

# *Incentives in State Probation Systems: Relation to Structure and Practices*

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## *I. Executive Summary*

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Our criminal justice system uses many tools to improve public safety and punish criminals. Among them, incarceration has a role, but has many drawbacks. It is particularly expensive to house prisoners, and while prisoners spend time in prison, they can lose contact with their families and communities, they lose valuable social and labor skills, and they spend most of their time with peers who have also committed serious crimes. It is more appropriate to sentence some offenders to a probation term; when those offenders are instead imprisoned, everyone loses.

However, an ineffective probation system can result in further criminal acts and the imprisonment of those same offenders before they complete their terms. Poorly-administered probation is a waste of time and money and fails to reduce crime. For these reasons, an effective probation system is an invaluable part of an effective criminal justice system.

But how do we support an effective probation system? Fifty states and the District of Columbia each have their own approach, with varying bureaucratic structures, funding mechanisms, and specialized programs. The result is that the four million people on state probation across the country face a patchwork of probation practices.

In general, judges and probation officers have the greatest influence on the outcomes for potential and active probationers. They have the power to make decisions about sentence severity, length, and terms. Judges and probation officers, like everyone else, respond to *incentives* when making decisions. These individual decisions can dramatically change an offender's life, for better or for worse. These decisions, in aggregate, can have a profound social and economic impact. In the following report, we review how varying structures, funding, and values in state probation can impact incentives faced by these integral members of the criminal justice system.

### **PURPOSE OF REPORT**

Justice Fellowship commissioned Anderson Economic Group to perform research and analysis on a variety of state probation systems and consider the incentives driving the outcomes of those probation systems. We looked at probation agencies with different state and local structures and funding mechanisms and asked the following questions:

- What are the incentives motivating administrators, judges, and probation officers?
- Do these incentives have a noticeable effect on their stated goals and their practices?

## OVERVIEW OF APPROACH

Due to difficulty in obtaining internal data from probation agencies, we relied primarily on public statements, data, and third-party research for the analysis presented in this report. Using these resources, we characterized the structure of probation administration in all fifty states. In addition, for a group of eight states which represented a variety of these structures, we gleaned the following information with respect to their probation administration:

- Detailed probation agency structure;
- Funding mechanism, and its relation to funding for prisons;
- Mission statement;
- Publicly available metrics, such as probationer population, number of revocations, and recidivism rates;
- Any unique programs or features; and,
- Publicly available guidelines for probation officers and judges.

Using this information, we sought to shed light on the relationship between various agency structures, funding mechanisms, and practices. We also used information on the size of the state and geographical location to determine their impact on probation practices.

## OVERVIEW OF FINDINGS

In our research and analysis, we found that the structure of probation agencies affects the incentives faced by judges, probation officers, and administrators who make key decisions. Specifically, we found the following results:

*1. Many states house their probation agencies in the department of corrections, alongside prison administration. In those cases, administrators have an incentive to increase the number of offenders on probation while decreasing the amount of probation funding.*

In some states, probation agencies are a part of the department of corrections. Administrators of large government agencies face significant budget pressures. Even if they would like to take a long-term view and make smart investments, it can be prohibitively difficult to do so in the face of operational demands in the short term. For that reason, placing a probation department in the department of corrections can lead to increased utilization of probation and underfunding of probation at the same time.

*Overutilization.* Because the annual cost of an offender on probation is much less than the annual cost of an offender in prison, it is always in the department's short-term interest to place offenders in probation programs, insofar as they have an influence on that process.

*Underfunding.* The department of corrections is supported by appropriations from the state legislature, and the head administrator in corrections almost always has discretion over the allocation of the bulk of those funds. (On some

occasions, the legislature requires that funds be used in a specified way.) Therefore, allocating funds to probation will result in fewer funds for other corrections needs, such as payroll and pensions for officers.

See “Agency Structure and Incentives” on page 9 and “Funding and Incentives” on page 11.

