imposing too many special rules of supervision that are not associated with the offender’s criminal behavior pattern and/or criminogenic needs – basically, creating obstacles and hurdles that may set the offender up for failure?

- Are we currently collecting the information that is necessary to analyze, monitor and evaluate revocation practices – if not, what data elements are missing that need to be included in the WICS?

Overview of Study Goals

- Conduct a thorough review of national best practices in the areas of policy, practice and use of graduated sanctions;

- Analysis of historical trends and patterns in aggregate revocation data provided by DOC that included 20,315 offenders who were admitted to prison with no new sentence as a violator of probation or parole between January 1, 2003 and December 31, 2007;

- Conduct case-level examination of 200 offenders randomly selected from the aggregate data to better understand the reasons for revocation – analyzing offender behavior(s) that lead to revocation and the use of graduated sanctions, community-based alternatives to revocation, and/or treatment alternative strategies employed to avoid revocation;

- Provide information to DOC administrators and policy-makers to assist in making any needed changes in policy, practices, resource allocation, staff training needs and/or future budget decisions;
• Identify information/data that is necessary to analyze, monitor and evaluate revocation practices that are missing or not collected in the DOC legacy systems that need to be included in the WICS;
• Begin the process of setting up a means to address recommendations of the Commission on Reducing Racial Disparities in the Wisconsin Justice System related to revocation, which included:
  1. A complete review of the parole revocation process should be conducted;
  2. DOC should review the level of discretion the probation/parole officers have in initiating revocation proceedings, and establish a process for reviewing discretionary decisions;
  3. DOC should monitor whether there is an ongoing racial disparity in revocations and whether there is any indication that such decisions are being made based upon any inappropriate considerations such as race or whether current practices are exacerbating racial disparity;
  4. DOC should provide policy direction to probation/parole agents regarding appropriate exercise of discretion.

Other Study Activities

PHI research staff collaborated extensively with members of the Justice Reinvestment Initiative (JRI) team during the course of this study. Numerous in-person and telephone meetings were held to coordinate efforts and integrate findings.

The Department created a study oversight group to facilitate access to necessary data and to monitor study progress. Staff assigned to the oversight group were Tony Streveler, Rose Snyder-Spaar, Jerry Konitzer, and Lucie Widzinski-Pollock. PHI met with oversight group members in August 2008 and March 2009 to update them on study progress, with frequent email, in-person, and telephone contact between group meetings.

The major findings and recommendations for action resulting from this study were presented to the oversight group, the JRI team, and DOC executive staff during three separate meetings in March 2009.

It is anticipated that the findings of this study will also be disseminated to the Governor’s Commission on Reducing Racial Disparities in the Wisconsin Justice System, the Division of Community Corrections management team, and the Justice Reinvestment Initiative Legislative Study Committee during 2009.
SUMMARY OF BEST PRACTICES IN REDUCING REVOCATION

Each year in the United States, approximately 500,000 offenders are released to parole, with parole ending unsuccessfully for 52% of them (Lattimore, 2007). While many offenders commit new criminal offenses resulting in revocation of their parole supervision and return to prison, more than one-third of all prison admissions nationwide in 2001 were a result of revocation for technical violations of the conditions of parole supervision (Burke and Tonry, 2006). The costs associated with re-incarcerating parolees have generated a great deal of interest among corrections policy makers and “…revocations to prison have been regarded as a target of change to reduce the burden on thinly stretched prison bed space…” (Burke, 2006).

In addition to the increased cost burden and the stress on an already overcrowded prison system, some research questions the effectiveness of sending parole violators back to prison in improving offender outcomes related to criminal behavior and substance use (Travis, 2007; Travis, 2000). The parole revocation process is to a great extent hidden from public view, and is understudied as a result (Steen and Opsal, 2007, Travis, 2007). There is a need for research on the impact of parole policies (Tonry & Petersilia, 1999; Petersilia, 2000; Harris, Petersen, & Rapoza, 2001), and many researchers and policy makers have called for the use of sanction and intervention grids by parole agents that would create more consistency in responses to parole violations (Burke and Tonry, 2006; Ligtenberg and Clark, 2006; Taylor and Martin, 2006; Burke, 2004; Austin, 1987; Sieh, 2003). These sanction grids take into account the seriousness of the violation, seriousness of the original crime, and risk to reoffend. Steen and Opsal (2007) found that the discretion exercised by parole agents during the parole revocation decision-making process can be attributed to the fact that revocation is an administrative decision rather than a legal one, revocation hearings are relatively invisible because they take place in correctional institutions rather than courtrooms, and parole agents make revocation decisions based on assessed risk to the community.

Some researchers (Travis, 2000; Burke and Tonry, 2006; Ligtenberg and Clark, 2006) have advocated for viewing offender reentry into the community as a continuum. Reducing parole violations needs to begin before release and needs to be a priority for all corrections systems, not just probation and parole systems. Rosenthal and Wolf (2004) have developed a six-stage reentry model that begins at initial arrest and focuses on reintegration as a sentencing goal which changes the focus from “fixing the offender to a more complex recognition of shared responsibility.” Others have challenged legislators and governors to articulate a clear mission and equip parole leaders with discretion, resources, and authority to help accomplish the mission (Burke and Tonry, 2006) in an environment where “Field supervision of parolees tends to be undervalued and, eventually, underfunded and understaffed” (Petersilia, 2000).

WI Governor Jim Doyle called for $17 million to be cut from state agency budgets in 2008 (Stein, 2008), and extensive prison crowding and high levels of probation and parole revocations have led many key Wisconsin policy-makers to call for an examination of the criminal justice system (Battato, Gray, Mueller, and Witt, 2007). The WI parole population grew 7.4% in 2005, while “the Nation’s parole entries and exits grew 3.4% annually between 1995 and 2006.” (Glaze & Bonczar, 2006; Glaze and Bonczar, 2007). In WI, “Rising probation and parole revocations are now the major source of prison admissions” (Oliver, 2002). While
significant efforts are being made in WI to divert non-violent offenders from the criminal justice system through efforts such as the Treatment Alternatives and Diversion (TAD) Program (Van Stelle, 2008) and Assess, Inform, Measure (AIM) Project (WI Supreme Court, 2007), there were 4,909 offenders currently incarcerated in Wisconsin on 2/11/2008 for revocation of parole for technical violations (no new sentence) and 7,197 revoked for a new offense with a new sentence (Wisconsin Department of Corrections, 2008).

There is a lack of data related to incarceration of parole violators (no new sentence) nationwide (Steen and Opsal, 2007). This is also the case in WI where these data are not readily available as parole revocation summaries and related documents are kept in narrative format. There is a need for more detailed information about the reasons for revocation, the offender behaviors and technical violations which lead up to the revocation, and the agent responses to these behaviors. These data are clearly important in shaping correctional policy as Stickels (2007) found that 55% of probation revocations resulted in incarceration without any type of intermediate sanction at all. Travis (2007) calls for the collection of data examining any variation or disparity in sanctions for technical violations according to parolee characteristics, the severity of the underlying offense, and the prior record of the parolee.

Overrepresentation of racial minorities is found at all stages of the criminal system. Petteruti, Ziedenberg, and Beatty (2007) found that 97% of the nation’s large-population counties imprisoned African Americans at a higher rate than whites. In Wisconsin, black youth are 18.4 times more likely than whites to be in detention facilities, and are 19.1 times more likely to be committed to adult prison than whites (National Council on Crime and Delinquency, 2007). During extensive analyses of Wisconsin’s adult imprisonment rates, Oliver (Oliver, 2008; Oliver, 2004A; Oliver, 2004B; Oliver, April 2004) found that the black incarceration rate rose steadily during the 1990s and that prison admissions for probation and parole violators rose for all races (but rose more rapidly for blacks).

The Commission on Reducing Racial Disparities in the Wisconsin Justice System was created in March 2007 by Governor Jim Doyle to determine whether discrimination is built into the criminal justice system and to recommend strategies reduce the racial disparity. In their recently released final report (Commission on Reducing Racial Disparities in the Wisconsin Justice System, 2008), the Commission included numerous recommendations for improvement for the entire criminal and juvenile justice continuum. In addition to noting that “using available data, there is no way to tell why people were revoked” and that “the vast majority of parole revocations do not involve a new sentence,” the Commission made several recommendations specifically related to parole revocation:

1. “A complete review of the parole revocation process should be conducted;
2. DOC should review the level of discretion the probation/parole officers have in initiating revocation proceedings, and establish a process for reviewing discretionary decisions;
3. DOC should monitor whether there is an ongoing racial disparity in revocations and whether there is any indication that such decisions are being made based upon any inappropriate considerations such as race or whether current practices are exacerbating racial disparity;
4. DOC should provide policy direction to probation/parole agents regarding appropriate exercise of discretion.”
In addition to conducting a comprehensive review of the available literature during 2008, PHI conducted telephone interviews with correctional department staff from six other states. The six states were selected based on the results of the literature review, and with the guidance of Richard Stroker of the Center for Effective Public Policy. The states chosen for the interview sample were Arkansas, Georgia, Iowa, Kansas, Pennsylvania, and Texas. PHI identified appropriate interview respondents for each state via publications and Department of Corrections websites, and contacted them to schedule a 30-60 minute telephone interview. PHI interviewed four statewide Re-Entry Directors/Coordinators, one Director of Community Corrections, and one Public Relations Coordinator in Community Corrections.

The semi-structured interview protocol was developed based on the literature review results to gather more detailed information on efforts to reduce revocation due to technical violation in the selected states (see last section of this document for a copy of the interview questions). The telephone interview contained 21 open-ended questions asking about the history of revocation in the state, efforts to reduce revocation rates, policy impacts, and practice impacts. Interview respondents were also asked to provide any documents related to revocation that might be helpful to the study. Using a snowball sampling approach, the individuals interviewed were also asked to provide other contacts in their state that could provide additional information. PHI followed these contacts and interviewed them as well.

The telephone interview data was integrated with the literature review and a summary was developed that detailed changes to policy and practice implemented by other states and research groups to reduce revocation due to technical violation (Table 1).

Table 2 summarizes the factors in Table 1 that can reduce revocation rates and associates each factor with a best practice response that has been considered or implemented by correctional departments in other states.
<table>
<thead>
<tr>
<th>Factors Impacting Revocation For Technical Violation</th>
<th>Best Practices Responses</th>
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<tbody>
<tr>
<td><strong>1 Offender Characteristics</strong></td>
<td>Offender characteristics can impact Factors 2, 3, 5, and 8 below, but they cannot be impacted through policy or practice change. Many states acknowledge racial disparity in revocation, and numerous research studies confirm that younger males with more extensive criminal histories are more likely to be revoked. <strong>Wisconsin</strong>: 2008 Commission on Racial Disparities in the Criminal Justice System has recommended an examination of racial disparity in revocation and revocation practices. <strong>Iowa</strong>: Examined revocation rates of African Americans in urban area and addressed with agents internally through encouraging increased use of intermediate sanctions and admission to Violator Program. <strong>Case (2008)</strong>: A 14-year recidivism study in Ohio found that when provided with education and substance abuse treatment in prison, blacks with no prior history of crime had a better probability of staying out of prison than did whites.</td>
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<td>race/ethnicity, gender, age, offense history and severity, etc.</td>
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<td><strong>2 Offender Behavior</strong></td>
<td>Reentry Services In Jail For Probationers. Some correctional departments have collaborated with local jails to provide reentry services and conduct release planning. <strong>Connecticut</strong>: “Probation Transition Program” has agents meet with offenders in jail 90 days prior to release to develop reentry plan for those serving split sentence in jail. <strong>Maryland</strong>: agents meet with inmates weekly just prior to release to develop reentry plan with other service providers. <strong>Oregon</strong>: agents help coordinate transition plans for high risk inmates with the Transition Services Unit staff. <strong>Minnesota</strong>: agents visit jail twice per month to meet with those to be released and conduct session on how to succeed on probation. <strong>Tennessee, Massachusetts, and Pennsylvania</strong>: probation staff assigned to work in jail on permanent basis as release and reentry agents. <strong>Illinois and New York</strong>: released to Community Reentry Center from jail to proceed with treatment plans developed.</td>
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<td>criminal activity, substance use, anti-social behaviors, non-compliance with supervision conditions, unemployment</td>
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<tr>
<td>Factors Impacting Revocation For Technical Violation</td>
<td>Best Practices Responses</td>
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<td><strong>Offender Behavior (continued)</strong></td>
<td><strong>Reentry Services While In Prison For Parolees</strong></td>
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<td>Research recommends focusing resources on education, housing, and employment to support successful reentry</td>
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<td><strong>Wisconsin</strong>: Reentry coordinator hired, overall reentry plan under development, and pre-release curriculum implemented in Fall 2007</td>
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<td><strong>California</strong>: form police/community reintegration teams to monitor offenders in community</td>
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<td><strong>Pennsylvania</strong>: Re-entry programs should have behavioral treatment to prepare offenders as many violators have unrealistic expectations of life in the community, hold onto anti-social attitudes, and have inadequate coping skills when released</td>
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<td></td>
<td><strong>Georgia</strong>: Offenders go to one of seven Pre-Release Centers 2-3 years before their expected release date. Provides offender with treatment programs, work release or experience, and cognitive programming.</td>
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**Use of Evidence-Based Practices (EBP)**

There is a large body of research recommending the use of evidence-based practices to provide reentry services that will reduce return to prison -- includes integrating services from institution to the community, strong interventions, and use of sanctions and incentives.

Lin (2007) **California** EBP principles of reentry:

- Informal social controls
- Duration and dosage of intervention are critical to outcomes
- Integrated services are necessary and interventions should build on each other from institution to community
- Necessary to communicate behavioral expectations
- Support mechanisms are critical (i.e., family)
- Accountability/responsibility are key (sanctions and incentives)

**Texas**: “Travis Community Impact Supervision Model” that manages probationers through EBP model that provides offenders with resources to effect change by addressing their criminogenic traits and classifying them into different supervision strategies.
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<tr>
<td>Pennsylvania: study of reasons for parole violation revealed that violators hold unrealistic view of post-release life, hold anti-social attitudes, and have inadequate social coping skills. No formal goals or policies, but focus more on behavioral treatment, increase substance abuse treatment, and have reentry programs teach life skills.</td>
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<tr>
<th>Agent Response to Offender Behavior</th>
<th>Use of Case Management Approach In Supervision Plan</th>
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<td>amount of discretion in revocation decision-making, use of intermediate sanctions, etc.</td>
<td>Agents can use a case management approach to develop individualized supervision plans for offenders, particularly through the use of motivational interviewing techniques. <strong>Texas</strong>: Develop meaningful supervision plans for individuals <strong>Connecticut</strong>: Developed policy of case management approach <strong>Campbell (2008)</strong>: case management approach to supervision model <strong>Georgia</strong>: Made caseload management easier for agents by facilitating documentation through purchase of tablet PCs with hand-writing recognition. Allows agents to track of cases easily and digitally. <strong>Arkansas</strong>: Important to distinguish between revocation for technical violation vs. revocation for new offense. Separation of the two is important for treatment reasons (either treating someone for breaking a rule or treating someone for committing a new crime). <strong>Pennsylvania</strong>: Important to distinguish between revocation for technical violation vs. revocation for new offense. These are different reasons for being sent to prison and the difference between them should determine treatment and reentry options.</td>
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<th>Risk Assessment and Risk Management</th>
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<td>Assessment of offender criminogenic risk/need as a tool to address offender risk and increase public safety is well documented. <strong>Kansas</strong>: Use of risk assessment and risk management to develop reentry program for highest risk offenders -- increase supervision contacts through lower agent caseloads or customize level of supervision contacts based on risk.</td>
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<tr>
<td>Factors Impacting Revocation For Technical Violation</td>
<td>Best Practices Responses</td>
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<tr>
<td>Agent Response to Offender Behavior (continued)</td>
<td>Campbell (2008): Create guidelines for violation/revocation that link responses to failure to both the level of parolee risk and the violation. New York: “Adult Supervision Restructuring Program” with automated reporting kiosks for low-risk probationers allows agents to focus on high-risk probation cases.</td>
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<td>Increase Consistency in Agent Decision-Making and Reduce Variation In Determining Whether a Behavior Constitutes a Technical Violation</td>
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<td>Develop decision-making grids or guidelines for agents that delineate appropriate responses to specific offender behaviors (Burke and Tonry, 2006; Ligtenberg and Clark, 2006; Taylor and Martin, 2006; Burke, 2004; Austin, 1987; Sieh, 2003). Wisconsin: Development and implementation of the “Functional Response to Violation” grid. Kansas and Georgia: Development of Behavior Response Adjustment Guide (BRAG) helps agents classify positive and negative offender behaviors as low/medium/high and provides response options for each of these behaviors. Florida: Zero tolerance for supervision violations policy in 2004 includes a mandate that agents must “report all known willful violations and new arrests”, where willful is defined as a violation where the “offender has not made reasonable efforts to comply with the conditions of supervision.” Agents investigate violations to determine willfulness before submitting a violation to the court.</td>
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<td>Intermediate Sanctions – Non-Incarceration</td>
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<td>Increase use of intermediate sanctions other than incarceration (treatment, support services, electronic monitoring, curfew, fines, etc.). Illinois: Review of parole revocation cases during initial jail intake to determine if ATR is available and lifts detention hold and releases. Wisconsin: Alternatives to Revocation (ATR) are to be considered by agents in all cases prior to requesting revocation, and these alternatives</td>
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<td>Agent Response to Offender Behavior (continued)</td>
<td>can be either formal or informal in nature. Some examples of intermediate sanctions are:</td>
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<td>• Halfway House/TLP</td>
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<td>• Substance abuse treatment</td>
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<td>• Anger management</td>
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<td>• Electronic monitoring</td>
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<td>• Sobrietyor</td>
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<td>• Curfew</td>
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<td>• Court review to modify supervision conditions</td>
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<td>• Day reporting</td>
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<td>• Compliance contract</td>
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<td>• High risk or intensive supervision level</td>
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<td>• Chaperone</td>
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<td>• Review supervision level</td>
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<td>• Modify supervision conditions</td>
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<td>• Verbal/written warnings</td>
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<td>• Increase collateral contacts</td>
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<td>Texas: Legislature “motivated” the department to address high revocation rate. Study revealed that alternatives not being offered prior to revocation and department developed committee to suggest changes based on findings – no policy changes but a “strong message” to agents for encouraging graduated and intermediate sanctions</td>
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<td>Connecticut: Connecticut “Technical Violation Unit” refers violators to a special probation unit with small caseloads (25) and requires participation in a 120-day program with once per week agent contact at “alternative incarceration center”; employment, housing, and treatment assistance for pre-release planning; transferred to different agent during this time; some offenders were in program six months due to two month delay in treatment admission (no differences in outcomes)</td>
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| **Agent Response to Offender Behavior (continued)** | Kansas: changes to sentencing guidelines in Kansas in 2007 that give fixed six-month sentences for revocation lead the department to seek more intermediate “interventions” (treatment, additional rules, etc.) to avoid revocations  
Georgia: Knowledge of treatment options is important. Agents and hearing officers/personnel should be knowledgeable of treatment options for a technical violator in order to give the offender the best suitable treatment based on the violation that he/she committed.  
Florida: day reporting centers in lieu of jail for probation violators that requires community service participation  
Arizona: State calculates annual probation failures by county, and if the number of probation revocations decreases the state provides the county with 40% of the money saved by avoiding incarceration                                                                 |
| **Intermediate Sanctions – Incarceration/Confinement** | Use of short-term detention in secure facilities either as a sanction or as a way to access substance abuse treatment, cognitive services, employment services, etc.  
**Wisconsin**: “ES Sanctions” uses short-term county jail incarceration (1-90 days) as intermediate sanction  
**Wisconsin**: The Milwaukee Secure Detention Facility was built to hold non-compliant probation/parole offenders in secure detention during the investigation of an alleged violation. Substance abuse programming is also provided there as an Alternative to Revocation (ATR). The average stay is 60 days for general admissions and 90 days for ATRs.  
**Wisconsin**: Has several institution-based treatment programs that can be used as ATRs, including Earned Release Program, Mental Illness-Chemical Abuse (MICA) Program, and Challenge Incarceration Program  
**Arkansas**: “Technical Parole Violator Center” (350 beds) which requires 30-90 days of residential confinement to participate in anger |
### Table 1: Literature Review Summary—Best Practices Responses to Factors Impacting Revocation for Technical Violation