*2. When state and local governments share responsibility for probation and incarceration, each has an incentive to lower their costs by off-loading offenders onto the other.*

Probation is often administered locally; however, its outcomes affect state budgets because terminated probation terms sometimes result in a stay in state prison. Thus, local departments do not have as strong of an incentive to reduce recidivism and carry probationers to the completion of their term as state entities do.

Some states try to compensate for this problem by subsidizing local probation offices, but this method has problems, as well. When local probation offices are subsidized, they have less influence over their revenue stream and can end up losing funds without gaining the ability to replace them when the state begins to feel budget pressure. See “Funding and Incentives” on page 11.

*3. It appears that court-run systems place greater emphasis on reforming offenders and reducing recidivism through the probation system than other agencies, but at a greater average cost.*

Courts that receive state funding are not subject to the same misaligned incentives outlined in the findings above. They have more independence from the legislature and the executive branch. Also, judges tend to have long terms compared to top administrators in other government agencies. Perhaps for those reasons, a review of a limited sample of states revealed several ways in which probation agencies operated by the court show greater emphasis on reforming offenders and reducing recidivism.

We found that, among a sample of eight states, those states that run probation through their courts are more likely to adopt novel programs aimed at reducing recidivism and encouraging completion of probation, such as swift-and-sure sanctions or earned time. We also found that these states spent more money per probationer. In states where the courts administer probation, the average amount spent on a probationer is nearly six times the amount spent per probationer in locally-run probation systems and almost twice as much as the amount spent per probationer in states with probation agencies run by the department of corrections.

A more in-depth look, across a broader set of states, is required to confirm whether there is in fact a connection between court-run agencies and use of these novel approaches. Also, publicly-available data is insufficient to determine whether these novel approaches lead to better outcomes for offenders. See “Novel Approaches” on page 18 and “Funding for Probation” on page 10.

*4. Probation agencies rarely publish recidivism rates among former probationers. This casts doubt on whether agencies are rewarded by legislatures and the public for reforming offenders, which is one of the main purposes of probation.*

One of the primary justifications for probation is to reform offenders’ behavior so that they will not commit further crimes. Despite this, in a sample of eight states, we found only one instance where a probation agency publicly presented the rate of recidivism among those who had completed their terms of probation. This suggests that probation agencies do not feel that the public finds lowering recidivism rates to be an important function for them. See “Values as Reflected in Published Metrics” on page 16.

*5. Stated missions and goals of probation agencies depend more on the specific history and leadership of the state than on probation agency structure or other state characteristics.*

We reviewed the missions of probation departments in a sample of eight states, and found a variety of expressed goals and processes. Some missions were more functional, describing the legal role of probation, while others were more aspirational, outlining principles and longer-term goals. We found no relationship between the nature of these mission statements and other characteristics of the state and its probation agency. This suggests that these mission statements are more a consequence of history and specific leaders who have defined goals for the agency rather than a result of institutional factors.

**ABOUT ANDERSON  
ECONOMIC GROUP**

Anderson Economic Group, LLC is a research and consulting firm specializing in economics, public policy, finance and business valuation, and market and industry analysis. The firm has offices in Chicago, Illinois and East Lansing, Michigan. AEG has conducted economic and fiscal impact studies for private, public, and non-profit clients across the United States. For more information, please visit [www.AndersonEconomicGroup.com](http://www.AndersonEconomicGroup.com).

## *II. Introduction to Probation*

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In this section, we discuss some general characteristics about probation, its history, and some of the motivation for its use.

### **ABOUT PROBATION**

Though the structure and practices of probation agencies take on many forms, there are some general characteristics that apply to all probation systems. The following definition of probation applies best to how we use it in this report:

*probation (n.) — The act of suspending the sentence of a person convicted of a criminal offense and granting that person provisional freedom on the promise of good behavior.<sup>1</sup>*

In some jurisdictions, the term “probation” also includes parole, where a prisoner is released from prison and required to maintain good behavior in order to avoid going back to prison. In this report, however, we do not include parole in our definition of probation.