<table>
<thead>
<tr>
<th>Factors Impacting Revocation For Technical Violation</th>
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</table>
| **Agent Response to Offender Behavior (continued)**    | management, CGIP, parenting, communication, relapse prevention, GED, reentry, and aftercare planning. This is followed by 12 months of applied programming for violators with daily agent contact. Colorado: “Cheyenne Mountain Reentry Program” sets aside 100 beds for technical parole violators in partnership with sheriffs California: Ten 500-bed reentry facilities for parole violators that will include police/community reintegration teams and provide separate programming for first time parolees and for “churners.” Iowa: “Violator Program” of 4-6 months for technical violators that is held in prison while offenders live in the community. Keeps offenders in “natural living situations,” but provides confinement and treatment. Georgia: 6-12 month sentence upon technical violation revocation with four possible intermediate sanctions (or prison sentence):  
  • Boot Camp: Residential with physical challenge  
  • Diversion Center: Residential with paid community employment.  
  • Detention Center: Residential with unpaid community employment.  
  • Substance Abuse Center: Residential with RSAT program.  
<p>| <strong>Reward Positive Offender Behavior</strong> | Some states use rewards and incentives for positive offender behaviors, including classification of positive (as well as negative) behaviors utilizing a systematic grid of potential agent responses to behaviors Texas: Reward success of low risk probationers with early termination Georgia and Ohio: incentive programs for good behavior (praise, gift certificates, supervision level reduction, reduced reporting) Kansas and Georgia: Implementation of Behavior Response Adjustment Guide (BRAG) which classifies both positive and negative offender behaviors as “low,” “medium,” and “high” and provides possible responses to each behavior. Urban Institute (2008): A system of reward and punishments should be used to reinforce behavior change, with a priority on reinforcing positive behaviors (i.e., bus tokens, curfew hours, reduced reporting) |</p>
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| Agent Response to Offender Behavior (continued)    | **Streamline Sanction and Revocation Process to Reduce Costs**  
Use of either technology (i.e., videoconferencing) or policy change to eliminate the need for or increase the speed of revocation hearings  
**Iowa:** Uses communications network (i.e., videoconferencing) to reduce travel for parole hearings  
**Iowa:** If a felony or aggravated misdemeanor occurs the parole is deemed revoked as of the date of the commission of the new offense (automatic revocation with no hearing)  
**Wisconsin:** ES Sanctions requires that unit supervisor approve request within 8 days and that regional chief approves within following 2 days |
| Other                                             | **Other**  
**Texas:** Develop policy on absconders that will apprehend them if located or close out the case if cannot be found |
| 4 Level of Monitoring by Agent                     | **Reduce Number of Required Supervision Contacts**  
**Kansas:** modified supervision requirements to reduce the number of mandatory field contacts, required less contact with low risk offenders, removed mandatory high supervision levels for sex and OWI offenders |
|                                                   | **Reduce Caseload Size**  
**Kansas:** added reentry staff to focus on specific offender groups (sex, gang, mentally ill, violent, interstate compact, employment challenged) and provide pre-release services |
| 5 Number of Supervision Conditions                 | **Decrease Supervision Conditions  --“lower the bar” or make conditions offender-specific**  
Research and program evaluations have found that revocations increase when the number of special supervision conditions set at sentencing are increased. Some states have reduced the complexity and number of supervision conditions (making them more case-specific), limited the types of violations which can result in revocation, or modified the responses to technical violations.  
**Connecticut:** Cox (2008) “As requirements of probation expand and intensify, the numbers of probationers in violation status will
Table 1: Literature Review Summary-- Best Practices Responses to Factors Impacting Revocation for Technical Violation

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<tr>
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<tr>
<td>Number of Supervision Conditions (continued)</td>
<td>increase…” “Did PTP officers simply stop violating probationers or did probationers’ behavior improve as a result of the PTP?” “There were pronounced differences between PTP probationers who were technically violated and those who were rearrested. Technical violators appear to be serious drug users who could not comply with the conditions of their probation or successfully complete drug treatment. On the other hand, PTP participants who were arrested were very high risk and had multiple criminogenic needs.” California: Non-violent Rehabilitation Act (NORA) of 2008 • Allows diversion for wider range of offenses and permits more violations prior to revocation • Caps parole supervision to a maximum of six months • Prevents UA results, technical violations, or new misdemeanor as reasons for revocation • Limits any jail sanction to seven days for technical violations and limits new sentences to six months in county jail • Redefines marijuana possession as a fineable infraction • Provides more funding for AODA treatment, but cannot use the funding for drug testing New York City: “New Generation” policy of graduated response to violations and only serious violations result in immediate action, with some offenders allowed to max out of supervision with documented non-compliance Urban Institute (2008): developing individualized conditions is hard because conditions are set at sentencing by judge – ideally tailored to reflect reentry priorities for the individual</td>
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<td><strong>DOC Organizational Culture/Orientation</strong>&lt;br&gt;Monitoring/punishment vs. rehabilitation</td>
<td><strong>Conduct Organizational Assessment to Change Orientation</strong>&lt;br&gt;Some states conducted organizational assessments to identify work culture factors impacting revocation rates -- empowering agents to use intermediate sanctions and emphasize rehabilitation over punishment. <strong>Kansas</strong>: conducted work culture/environment assessment to discuss agency dynamics and develop positive work environment in units. <strong>Kansas</strong>: Sentencing Committee, DOC, and Probation/Parole Board jointly encouraged interventions before revocation, but need to modify processes without disregarding the legislative sentencing changes. <strong>Texas</strong>: JFA Institute conducted organizational assessment of probation department and recommended that agents and supervisors should be empowered to change culture/structure, use of that evidence-based practices, and classification of offenders into supervision strategies. In addition, divert low risk offenders, reduce recidivism through AODA and MH treatment, and conduct surveillance/control of high-risk. <strong>Georgia</strong>: The Georgia Board of Pardons and Paroles felt that agents are most knowledgeable about supervision cases and strives to keep a good relationship with them. The recommend encouraging agents to make suggestions of possible changes and be responsive when they do.</td>
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<tr>
<td><strong>Policy Change to Improve Rehabilitation Orientation</strong></td>
<td><strong>Implement policy changes to change the focus of the department from one of monitoring and punishment to one of rehabilitation.</strong> &lt;br&gt;<strong>Kansas</strong>: Developed Risk Reduction and Reentry Plan where each county must reduce revocations by 20%. This has changed how success in community corrections is measured. <strong>Wisconsin</strong>: Reentry Plan</td>
</tr>
<tr>
<td><strong>Legislative Support for Reduction in Revocation</strong>&lt;br&gt;Kansas: Legislature appropriated $4 million in 2008 to enhance risk reduction and reduce probation revocation rates by at least 20%; all counties applied for funds to increase public safety, reduce risk level of probationers, and increase percent completing supervision.</td>
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| **7** Access to Community Resources | **Integrate P/P Functions With Community Resources**  
Resources for community support services and availability of services in area.  
Several states have integrated their probation and parole functions with other community services such as employment centers, substance abuse treatment, and mental health treatment. Staff and facilities are shared to increase collaboration and communication.  
**Kansas**: moved a parole office into the Topeka Workforce Center and combined functions to enhance employment options for offenders.  
**New York**: “Pathways to Employment” through probation department that trains agents and providers to be workforce specialists (NIC funds).  
**Iowa**: Access to community for technical violator while in Technical Violator Program is important. Keeping the offender in “natural living situations” helps increase parole success because the offender is getting “real-world experience” while receiving treatment in prison.  
**Maryland**: reentry collaborative case management team meets with jail inmates prior to release.  
**Minnesota**: community corrections office provides a floor of their building for jail inmates to participate in treatment while still in jail. |
| **8** Judicial Response to Revocation | **Develop Consistent Judicial Policy For Technical Violations**  
Some states have worked with the legislature and judiciary impact sentencing guidelines to increase the use of graduated sanctions (non-confinement), limit the number of jail days that can be used as a sanction, and decrease the use of incarceration as a response to revocation.  
**Texas**: decrease the number of those revoked who are given incarceration as a result of revocation.  
**Texas**: Technical Violations Report recommended that intermediate sanctions be required and that courts use graduated sanctions. This resulted in the Texas Intermediate Sanctions 2003 Bench Manual for judges, DAs, public defenders, attorneys, and probation agents to educate on options. However, neither the report or manual had an impact on probation practices. Possible explanations for use of |
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<tr>
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<tbody>
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<td>revocation for technical violation by courts:</td>
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<td>Probation viewed as chance to stay out of prison – not rehab</td>
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<td>Probation plea agreement is economical way to resolve cases without a trial or dispose of difficult cases</td>
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<td>Some offenders aren’t suitable for probation and find it too hard and intentionally fail</td>
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<td><strong>California</strong>: Non-violent Rehabilitation Act (NORA) of 2008</td>
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<td>Limits any jail sanction to seven days for technical violations and limits new sentences to six months in county jail</td>
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<td>Redefines marijuana possession as a fineable infraction</td>
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<td>Three-track sentencing system for judiciary that bases the sentence solely on the number of non-violent drug offenses</td>
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<td><strong>Kansas</strong>: changes to sentencing guidelines in Kansas in 2007 that give fixed six-month sentences to probation and parole revocations. However, KDOC feels that some offenders are not impacted by the sentence and they hope to make a legislative proposal to provide more effective treatment for these cases</td>
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<td><strong>Michigan</strong>: Links county funding to sentencing guidelines wherein serious offenders go to prison, minor offenders must be sentenced to local sanctions, and those in the middle can be sentenced to either. Counties are awarded additional funding for retaining offenders locally who fall into the middle and would have been eligible for prison.</td>
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<td><strong>American Bar Association</strong> – Suggests that P/P systems should be improved through:</td>
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<td>Jurisdictions should develop graduated sanctions</td>
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<td>Distinguish between those who benefit from supervision and those who do not</td>
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<td>Change the agent role to one of assistance, not law enforcement</td>
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<td><strong>Pew Center (2008)</strong>: About half of the states with a Community Corrections Act have enacted sentencing guidelines to manage prison growth</td>
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<td>Impacting Factors</td>
<td>Best Practices Responses in Literature</td>
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<tr>
<td>1. Offender Characteristics</td>
<td>Offender characteristics can impact Factors 2, 3, 5, and 8 below, but they cannot be impacted through policy or practice change. Many states acknowledge racial disparity in revocation, and numerous research studies confirm that younger males with more extensive criminal histories are more likely to be revoked.</td>
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<td>race/ethnicity, gender, age, offense history and severity, etc.</td>
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<td>2. Offender Behavior</td>
<td>Reentry Services In Jail For Probationers - Some correctional departments have collaborated with local jails to provide reentry services (and/or staff) and conduct release planning.</td>
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<td>criminal activity, substance use, non-compliance with supervision conditions, etc.</td>
<td>Reentry Services While In Prison For Parolees - Research recommends focusing resources on education, housing, and employment to support successful reentry.</td>
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<tr>
<td>3. Agent Response to Offender Behavior</td>
<td>Use of Evidence-Based Practices (EBP) - There is a large body of research recommending the use of EBPs during reentry to reduce return to prison that include integrating services from the institution through return to the community, strong interventions, and use of sanctions/incentives.</td>
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<td>Agent case planning and decision-making</td>
<td>Use of Case Management Approach In Supervision Plan - Agents can use a case management approach to develop individualized supervision plans for offenders, particularly through the use of motivational interviewing techniques.</td>
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<td>Risk Assessment and Risk Management - Assessment of offender criminogenic risk/need as a tool to address offender risk factors and increase public safety is well documented.</td>
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<tr>
<td>Increase Consistency in Agent Decision-Making and Reduce Variation In Determining Technical Violations - Develop decision-making grids or guidelines for agents that delineate appropriate responses to specific offender behaviors.</td>
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<td>Streamline Sanction and Revocation Process to Reduce Costs - Use of either technology (i.e., videoconferencing) or policy change to eliminate the need for or increase the speed of revocation hearings</td>
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| 4. Level of Monitoring by Agent        | Reduce Number of Required Supervision Contacts  
Policy change to reduce the number of mandatory supervision contacts for low risk offenders or to reduce the number of field contacts for all cases |
|                                        | Reduce Caseload Size  
Hire additional reentry staff or agents to decrease the caseload size of supervising agents |
| 5. Number of Supervision Conditions    | Decrease Supervision Conditions --“lower the bar” or make conditions offender-specific  
Research and program evaluations have found that revocations increase when the number of special supervision conditions set at sentencing are increased. Some states have reduced the complexity and number of supervision conditions (making them more case-specific), limited the types of violations which can result in revocation, or modified responses to technical violations. |
| 6. Organizational Culture/Orientation  | Conduct Organizational Assessment to Change Orientation  
Some states have conducted organizational assessments in efforts to identify work culture factors which impact revocation rates, particularly empowering agents to utilize intermediate sanctions and emphasize rehabilitation rather than punishment. |  
Policy Change to Improve Rehabilitation Orientation  
Implement policy changes to change the focus of the department from one of monitoring and punishment to one of rehabilitation. |
|                                        | Legislative Support for Reduction in Revocation  
The Kansas legislature appropriated $4 million in 2008 to enhance risk reduction and reduce probation revocation rates by at least 20%; all counties applied for and received money to increase public safety, reduce risk level of probationers, and increase percentage of probationers successfully completing supervision |
| 7. Access to Community Resources       | Integrate P/P Functions With Community Resources  
Several states have integrated their probation and parole functions with other community services such as employment centers, substance abuse treatment, and mental health treatment. Staff and facilities are shared to increase collaboration and communication. |
| 8. Judicial Response to Revocation     | Develop Consistent Judicial Policy For Technical Violations  
Some states have worked with the legislature and judiciary impact sentencing guidelines to increase the use of graduated sanctions (non-confinement), limiting the number of jail days that can be used as a sanction, and decrease the use of incarceration as a response to revocation. |
DESCRIPTION OF DOC REVOCATION PRACTICES AND EFFORTS TO REDUCE PROBATION/PAROLE REVOCATION RATES

Overview of Revocation Process

As part of PHI’s examination of revocation for the Department, a summary of Departmental effort related to reducing revocation was created during 2008. Review of probation and parole agent training materials as well as communication with regional chiefs and agents provided an overview of the process of revocation.

According to the Department agent operations manual, the agent shall document all alleged offender violations in the Chronological Log (in red ink or highlighted in red), as well as the disposition. The Violation Report (DOC-5) may, at the agent’s discretion, be prepared in any situation where a violation occurs. However, the DOC-5 must be prepared in any of the following circumstances: 1) The offender was held in detention, 2) the offender has been charged with a new offense in State or Federal court, or 3) the violation results in a significant change in the case plan. The agent reviews the violations and recommendations with the unit supervisor. The range of dispositions can include:

1. Continue the offender under supervision because the violation allegation is unfounded;
2. Resolve alleged violations by:
   a) A formal or informal counseling session with the offender to re-emphasize the necessity of compliance with the rules or conditions; or
   b) An informal or formal warning that further violation may result in a recommendation for revocation; or
   c) A review of the rules of supervision, followed by changes in them where necessary or desirable, possibly including a return to court for a case review;
3. Consider formal alternatives to revocation (ATR), or
4. Recommend revocation for the alleged violation.

The following overview of the revocation and appeals process was received from Division of Community Corrections staff:

“Revocation is authorized by statute, sections 302.11 and 973.10, and described in Chapters DOC 331 and HA 2 of the Wisconsin Administrative Code. The procedures incorporate elements of due process set down by the United States Supreme Court in Morrissey v. Brewer and Gagnon v. Scarpelli, and the Wisconsin Supreme Court in State ex rel Plotkin v Dept. H&SS.

A person on probation or parole must abide by rules and conditions set by the court and the DOC, including the requirement that the person obey the law. A person’s probation or parole may be revoked for a violation of a rule or condition. A probation or parole agent will investigate the facts surrounding an alleged violation and discuss the allegation with the offender. The agent will prepare a violation report and discuss further action with a supervisor.”
“The violation report includes an analysis of the functional responses to the violation(s). Functional responses identify a range of dispositions of sufficient intensity to address identified issues and accomplish correctional objectives.

The decision to initiate revocation follows the standards set down by the American Bar Association, that revocation not be initiated unless:

- Revocation is necessary to protect the public,
- The offender is in need of treatment which is best provided in confinement, or
- Failure to revoke would unduly depreciate the seriousness of the violation or pattern of violations.

In addition, the DOC must consider whether actions short of revocation would adequately address a violation. At a minimum, the DOC must consider the following alternatives to revocation:

- Review and modification of the rules and conditions of supervision, including a return to court or referral to a relevant treatment program,
- A formal or informal counseling session with the offender to reemphasize the necessity of compliance with the rules, or
- A formal or informal warning that further violations could result in revocation.

If the agent and supervisor determine that revocation is appropriate, the offender receives a Notice of Violation, Recommended Action and Statement of Hearing Rights. This notice describes the specific violation(s) alleged and the rule(s) or condition(s) violated. The revocation procedure is described and the offender is advised of his or her rights at each stage of the process.

Once revocation has been initiated, the offender is entitled to a preliminary hearing before an impartial magistrate to determine if there is probable cause to believe the offender violated the rule or condition and, if so, whether the offender should be in custody pending the outcome of a final hearing. The offender has a qualified right to be represented by an attorney at the preliminary hearing. (Statutes require that preliminary revocation hearings commence within 15 working days of the date the offender went into custody. The Sheriff may release the offender if the timeframe is not met.)

A preliminary hearing is not required if:

- It is waived by the offender in writing,
- The offender has signed a statement admitting a violation,
- The offender has been bound over in a felony matter for the same conduct,
- The offender has been convicted by a court for the same conduct, or
- The offender is not being held in custody.

In these cases, the agent’s supervisor shall determine whether the offender is to be in custody pending the outcome of a final hearing.”
“Following the preliminary hearing or case review, the agent submits a **Revocation Hearing Request** to the **Division of Hearings and Appeals** (DHA). The DHA schedules a final hearing before an **Administrative Law Judge** (ALJ). Notice of the hearing date, time, and place is sent to the offender and the offender’s attorney. The offender and attorney are advised of their right to review the department’s file and evidence. *(Statutes require the final hearing to begin within 50 calendar days of the offender going into custody. The Sheriff may release the offender if the timeframe is not met.)*

At the final hearing, the ALJ determines whether the department has proven the allegations by a **preponderance of the evidence** and whether there are any feasible **alternatives to revocation**. The ALJ issues a written decision ordering that supervision be revoked or not be revoked. If the offender is on parole, the ALJ also orders the amount of time the offender will be reincarcerated. The decision of the ALJ takes effect after 10 calendar days, unless an **appeal** is filed.

Either party may appeal the decision of the ALJ. Appeals are filed with the Administrator of the DHA. The Administrator’s decision is final. If an offender wishes to further contest the revocation, a **Writ of Certiorari** must be filed in Circuit Court in the county of conviction.

If the offender is on Extended Supervision or on probation with a withheld sentence, the offender is returned to the sentencing court. In the case of an Extended Supervision violator, the court will order a term of reconfinement and, if any time remains on the sentence of imprisonment, a new term of extended supervision. In the case of a probation violator, the court will impose a sentence.

At any point, prior to the final order taking effect, the DOC may withdraw the revocation action in favor of an alternative to revocation. Formal alternatives to revocation may include participation in treatment programming in an institution, a residential program or Electronic Monitoring.”
Figure 1 provides an additional graphic illustration of the revocation process obtained from Division of Community Corrections staff, detailing the decision-making process and levels of administrative approval to move forward with revocation.

Figure 1
Revocation Process

Violation Allegation

Investigation

Continue Supervision

Release

Rev. Withdrawn ATR

Notice of Violation

Preliminary Hearing or Case Review

Waive Prob. Cause

Waive All Hearings

Final Hearing

Examiner's Decision

Not Revoked

Revoked

Appealed

Revocation Order

Sentence Imposed Institution, jail or HOC

Return to Court Sentencing
Department Efforts Related to Reducing Revocation

The two primary efforts related to reducing revocation during 2008 were those conducted by the Division of Community Corrections (DCC) and the Department’s Reentry Initiative. PHI staff interviewed William Rankin to gather information pertaining to current revocation policies and procedures, the Department’s efforts to implement the Functional Response to Violation Grid to increase consistency in agent decision-making, and the ES Sanctions option implemented to provide an additional alternative to revocation. Information related to institution-based alternative to revocation (ATR) options available to agents was obtained from Lance Wiersma (co-chair of the Department’s ATR steering committee). PHI staff also reviewed the agent training manual pertaining to ATR procedures, as well as other DCC materials relevant to revocation process and requirements. An interview was also conducted in June 2008 with Mary Kay Kollat (DOC Reentry Director) to gather information related to the Department’s offender reentry planning and efforts.