Probation is a way to punish offenders who have been convicted of crimes without placing them in jail or prison. It is a program where offenders can be supervised, but remain in the community to work and spend time with their neighbors and family. Typically, a judge determines during sentencing whether probation is a suitable option for a convicted offender, and then prescribes certain requirements for that offender for his or her probation term. In some cases, judicial discretion is constrained by legislation that outlines sentencing guidelines.

During probation terms (which can last anywhere from months to a decade or more), offenders are usually required to avoid breaking the law and to attend regular meetings with their probation officer. Other requirements might include drug and alcohol testing, community service, maintenance of employment or a job search, and various forms of counseling.

### **BRIEF HISTORY OF PROBATION**

According to several different sources, John Augustus is the “Father of Probation.” A Boston cobbler, he convinced the police in 1841 to release a man arrested for public intoxication into his custody rather than sending him to prison. Over the course of the next ten years, Mr. Augustus claimed to have done the same for a total of 1,800 people, many of them children, despite the financially-driven resistance of policemen and court clerks, who were compensated for sending people to prison. In 1878, Massachusetts would become the first state to adopt a law establishing a statewide probation system. Most states

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1. *The American Heritage Dictionary of the English Language, Fourth Edition*, Houghton Mifflin Company, 2000.

followed their lead over the next 50 years.<sup>2</sup> Today, all states, many municipalities, and the federal government each maintain a probation system.

Since then, the popularity and utilization of probation has ebbed and flowed nationally. During the late 1970s and 1980s, there was a period of antagonism toward the use of probation. Many criticized probation for coddling offenders, deeming these systems ineffective for preventing crime. Sentencing laws generally became stricter over this period, as 16 states temporarily abolished probation as a sentencing option.<sup>3</sup>

Over the past 20 years, however, states have begun to feel the significant budget pressure that came along with this sentencing strategy. Incarcerating individuals is expensive, and lawmakers sought alternatives that did not sacrifice public safety. Throughout the 1980s and 1990s, the probation rolls increased from approximately one million to four million. As crime levels remained high, lawmakers and courts attempted to reduce the pressure on prisons by placing more offenders on probation. However, there was not an emphasis on removing offenders from the probation rolls.

The number of adult offenders on probation at the end of 2011 dipped below four million, nationally, for the first time since 2003. This is down from a peak of approximately five million in the year 2007.<sup>4</sup> We suspect that this decrease is due in part to decreasing crime, but also due to changing approaches to probation that decrease term lengths and emphasize completion.

## **BENEFITS AND RISKS OF PROBATION**

Using probation instead of incarceration to supervise an offender carries some inherent risk, as the offender has more freedom and therefore more opportunity to re-offend. Nevertheless, if a convicted offender is an appropriate candidate for probation, it can be an appealing alternative to incarceration for several reasons.

Firstly, probation costs considerably less per offender than incarceration. According to a 2013 report by the Vera Institute for Justice, spending per person on probation ranges from around \$300 to \$5,000 per year, depending on the state. On the other hand, spending on prisons per incarcerated person ranges from \$15,000 to \$50,000 per year.<sup>5</sup>

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2. Joan Petersilia, "Probation in the United States, Part I," *Perspectives* (Spring 1998), pp. 30-41. Accessed at [http://www.appa-net.org/eweb/Resources/PPPSW\\_2013/docs/sp98pers30.pdf](http://www.appa-net.org/eweb/Resources/PPPSW_2013/docs/sp98pers30.pdf), on August 23, 2013.

3. William D. Burrell, "Trends in Probation and Parole in the States," *The Book of the States*, Council of State Governments (2005), pp. 595-600.

4. Lauren E. Glaze and Thomas P. Bonczar, "Probation and Parole in the United States, 2010," U.S. Department of Justice Bureau of Justice Statistics, November 2011.

Secondly, keeping an offender in the community can result in better outcomes for that offender in the long term because they are able to continue working, spend time with their communities, engage with their neighbors, and maintain responsibility for the events of their lives. They are better able to remain functioning, contributing members of society. If probation terms make offenders better off in the long term, then they are less likely to commit further crimes, and communities are safer.