In addition to these efforts, the Department is also actively supporting the development of a Community Justice Act for Wisconsin, participation in the Justice Reinvestment Initiative, support of the Treatment Alternatives and Diversion (TAD) Program to divert non-violent offenders from the criminal justice system, collaborating with the AIM Project (Assess, Inform, and Measure) to better inform judicial decision-making, collaborating in the development and evaluation of drug treatment and specialty courts, and expansion of the Earned Release Program (ERP) to provide substance abuse treatment to incarcerated offenders.

Division of Community Corrections (DCC) Efforts: In August 2004, the DOC Secretary asked the Division of Community Corrections to examine revocation of probation and parole and recommend policy and practice improvements to decrease the rates of return to prison resulting from revocation. A Revocation Workgroup was formed with Bill Grosshans and Bill Rankin as co-chairs that included 10 probation/parole unit supervisors, seven probation/parole agents, Dennis Simonson (data steward), Denise Symdon (DAI assistant administrator), John Tradewell (state public defender’s office), Bill Lundstrom (assistant administrator of the Division of Hearings and Appeals), and Vince Varone (Division of Hearings and Appeals).

Functional Response to Violation Grid: In early Fall 2004, the Revocation Workgroup prepared a briefing document that summarized three “Functional Responses to Violations” objectives (control the offender, correct the behavior, and hold the offender accountable), as well as the appropriate agent tasks resulting from the objectives (complete investigation, review relevant facts about offender, identify correctional objectives, identify intensity of response necessary, and select appropriate disposition). The functional response grid was developed to increase consistency in agent decision-making and to identify a continuum of appropriate actions/responses to be taken by agents. This model was presented to the DCC regional chiefs at an executive management meeting in 2005. However, the functional response grid was not widely disseminated at that time. When the group again met they discussed revocation decision-making and prepared a PowerPoint presentation summarizing the workgroup recommendations:
1. **Increase available program resources** for regional capacity building, regional employment coordinators, mental health services, transportation in rural areas, programming for female offenders, and ES Sanctions option

2. **Improve program delivery options** including Coordinated Community Services Boards, revocation specialists, coordinated DOC transportation, wraparound services, flexible funding, day treatment, one-stop-shop, DOC operated treatment facility, DOC operated transitional living facility for reentry, and state/local partnerships

3. **Policy options** including increased points for agents for ATRs, evaluate programs and communicate what works, boot camp medical clearance by jail nurses, “voluntary” jail confinement ATR, develop continuum of disciplinary responses, streamline revocation for misdemeanants, community sanction boards, allow unsupervised suspended sentences and compliance orders, and continued training in revocation

In February 2008 the violation investigation report (DOC-5) and revocation summary form (DOC-1950) were modified to include the Functional Response to Violation Grid and all DCC agents received training in its use and application. Table 3 provides a partial summary of the content of the Functional Response Grid developed.

<table>
<thead>
<tr>
<th>Response Intensity</th>
<th>Description</th>
<th>Examples*</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>Offender’s freedom of movement and activity is subject to external control. Revocation (long term control).</td>
<td>Prison – ATR (intermediate term control) Court review - Jail (probation, only) Sanction, up to 90 days (ES, only)</td>
</tr>
<tr>
<td>Medium</td>
<td>Offender’s freedom of movement and activity is restricted, but not eliminated. Subject to increased monitoring.</td>
<td>Halfway House/TLP Electronic monitoring or Sobrietor Curfew Court review - modify conditions Day reporting Compliance contract HR or INT- SO supervision level Chaperone</td>
</tr>
<tr>
<td>Low</td>
<td>Does not call for additional formal restrictions. May include increased reporting or reclassification.</td>
<td>Review supervision level Modify rules Verbal/written warnings Increase collateral contacts</td>
</tr>
</tbody>
</table>

“ES Sanctions” Development and Implementation: In 1999, the State of Wisconsin Criminal Penalties Study Committee issued their final report that included recommendations related to reducing probation/parole revocation. The report stated that “the committee believes that stricter and stronger supervision of offenders on ES will reduce the number of violators returned to prison.” The report suggested three tiers of sanctions: ATR, confinement sanction, and revocation. The report recommendation related to confinement sanctions was one factor leading to the development and implementation of the Department’s “ES Sanctions” option during 2008. ES Sanctions is a short-term punitive sanction of 1-90 days incarceration in county jail or MMSDF as a response to a violation of probation/parole. Agents can exercise this option (based on the results of the Functional Response Grid) to impose immediate consequences for
parole violations that begin no later than the 10th day after the violation is documented. If the offender admits to the technical violation the agent can impose up to 90 days in jail without a hearing. However, the sheriff can refuse to admit the offender to jail due to local crowding. All ES sanctions must receive the approval of the regional chief.

**Alternatives to Revocation**

Department policy states that “Alternatives to Revocation (ATR) shall be considered in all cases.” Agents have the option of utilizing either formal or informal alternatives: An informal ATR is one utilized without serving an offender with a DOC-414 and a formal ATR is one utilized after the offender has been served a DOC-414 and has signed an Alternative to Revocation Agreement (DOC-250). ATRs may either take place in the community while the offender remains under supervision (community-based) or take place in a correctional institution or center (institution-based).

**Community-Based ATR:** Agents have a variety of alternatives to revocation at their disposal depending upon offender needs and local availability of services. Behavioral consequences for violations can range from giving verbal/written warnings, increasing contacts, and modifying supervision rules, to reviewing the supervision level, requiring a compliance contract, or requiring day reporting. More intensive community-based ATRs can include a court review to modify conditions, requiring the Sobrietor or electronic monitoring, participation in substance abuse or mental health treatment, or participation in a halfway house program or transitional living program.

**Institutional ATR:** Some ATRs may take place in correctional institutions or centers that offer residential treatment or services. The current procedure for implementing an institutional ATR is:

1. Offender is placed into custody/jail after a violation occurs.
2. Agent investigates violations and staffs the case with the unit supervisor to determine if an ATR is appropriate and that all community-based alternatives have been exhausted.
3. Agent completes the ATR referral form and sends it to the Bureau of Classification and Management (BOCM) regional contact. Agent addresses any pending criminal charges.
4. BOCM staff person contacts agent with available program offer and tentative start date. Other issues (including medical and mental health issues) impact placement decisions.
5. Agent accepts placement, but must secure regional office approval if program start date is more than 60 days away.
6. Offender must agree and sign a formal Alternative to Revocation agreement.
7. Agent completes all additional required paperwork.
8. Agent facilitates transportation from the jail to the institution on a predetermined date prior to the ATR program start date.
9. An Internal Management Procedure (dated 9/13/2004) indicates that agents must initiate monthly telephone/in person contact with the social worker/treatment provider to discuss case progress during the period of the ATR, and participate in staffings and discharge planning.
Table 4 details the institution-based ATRs available within the Division of Adult Institutions (DAI) in 2008. The options vary both in length (30-365 days) and vary in programming and service content. Programming includes substance abuse treatment, mental health treatment, employment training, educational services, and sex offender treatment.

<table>
<thead>
<tr>
<th>ATR Type</th>
<th>ATR Type</th>
<th>Beds</th>
<th>Length</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Challenge Incarceration Program (CIP)</td>
<td>Treatment</td>
<td>15</td>
<td>180 days</td>
<td>M</td>
</tr>
<tr>
<td>St. Croix Correctional Center (SCCC)</td>
<td>NA</td>
<td>2</td>
<td>30-180</td>
<td>M</td>
</tr>
<tr>
<td>Chippewa Valley Treatment Facility (CVTF)</td>
<td>Treatment</td>
<td>35</td>
<td>120 days</td>
<td>M</td>
</tr>
<tr>
<td>Columbia Correctional Institution (CCI)</td>
<td>Sanction</td>
<td>5</td>
<td>90 days</td>
<td>M</td>
</tr>
<tr>
<td>Flambeau Correctional Center (FCC)</td>
<td>Treatment</td>
<td>4</td>
<td>120 days</td>
<td>M</td>
</tr>
<tr>
<td>Gordon Correctional Center (GCC)</td>
<td>Treatment</td>
<td>4</td>
<td>90-180</td>
<td>M</td>
</tr>
<tr>
<td>John C Burke Correctional Center (JFCC)</td>
<td>Program</td>
<td>8</td>
<td>30-180</td>
<td>F</td>
</tr>
<tr>
<td>McNaughton Correctional Center (MCC)</td>
<td>Employment</td>
<td>3</td>
<td>120 days</td>
<td>M</td>
</tr>
<tr>
<td>Milwaukee Secure Detention Facility (MSDF)</td>
<td>Treatment</td>
<td>176</td>
<td>90-120</td>
<td>M</td>
</tr>
<tr>
<td>Milwaukee Women’s Correctional Center</td>
<td>Treatment</td>
<td>10</td>
<td>180 days</td>
<td>F</td>
</tr>
<tr>
<td>Oakhill Correctional Institution (OCI)</td>
<td>Treatment</td>
<td>18</td>
<td>120 days</td>
<td>M</td>
</tr>
<tr>
<td>Oshkosh Correctional Institution (OSCI)</td>
<td>Treatment</td>
<td>5</td>
<td>365 days</td>
<td>M</td>
</tr>
<tr>
<td>Prairie du Chien Correctional Institution (PDCI)</td>
<td>Program</td>
<td>10</td>
<td>90 days</td>
<td>M</td>
</tr>
<tr>
<td>Racine Correctional Institution (RCI)</td>
<td>Sex offender</td>
<td>12</td>
<td>75-120</td>
<td>M</td>
</tr>
<tr>
<td>Racine Youthful Offender Correctional Facility (RYCF)</td>
<td>Treatment</td>
<td>2</td>
<td>90-180</td>
<td>M</td>
</tr>
<tr>
<td>Robert E Ellsworth Correctional Center (REECC)</td>
<td>Program</td>
<td>8</td>
<td>90 days</td>
<td>F</td>
</tr>
<tr>
<td>Sturtevant Transitional Facility (STF)</td>
<td>Treatment</td>
<td>50</td>
<td>90-120</td>
<td>M</td>
</tr>
<tr>
<td>Taycheedah Correctional Institution (TCI)</td>
<td>Treatment</td>
<td>12</td>
<td>120-140</td>
<td>F</td>
</tr>
<tr>
<td>Strength Treatment Program (STP)</td>
<td>Treatment</td>
<td>4</td>
<td>280-350</td>
<td>F</td>
</tr>
</tbody>
</table>

Note. The co-chair of the Institution ATR Committee indicated that the majority of ATRs are placed at MMSDF and STF.

Department Reentry Initiative

In addition to DCC efforts to impact revocation rates, the Department has begun an ongoing Reentry Initiative. Mary Kay Kollat (Reentry Director) was brought on board in March of 2007 and Kristi Dietz (Reentry Project Manager) was hired in October 2008 to develop and implement the initiative to improve reentry of offenders. The vision of the Initiative is to promote public safety and offender success from admission to custody through reentry and supervision in the community. The initiative focuses on successful return to the community the day they enter prison, not just in the period prior to release. PHI interviewed Mary Kay Kollat during 2008 to gather information related to reentry efforts.

The Department’s current focus on reentry began in 2005 when Richard Stroker of the Center for Effective Public Policy (CEPP) trained 200 DOC staff on principles of reentry. A reentry steering committee was formed with Quala Champagne and Denise Symdon as co-chairs, and DAI, DCC, and DJC represented. Reentry “charters” (plans) and committees were formed related to 11 topics that included mental health, pre-release, female offenders, employment,
mentorship, case planning, etc. CEPP staff again consulted with Department Administrators in November 2007.

The pre-release committee (charter) facilitated multiple policy and practice changes. First, all inmates with sentences of 12 months or more are required to get two pre-release contacts from their agent while incarcerated (phone, in-person, or video) and complete release planning (form DOC-1266). Although continuity of assigned agents has been a concern (many offenders are assigned different agents for before and after release), discussions have taken place to make agents part of a continuous reentry plan. Second, each institution has a pre-release coordinator to facilitate implementation of reentry policies and practices. Third, a pre-release curriculum was adopted for all institutions that contains 10 modules and was formalized with DAI Policy #300.00.14 (2/11/08) and DCC Administrative Directive AD-08-01. Fourth, the Reentry Initiative identified the development of a unified case plan approach that involves both DAI and DCC staff as a priority.

Additional plans are underway for (1) a project to provide offenders with Wisconsin identification cards prior to release in collaboration with the Social Security Department, DHS, and DOT, (2) a mentorship program to begin in Summer 2009, (3) changing the administrative code regarding the use and maximum amount of release funds allowed (increasing cap of $500), and (4) requesting a waiver allowing use of institutional addresses for application for FoodShare benefits prior to release.

According to the Reentry Director, the Initiative developed a business plan in April 2008 which included five priorities: (1) Assessment of risk/need, (2) case planning and supervision, (3) interventions, programs, and services, (4) data information and management, and (5) organizational communication (infusing reentry principles throughout the department).

A Reentry Executive Team was assembled in 2008 which consisted of Quala Champagne (community corrections), Earl Fischer (management services), Denise Symdon (adult institutions), Silvia Jackson (juvenile corrections), and Joe Winston (victim services). As of June 2008, the Reentry Director was developing a workplan to implement the business plan. In early 2009, changes to the Reentry Executive Team were made. The team is now comprised of the following Division Administrators: Quala Champagne, Bill Grosshans, Margaret Carpenter, Earl Fischer, Jo Winston, Kristi Dietz, and Mary Kay Kollat. The Reentry Director and Project Manager provided training regarding the reentry initiative during 2008 to DAI and DCC Supervisors, new staff, Bureau of Technology Management staff, human resources staff, and Union leadership. In addition, the DOC developed a periodic Departmental newsletter which has highlighted Reentry Initiative progress in each edition.

According to the Reentry Director, a separate team was assembled in 2009 to research and review evidence-based criminal risk assessment tools. This effort comparing the DOC-502 risk and needs assessment tool currently utilized by the Department to other available assessment tools has resulted in a recommendation by the team that the Department procure a different proprietary risk and needs assessment tool.
REVOCATION DATA COLLECTION METHODOLOGY

Aggregate Historical Revocation Analysis

PHI received the aggregate data extract in mid-September 2008 that included all individuals admitted to prison with “no new sentence” from 1/1/2003-12/31/2007 (using the updated admission type code if it was changed after prison admission). Excluded from the dataset were offenders admitted to prison as temporary probation and parole holds, institutional ATRs, and those who had matching admission and release dates (not physically admitted). Sex offenders were excluded from the dataset by PHI using three separate procedures: exclusion by statute, exclusion through a match in DOC’s sex offender registry, and exclusion through any mention of sex offender/offense by the agent in the OATS narrative ledger. PHI manually collected any missing data related to race, supervision region, and agent data using DOC administrative systems to complete the dataset.

Within the dataset utilized for analysis, there were 20,315 prison admissions with no new sentence during the five-year period of interest. Table 5 details the distribution of cases within the dataset of offenders with multiple prison admissions between 2003-2007. More than 7,000 offenders (36%) were revoked more than once during the selected time period.

<table>
<thead>
<tr>
<th># Prison Admission Episodes</th>
<th>Number of Offenders</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>13,034</td>
<td>64%</td>
</tr>
<tr>
<td>2</td>
<td>5,718</td>
<td>28%</td>
</tr>
<tr>
<td>3</td>
<td>1,344</td>
<td>7%</td>
</tr>
<tr>
<td>4</td>
<td>204</td>
<td>1%</td>
</tr>
<tr>
<td>5</td>
<td>15</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Total</td>
<td>20,315</td>
<td>100%</td>
</tr>
</tbody>
</table>

Of the total dataset, 79% (16,096) had both complete revocation admission data and number of prior prison admission data. Of the total dataset, 62% (12,534) had both complete revocation admission data and DOC-502 assessment data. Of the total dataset, 49% (9,998) had complete data for all three types (admission data, DOC-502 data, and number of prior prison admissions).

In addition, summary data of the number of offenders under community supervision for the timeframe of interest were obtained separately from the Department. These tables contained the number of offenders supervised each year by supervision region and race, and were utilized to manually calculate the proportion of all supervised offenders revoked.

Analyses of racial disparities utilizing the aggregate dataset were conducted including those cases with a race designation of “white” or “black” in DOC administrative data. Cases with a race designation of “Native American Indian” or “Asian” were excluded. White includes Hispanic offenders.
Case-Level Abstraction Of Random Sample Of Offenders

Detailed information related to the reason for revocation and the agent responses to offender behaviors during supervision are not readily available to the Department. To gain insight into the events and actions leading to revocation the current effort conducted in-depth case reviews of narrative and electronic data for a random sample of 200 revocation cases.

The case-level sample consisted of 200 offenders who were admitted to prison with no new sentence as a result of revocation due to violation of probation/parole. These 200 episodes of revocation were randomly sampled by DCC region from the aggregate dataset received to proportionally represent revocation rates by region. Table 6 presents the number of cases in each DCC region in the overall aggregate dataset, the proportion of cases in each region in the aggregate dataset, and the number of cases randomly selected for in-depth abstraction within each region.

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of cases in aggregate dataset</th>
<th>Percent of cases in aggregate dataset</th>
<th>Number randomly selected from each region</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2,050</td>
<td>10%</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>2,437</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>3</td>
<td>9,421</td>
<td>47</td>
<td>94</td>
</tr>
<tr>
<td>4</td>
<td>1,691</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>5</td>
<td>754</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>1,044</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>7</td>
<td>1,612</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>8</td>
<td>1,306</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>TOTAL</td>
<td>20,315</td>
<td>100%</td>
<td>200</td>
</tr>
</tbody>
</table>

In addition to supervision region, the gender and race of offenders randomly selected for the case-level analysis closely mirrored the gender and race distribution of the offenders in the aggregate dataset (Table 7).

<table>
<thead>
<tr>
<th></th>
<th>Population (N=20,315)</th>
<th>Random Sample (N=200)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>90%</td>
<td>90%</td>
</tr>
<tr>
<td>Female</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Black</td>
<td>50%</td>
<td>51%</td>
</tr>
<tr>
<td>White (includes Hispanic)</td>
<td>45</td>
<td>47</td>
</tr>
<tr>
<td>American Indian</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>
Based on the literature review, PHI developed a data collection form and corresponding Microsoft Access database to allow abstraction and summary of the revocation data across multiple sources. In addition to documenting the revocation process (dates, etc.), the database summarized the offender behaviors that led to specific agent responses prior to revocation based on agent chronological narratives. The following documents were reviewed (if available) for each of the 200 offenders in the case-level abstraction sample:

- Pre-sentence Investigation;
- Supervision Violation Reports (DOC-5);
- Revocation Summary (DOC-1950);
- Revocation Order;
- DOC-502 risk/needs assessment results;
- DOC-506 classification summary;
- DOC-175 assessment;
- DOC-503 termination summary;
- DOC-10 supervision rules;
- Revocation hearing disposition;
- Chronological narrative agent contact logs;
- DAI timeline from WICS; and
- CCAP arrest, conviction, and sentencing data.

From these sources PHI abstracted and quantified selected data pertaining to the revocation episode selected for in-depth examination. The in-depth examination included collection of selected offender demographics, criminal risk/need assessment and classification results (DOC-502 and DOC-506), and a summary of the offender behaviors and agent responses that lead up to the revocation incarceration from chronological narratives. The data abstraction also included collection of information related to the revocation hearing and sentencing process. Data related to governing offense sentence type and length was gathered from pre-sentence investigation reports and from CCAP summaries for each case. Data related to disposition of cases for new offenses occurring while under community supervision were gathered from CCAP. Abstraction of these data began in September 2008 and was completed in February 2009.