Of course, these benefits can only be realized if probation is executed properly, and programs are geared toward rehabilitation of offenders and crime reduction. This can be a difficult task, and often requires intensive interventions by well-qualified, well-trained, and highly motivated probation officers (POs). Poorly-communicated and poorly-administered probation requirements increase the risk that those who are placed on probation will commit crimes and end up being sent to prison.

For that reason, it is important not only to offer probation as an alternative to incarceration where appropriate, but to administer it well. In the following sections of this report, we consider how institutional incentives in probation agencies and the structures of probation administration in the states lead to differing practices and goals among state probation agencies.

5. “The Potential of Community Corrections to Improve Safety and Reduce Incarceration,” Vera Institute of Justice, Center on Sentencing and Corrections, July 2013.

### *III. Probation in the States and Corresponding Incentives*

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The structure and practices of probation systems in each of the fifty states are far from uniform. Some states have a centralized agency that employs all probation officers, while other states generally assign administration of probation to county- or district-level offices. Some states house probation in the Department of Corrections, along with prison administration, while others have the courts administer probation.

In this section, we provide an overview of probation systems in all 50 states, and we discuss how the various structures might correspond to different incentives.

#### **PROBATION AGENCIES**

To an extent, each state has its own unique structure for probation administration. However, these approaches generally fit into three categories:

- **Department of Corrections (DOC).** The majority of states (33) house probation administration in their DOC, which is the same agency that oversees prison administration. In many cases, the probation agency oversees multiple field offices throughout the state, providing them with financial support and guidelines. The level of specificity of guidelines vary considerably from one state to the next, sometimes allowing each district a fair amount of discretion over their operations.

Three of these states house the Department of Public Safety and DOC in the same agency. The Department of Public Safety tends to also contain the state police, national guard, and emergency management.

- **Courts.** Ten states administer probation through their Supreme Court (at the state level) or through Circuit Courts (at a district level). Court-run probation used to be much more common, but most states moved their probation administration to the executive branch in the 1970s and 1980s.
- **Counties.** In five states, the majority of probation duties are performed by the counties. In all cases except one (California), there is still a statewide agency that oversees these county operations, but nearly all probation system employees are county employees and management is local. These tend to be large states (all but one are in the top ten states in terms of population).

The two states that do not fit the categories listed above are South Carolina and Alabama. South Carolina runs probation through the Department of Probation, and Alabama runs probation through the Board of Parole and Pardons. These are both state-level executive agencies that are separate from the Department of Corrections.

See Figure 1 on page 9, showing each category and the corresponding states.



*Agency Structure and Incentives*

There are several ways in which an agency's structure affects the incentives of those working in probation, from head administrators to probation officers. Answers to the following questions shed light on the incentives that probation department employees face:

- Who is held responsible for a given outcome for a probationer, and how is that person held responsible?
- What does the head of the department prioritize, and why?
- How much discretion do front-line workers and heads of department have? How much of their behavior is dictated by statute (and therefore subject to the discretion of lawmakers)?

The answers to these questions vary considerably under the different structures shown in Figure 1 on page 9. For example, when the Supreme Court oversees a probation agency, the Chief Justice usually has discretion over the probation agency's leadership. Factors that are important to the Chief Justice are likely to be emphasized throughout the agency, as opposed to factors that might be important to the head of corrections.

Furthermore, the Chief Justice may respond differently depending on how he or she is selected. For example, an elected judge may be much more sensitive to the public response to a probationer committing a high-profile crime. A judge appointed by a governor, a board, or public servants no longer in office may have a less direct connection between public opinion and job security, and therefore can afford to be less sensitive to a public response.