After gathering, documenting, and summarizing the information available within DOC’s administrative data systems, PHI identified the data elements most critical to addressing the goals of the current study. Table 8 summarizes these data elements and their locations within each data system to determine the availability of crucial information for the case-level abstraction of revocation data.
<table>
<thead>
<tr>
<th>Dataset Element</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOC ID</td>
<td>CIPIS</td>
</tr>
<tr>
<td>Offender Last Name</td>
<td>CIPIS</td>
</tr>
<tr>
<td>Offender First Name</td>
<td>CIPIS</td>
</tr>
<tr>
<td>Offender Middle Initial</td>
<td>CIPIS</td>
</tr>
<tr>
<td>Offender Alias(es)</td>
<td>CIPIS</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>CIPIS</td>
</tr>
<tr>
<td>Gender</td>
<td>CIPIS</td>
</tr>
<tr>
<td>Race</td>
<td>WICS</td>
</tr>
<tr>
<td>Date of Correct Supervision Episode</td>
<td>OATS</td>
</tr>
<tr>
<td>Supervision Type</td>
<td>OATS</td>
</tr>
<tr>
<td>Date of Prison Release to Parole for Target Revocation Episode</td>
<td>WICS</td>
</tr>
<tr>
<td>Agent Number(s)</td>
<td>OATS</td>
</tr>
<tr>
<td>Unit Number</td>
<td>OATS</td>
</tr>
<tr>
<td>County of Supervision</td>
<td>Regional Databases</td>
</tr>
<tr>
<td>Supervision Level at Revocation</td>
<td>WICS</td>
</tr>
<tr>
<td>DOC Risk Score (DOC-502): date completed and overall, risk, and needs scores</td>
<td>OATS</td>
</tr>
<tr>
<td>DOC-506 classification scores closest to the revocation date</td>
<td>OATS</td>
</tr>
<tr>
<td>Date, technical violation/behavior, agent response(s), and whether violation report (DOC-5) was filed as a result</td>
<td>EChrono</td>
</tr>
<tr>
<td>Total Number of Technical Violations During Episode of Supervision</td>
<td>EChrono</td>
</tr>
<tr>
<td>Total Number of ATRs-Attempted</td>
<td>EChrono</td>
</tr>
<tr>
<td>Date First DOC-5 Filed</td>
<td>EChrono</td>
</tr>
<tr>
<td>Date Revocation Summary (DOC-1950) Filed</td>
<td>EChrono</td>
</tr>
<tr>
<td>DOC-1950 Justifications/Reasons for Revocation</td>
<td>OnBase</td>
</tr>
<tr>
<td>DOC-1950 Agent Recommendation</td>
<td>Agent Folder</td>
</tr>
<tr>
<td>DOC-1950 Additional Circumstances</td>
<td>Agent Folder</td>
</tr>
<tr>
<td>DOC-175 Client Management Classification information (date completed, number of prior offenses, number of prior prison incarcerations, prior probation/parole, education, marital status)</td>
<td>OATS</td>
</tr>
<tr>
<td>Date DOC-44 Completed</td>
<td>Regional Database</td>
</tr>
<tr>
<td>Date Approved by Regional Chief</td>
<td>Regional Database</td>
</tr>
<tr>
<td>Date of Preliminary Revocation Hearing</td>
<td>OnBase</td>
</tr>
<tr>
<td>Date of Final Revocation Hearing</td>
<td>OnBase</td>
</tr>
<tr>
<td>Date of Revocation</td>
<td>Regional Database</td>
</tr>
<tr>
<td>Revocation Hearing Results</td>
<td>OnBase</td>
</tr>
<tr>
<td>Disposition Information</td>
<td>OnBase</td>
</tr>
<tr>
<td>Date of Sentencing</td>
<td>OnBase</td>
</tr>
<tr>
<td>Sentence Description</td>
<td>OnBase</td>
</tr>
<tr>
<td>Sentence: Number of prison days</td>
<td>OnBase</td>
</tr>
<tr>
<td>Sentence: Number of jail days</td>
<td>OnBase</td>
</tr>
<tr>
<td>Sentence: Fine (in dollars)</td>
<td>OnBase</td>
</tr>
<tr>
<td>Sentence: Restitution (in dollars)</td>
<td>OnBase</td>
</tr>
<tr>
<td>Sentence: Additional supervision (in months)</td>
<td>OnBase</td>
</tr>
<tr>
<td>Sentence: Additional supervision rules</td>
<td>OnBase</td>
</tr>
<tr>
<td>Sentence: Community service (in hours)</td>
<td>OnBase</td>
</tr>
<tr>
<td>Date of Prison Readmission</td>
<td>OnBase</td>
</tr>
<tr>
<td>Date of Release from Prison Episode after Revocation</td>
<td>OnBase</td>
</tr>
<tr>
<td>Jail Credit Days</td>
<td>OnBase</td>
</tr>
<tr>
<td>Termination Summary (DOC-503)</td>
<td>OnBase</td>
</tr>
<tr>
<td>Supervision Requirements</td>
<td>OnBase</td>
</tr>
</tbody>
</table>
Coding of Case-Level Data Collected Related to Agent Decision-Making

Once the narrative and administrative data have been collected for each randomly sampled case, the qualitative data was thematically coded by PHI research staff. Coding schemes were developed for (a) offender behaviors and (b) agent responses with the assistance of community corrections administrative staff. Each offender behavior or behavioral event was coded into one of four categories developed with the assistance of DCC staff (Table 9).

<table>
<thead>
<tr>
<th>Behavior Category</th>
<th>Offender Behavior</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal behaviors or</td>
<td>New arrest</td>
</tr>
<tr>
<td>criminal justice contacts</td>
<td>Drug possession/ manufacture/deliver</td>
</tr>
<tr>
<td></td>
<td>OWI</td>
</tr>
<tr>
<td></td>
<td>Disorderly conduct</td>
</tr>
<tr>
<td></td>
<td>Theft</td>
</tr>
<tr>
<td></td>
<td>Drive without license</td>
</tr>
<tr>
<td></td>
<td>Drug use</td>
</tr>
<tr>
<td>Violent behaviors</td>
<td>Weapon</td>
</tr>
<tr>
<td></td>
<td>Threaten</td>
</tr>
<tr>
<td></td>
<td>Stalking</td>
</tr>
<tr>
<td>Substance use and related behaviors</td>
<td>Abscond - AOD use</td>
</tr>
<tr>
<td></td>
<td>Alcohol use</td>
</tr>
<tr>
<td></td>
<td>Positive PBT</td>
</tr>
<tr>
<td></td>
<td>Refuse UA/PBT</td>
</tr>
<tr>
<td></td>
<td>Fail to attend treatment</td>
</tr>
<tr>
<td>Violate supervision rules</td>
<td>Abscond</td>
</tr>
<tr>
<td></td>
<td>Fail report</td>
</tr>
<tr>
<td></td>
<td>Electronic monitor alert</td>
</tr>
<tr>
<td></td>
<td>Fail to be at home visit</td>
</tr>
<tr>
<td></td>
<td>Leave county</td>
</tr>
<tr>
<td></td>
<td>Leave state</td>
</tr>
<tr>
<td></td>
<td>Missed curfew</td>
</tr>
<tr>
<td></td>
<td>Police contact</td>
</tr>
<tr>
<td></td>
<td>Fail pay fees</td>
</tr>
<tr>
<td></td>
<td>Contact victim</td>
</tr>
<tr>
<td></td>
<td>Inappropriate relationship</td>
</tr>
</tbody>
</table>

Table 9: Coding Scheme for Offender Behaviors or Behavioral Events

<table>
<thead>
<tr>
<th>Behavior Category</th>
<th>Offender Behavior</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Positive UA</td>
</tr>
<tr>
<td></td>
<td>Tamper UA</td>
</tr>
<tr>
<td></td>
<td>Bail jumping</td>
</tr>
<tr>
<td></td>
<td>Fail pay child support</td>
</tr>
<tr>
<td></td>
<td>Fail comply w/law enforcement</td>
</tr>
<tr>
<td></td>
<td>Obstruct officers</td>
</tr>
<tr>
<td></td>
<td>Escape (run from police)</td>
</tr>
<tr>
<td></td>
<td>Abusive behavior</td>
</tr>
<tr>
<td></td>
<td>Aggressive behavior</td>
</tr>
<tr>
<td></td>
<td>Fail to complete treatment</td>
</tr>
<tr>
<td></td>
<td>Refused counseling</td>
</tr>
<tr>
<td></td>
<td>Associate with drug user</td>
</tr>
<tr>
<td></td>
<td>Enter liquor store/bar</td>
</tr>
<tr>
<td></td>
<td>Inappropriate residence</td>
</tr>
<tr>
<td></td>
<td>Fail to report address change</td>
</tr>
<tr>
<td></td>
<td>Lied to agent</td>
</tr>
<tr>
<td></td>
<td>Poor employment</td>
</tr>
<tr>
<td></td>
<td>Refuse to sign info releases</td>
</tr>
<tr>
<td></td>
<td>Associate with criminal</td>
</tr>
<tr>
<td></td>
<td>Drive w/o agent permission</td>
</tr>
<tr>
<td></td>
<td>Inappropriate possession</td>
</tr>
<tr>
<td></td>
<td>Associate with gang</td>
</tr>
<tr>
<td></td>
<td>Traffic offense</td>
</tr>
</tbody>
</table>
Each agent response to an offender behavior or behavioral event was coded into one of three categories developed based on DOC’s *Functional Response to Violations* grid (Table 10).

<table>
<thead>
<tr>
<th>Response Intensity</th>
<th>Agent Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High</strong></td>
<td></td>
</tr>
<tr>
<td>Offender’s freedom of movement is subject to external control; Intensive intervention is required to address issue</td>
<td>'formal treatment ATR'</td>
</tr>
<tr>
<td></td>
<td>'revocation filed'</td>
</tr>
<tr>
<td></td>
<td>'formal prison ATR'</td>
</tr>
<tr>
<td></td>
<td>'request warrant'</td>
</tr>
<tr>
<td></td>
<td>'formal jail ATR'</td>
</tr>
<tr>
<td></td>
<td>'apprehension request'</td>
</tr>
<tr>
<td></td>
<td>(excludes absconders)</td>
</tr>
<tr>
<td></td>
<td>'formal diversion prog ATR'</td>
</tr>
<tr>
<td></td>
<td>'jail'</td>
</tr>
<tr>
<td></td>
<td>'jail 1-2 days'</td>
</tr>
<tr>
<td></td>
<td>'jail 3-7 days'</td>
</tr>
<tr>
<td></td>
<td>'jail 8+ days'</td>
</tr>
<tr>
<td><strong>Medium</strong></td>
<td></td>
</tr>
<tr>
<td>Offender’s freedom of movement and activity is restricted, but not eliminated; Subject to increased monitoring</td>
<td>'increase curfew'</td>
</tr>
<tr>
<td></td>
<td>'community service'</td>
</tr>
<tr>
<td></td>
<td>'extend supvsn'</td>
</tr>
<tr>
<td></td>
<td>'MH referral'</td>
</tr>
<tr>
<td></td>
<td>'increase supvsn level'</td>
</tr>
<tr>
<td></td>
<td>'MH treatment'</td>
</tr>
<tr>
<td></td>
<td>'refer to AOD tx'</td>
</tr>
<tr>
<td></td>
<td>'anger mangmt'</td>
</tr>
<tr>
<td></td>
<td>'increase AOD tx'</td>
</tr>
<tr>
<td></td>
<td>'alt to jail agreement'</td>
</tr>
<tr>
<td></td>
<td>'verify tx attend'</td>
</tr>
<tr>
<td></td>
<td>'restricted driving'</td>
</tr>
<tr>
<td></td>
<td>'ignition interlock'</td>
</tr>
<tr>
<td></td>
<td>'halfway house'</td>
</tr>
<tr>
<td></td>
<td>'sobriety'</td>
</tr>
<tr>
<td></td>
<td>'elec monitor'</td>
</tr>
<tr>
<td></td>
<td>'home detention'</td>
</tr>
<tr>
<td><strong>Low</strong></td>
<td></td>
</tr>
<tr>
<td>Does not call for additional formal restrictions; May include increased reporting, reclassification</td>
<td>'reprimand'</td>
</tr>
<tr>
<td></td>
<td>'contact collateral'</td>
</tr>
<tr>
<td></td>
<td>'relapse plan'</td>
</tr>
<tr>
<td></td>
<td>'send letter'</td>
</tr>
<tr>
<td></td>
<td>'informal counseling'</td>
</tr>
<tr>
<td></td>
<td>'extend tx'</td>
</tr>
<tr>
<td></td>
<td>'formal warning'</td>
</tr>
<tr>
<td></td>
<td>'payment plan'</td>
</tr>
<tr>
<td></td>
<td>'thinking report'</td>
</tr>
<tr>
<td></td>
<td>'paper assignment'</td>
</tr>
<tr>
<td></td>
<td>'increase home visits'</td>
</tr>
<tr>
<td></td>
<td>'wage assessment completed'</td>
</tr>
<tr>
<td></td>
<td>'increase reporting'</td>
</tr>
<tr>
<td></td>
<td>'app request for abscond'</td>
</tr>
<tr>
<td></td>
<td>'increase UA/PBT'</td>
</tr>
<tr>
<td></td>
<td>'refer to AOD assessment'</td>
</tr>
<tr>
<td></td>
<td>'fine'</td>
</tr>
<tr>
<td></td>
<td>'restitution'</td>
</tr>
<tr>
<td></td>
<td>'refer to CEPP'</td>
</tr>
<tr>
<td></td>
<td>'refer to employ progr'</td>
</tr>
<tr>
<td></td>
<td>'provide job log'</td>
</tr>
<tr>
<td></td>
<td>'meet with employer'</td>
</tr>
<tr>
<td></td>
<td>'refer to education'</td>
</tr>
<tr>
<td></td>
<td>'refer to mentoring'</td>
</tr>
<tr>
<td></td>
<td>'reprimand + tx referral'</td>
</tr>
<tr>
<td></td>
<td>'reprimand + home visit'</td>
</tr>
<tr>
<td></td>
<td>'reprimand + contact tx provider'</td>
</tr>
<tr>
<td></td>
<td>'reprimand + increase UA/PBT'</td>
</tr>
<tr>
<td></td>
<td>'home visit + call collateral'</td>
</tr>
<tr>
<td></td>
<td>'home visit + phone contact'</td>
</tr>
<tr>
<td></td>
<td>'reprimand + increase reporting'</td>
</tr>
<tr>
<td></td>
<td>'home visit'</td>
</tr>
<tr>
<td></td>
<td>'attempt phone contact'</td>
</tr>
<tr>
<td></td>
<td>'contact tx provider'</td>
</tr>
</tbody>
</table>

**for absconders:** if there is a second agent response to a behavior other than “apprehension request” it was used as the agent response; if no second response code as “apprehension request for absconder”
These coding schemes were utilized to quantify the series of offender behaviors and associated agent responses that preceded agent filing for revocation and subsequent admission to prison with no new sentence. Through a comprehensive review of the agent chronological log and supporting materials for each case, two overall indicators of agent decision-making were developed based on these coding two schemes:

- Agent use of graduated responses and alternatives to revocation, and
- Consistency of agent response with offender behavior and with current agency practice.

The use of graduated responses by agents was rated based upon the documentation of agent responses to offender behaviors in the chronological log. Two researchers independently reviewed and rated each case in the case-level sample to determine the presence of graduated responses. There was a 98% concordance rate between the two raters. Agent responses were classified into low, medium and high responses based on the Functional Response to Violation Grid. For cases in which the agent used responses of increasing intensity to escalating offender behaviors, the agent was considered to have used a graduated response. For cases in which agents did not respond with increasing intensity to escalating offender behaviors, such as when an agent simply continued to reprimand an offender regardless of escalating offender behaviors, the agent was not considered to have used a graduated response.

Following the rating of the presence of graduated responses, the two researchers again independently reviewed and rated each case to assess whether the agent’s response(s) were consistent with offender behaviors as well as current agency practice throughout the period of the offender’s supervision episode. There was a 93% concordance rate between the two raters. For cases in which the agent responded to offender behaviors with a combination of graduated responses, community-based alternatives to revocation (ATR), repeated attempts over a period of time to encourage offender success in the community, or filed for revocation in response to a new offense, the agent was rated as having responded in accordance with offender behaviors and current agency practice. The researchers also included consideration of the length of the supervision episode, the number of contacts and/or events in the chronological log, the length of time between events while on supervision, new offenses in which decisions to revoke were not made by the agent, absconder status triggering revocation, and commission of OWI offenses which trigger revocation when determining whether the agent acted in accordance with offender behaviors and current agency practice. For cases in which the agent either revoked the offender too quickly or did not use community-based alternatives to revocation, graduated sanctions and repeated attempts over time to encourage offender success in the community, the agent was rated as having NOT responded in accordance with offender behavior and current agency practice.

Supervision Rules

PHI requested copies of the supervision rules (DOC-10) from regional office staff for each of the 200 randomly sampled cases. The number of supervision rules on the forms received was coded and entered into the dataset.
**BEST PRACTICES REVIEW REFERENCES**

<table>
<thead>
<tr>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Fabelo, T. and Gunter, A. (2005). Organizational assessment of Travis County community supervision and corrections department: facing the challenges to successfully implement the Travis Community Impact Supervision Model. The JFA Institute, Washington DC.</td>
</tr>
<tr>
<td>Reference</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Reference</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>


Wisconsin Department of Corrections (2008, February). Point in time summary of number of offenders currently incarcerated for revocation of supervision due to technical violation. Personal communication.

**Best Practices in Reducing Revocation:**

**UW Population Health Institute Telephone Interview Protocol For States**

Name:
Phone Number:
Email Address:
State:
Organization:

**Introduction:**
Hello. My name is __________, and I am calling on behalf of the University of Wisconsin Population Health Institute. We are working with the Wisconsin Department of Corrections on a study involving revocation of technical violators, and I would like to ask you some questions about the revocation of probation/parole of technical violators in State. Would you be the correct person to talk to about what State has done to address the revocation of technical violators and to obtain any materials or reports that you might be willing to share?

**NO** → Who would be the correct person to contact? Can I say that you referred me to them?
Name:
Organization:
Phone Number:
Email address:

**YES** → Our discussion will take about 30-45 minutes. Is now a good time or can we schedule a time to talk in the coming week that works better for you?

Date:
Time:
Number to call:
Email address to send confirmation of day/time to:

**Notes/Comments:**

I’ll begin by asking you for a bit of history on how your state has addressed issues related to revocation of technical violators and what efforts have been made to gather information related to these issues. Then I’ll be asking you about any changes to your policies and to your practices that resulted from those efforts.
General Overview and History

1. What has your state done to examine policies and practices related to probation and parole revocation for technical violators? When did this occur?

2. What was the history behind the effort? Did you contact other states to find out what they had done?

3. What information was gathered? When? Who gathered it? Did you have assistance from outside organizations in data collection, analysis, or recommending improved policies and practices? What organizations? Was the focus on probation, parole, or both?

4. What were the results of this effort to gather information? What were the primary findings?

5. What was done with this information? Who received it? Who made the final decisions (committees, administrators, etc.) based on the information received?

6. Did any of the findings address racial disparities in revocation in your state? What questions were asked and what were the findings?

7. What teams, councils, or committees were formed as a result of the findings?

Policy Impacts

8. What policies were created or modified to reduce the number of revocations? Were there separate efforts for probation and parole? When were these changes made?

9. Were any formal plans, goals, or objectives formulated as a result of these policy changes? What?

10. Were staff and other stakeholders engaged in the change process? Were other programs and efforts (i.e., reentry programs, drug treatment courts, etc.) integrated into some part of the change?

11. How were they implemented – internally authorized, legislative approval, etc.?

12. What have been the positive results of these changes in policy? If none yet or not measured: What are the anticipated positive impacts of these policy changes?

13. Were there any negative results of these policy changes? What are some of the policies that were not successful and what would you recommend as an improved alternative?
**Practice Impacts**

14. What **practices** were modified or created to reduce the number of revocations as a result of each of these policy changes? Were there separate practices for probation and parole? When were these changes made?

15. Were staff and other stakeholders engaged in the change process - how?

16. How were the changes implemented – changes to forms or computer systems, staff training, etc.?

17. What have been the positive results of these changes in practice? If none yet or not measured: What are the **anticipated** positive impacts of these practices

18. What were the negative results? What are some of the practices that were not successful and what would you recommend as an improved alternative?

**Additional Information**

19. Has your state implemented any procedures to monitor and evaluate the probation and parole revocation process as a result of these efforts?

20. Who else would you recommend that we contact to learn more about this?

21. Are there any key materials that you can think of that would help us have a better understanding or gain more knowledge of this topic?

For your state, we have already obtained copies of (report names/dates):

1. 
2. 
3. 
4. 

**Thank you so much for your time today. Please feel free to contact me if you think of other important activities or materials that might be helpful to us in our study.**