There is also a big difference in incentives across agencies with varying levels of centralization. Some argue that agencies that operate using county budgets and county employees are more suited to deal with local probationers and handle their individual resources. On the other hand, they are less likely to have access to the IT and administrative resources that a large, centralized agency may have. That said, even states that administer probation at a county level are increasingly standardizing reporting and demanding more uniformity in practices, both in the interest of fairness and in the interest of using the best evidence-based practices across the state.

Structure also affects incentives insofar as it results in different funding schemes, which we discuss in the following section.

**FUNDING FOR PROBATION**

Almost all agencies are at least partially funded through state appropriations; however, other major sources of revenue for probation come from probationer fees and from federal and state grants for specialized programs. Also, probation agencies that operate at the county level receive funds either from local courts or from the county general fund.

In a 2012 study, the Vera Institute estimated the average cost per prisoner and per person in community corrections in 33 different states.<sup>6</sup> Community corrections, as defined in the report, include both probationers and parolees, but the probation population is considerably larger than the parole population and supervision for the two is similar. We assume that the cost per person in community corrections is equivalent to the cost per probationer.

Table 1 compares spending per probationer to spending per prisoner, and provides a ratio between the two. There is considerable variation between types of probation agencies and their levels of spending on probation. Given the sample sizes and the level of variation in spending per prisoner, there is not a significant difference between spending levels *per prisoner* among states with different probation structures, which one might expect. However, there is a dramatic difference between spending levels per probationer. When probation is administered at the county level, expenditures per probationer are \$500 per year, on average, compared to \$1,800 per year when the department of corrections is the administrator of probation, and nearly \$3,000 per year when the courts administer probation.

**TABLE 1. Spending per Probationer and per Prisoner by Probation Agency Structure, 2010**

Probation Structure	Expenditures per Prisoner	Expenditures per Probationer	Spending per Probationer for Every \$ Spent per Prisoner
Courts	\$30,845	\$2,901	9.4 ¢
Dept. of Corrections	\$26,611	\$1,844	6.9 ¢
County	\$24,257	\$501	2.1 ¢

*Source: Ram Subramanian and Rebecca Tublitz, Realigning Justice Resources: A Review of Population Spending Shifts in Prison and Community Corrections. New York, NY: Vera Institute of Justice, 2012*  
*Analysis: Anderson Economic Group, LLC*

### *Funding and Incentives*

In general, the incentives for all administrative parties would be aligned if those who made the decisions that result in greater costs (either for the state or the county) also are involved in the decision to pay for those costs. As one might guess, this is not how the system actually operates, in practice.

**State vs. Local Funds.** Probationers are often required to spend a certain amount of time in the county jail, resulting in greater costs to the county. On the

6. Ram Subramanian and Rebecca Tublitz, *Realigning Justice Resources: A Review of Population Spending Shifts in Prison and Community Corrections*. New York, NY: Vera Institute of Justice, 2012.

other hand, probationers that commit a severe enough violation to have their probation revoked will be sentenced to a certain amount of time in prison, resulting in higher costs for the state.

Since probation ultimately must be housed at either the county or the state level, despite affecting the budget of both, there is no perfect remedy to this problem. In general, heads of county-level probation departments are more sensitive to the cost of additional county-jail time than they are to additional state-prison time. When the state department of corrections houses the probation agency, however, the opposite is true. The results from Table 1 suggest that, when county offices are in charge of probation, they tend to invest less than the state, perhaps because they do not reap as much of the benefits of their investment as the department of corrections does.

To partially remedy this issue, some states use some form of performance-based funding, where local probation agencies that are able to prevent the incarceration of offenders on probation will receive rewards to compensate their efforts. In the ideal case, this results in savings for the state, as well, because they have a smaller prison population. Performance-based funding, however, is not a panacea, for it can encourage fewer revocations by local entities even when they may be warranted.

**Sharing a Funding Pool.** The department of corrections is more sensitive to the overcrowding effects from too many prisoners, and therefore has a greater stake in improving probation operations, whether they are at the state or the county level. If a head administrator for corrections is considering the long term, then, he or she might increase investment in probation to reduce costs.

This is complicated, however, by the fact that the probation agency and the prisons themselves are often drawing from the same pot of funds. Even if the head administrator would like to take a long-term view and make smart investments, it can be prohibitively difficult to do so in the face of operational demands in the short term. The department of corrections is supported by appropriations from the state legislature, and the head administrator in corrections almost always has discretion over the allocation of the bulk of those funds. Therefore, allocating funds to probation will result in fewer funds for other corrections needs, such as payroll and pensions for corrections officers. Therefore, the increase in prison populations of the last few decades have come, in part, at the expense of investment in probation programs where probation is administered by the DOC.

In the following section, we closely examine eight states to see the extent to which we can find evidence of these incentives at work.

## IV. Focus on Eight States: Probation Structure and Its Relation to Practice

As described in the previous chapter, there is reason to believe that the structure and funding of probation agencies will result in different incentives for those who work in those agencies. As workers exercise their discretion, they are motivated by their personal preferences and by their interpretations of their legal responsibilities, but *institutional incentives* also impact their decisions.

We performed an in-depth study of adult probation practices in eight different states in order to assess how probation agency structure and funding, among other characteristics, might impact their stated and apparent values and practices. Specifically, we reviewed features of the probation agencies in each of the eight states that reflect values and practices, including mission statements, statutory and internal guidelines for probation officers, reported metrics, and unique programs, among others. In this section, we discuss how these features appear to be impacted by the structure and funding of agencies within the sample of states.

### SELECTED STATES

In order to ensure that our sample of states captured the variation in probation systems throughout the country, our selection intentionally contains states with a broad range of demographics, locations, and probation agency structures. Table 2 below shows the eight states and provides some summary characteristics.

**TABLE 2. States Selected for In-Depth Analysis**

State	Region	Size (Population)	Type of Probation Agency
Alabama	South	Medium	State Board
Arizona	West	Medium	Courts
Florida	South	Large	Dept. of Corrections
Massachusetts	Northeast	Medium	Courts
Michigan	Midwest	Large	Dept. of Corrections
New York	Northeast	Large	County
North Dakota	Midwest	Small	Dept. of Corrections
Oklahoma	South	Medium	Dept. of Corrections

*Source: U.S. Census Bureau, State probation agency materials*

No two states in our sample have exactly the same set of characteristics within the categories shown here. Also, there is at least one state from each region; at least one state within each broad population size category; and at least one state

representing each type of probation agency structure. This sample was selected to ensure variety and representativeness.

## FUNDING

As we mentioned in the previous chapter, funding sources can affect incentives. We reviewed each state's budget for probation funding mechanisms to see how incentives might impact their administration of funds.

In the case of the four states that operate through the department of corrections, we found that there is rarely a specified amount of funds that goes to probation. That is, the DOC has a lot of discretion over how many funds go to prison operations and how many go to probation operations. The implications of this are ambiguous. On the one hand, the DOC might see its primary mission as administering prisons, so it may give probation operations short shrift. On the other hand, probation operations often save prisons money, so increasing the funds going to probation could be seen as a money-saving investment, in the long run.

For the two states with court-run systems, the means of funding diverge. In Arizona, the Administrative Office of the Court has discretion over funds that are allocated for probation out of the courts' budget, and which districts will receive those funds. On the other hand, in Massachusetts, the State has specific line items that appropriate funds to the Office of the Commissioner of Probation and the Office of Community Corrections, specifically.

Finally, in the case of New York, the majority of funds for probation administration come from the local county level. However, the State appropriates some funds for the body that oversees these county entities, as well as for specialized programs. In New York, the State used to provide subsidies that covered 50% of the funding for local probation agencies. That share has since been reduced considerably to 18%.<sup>7</sup> This partially explains the funding disparity for county-level probation described in "Funding for Probation" on page 10. As states have cut budgets under fiscal pressure, aid to local governments has fallen and local governments are not immediately able to make up the difference.

## WORKPLACE CULTURE AND INCENTIVES

Employee behavior in any work environment is heavily influenced by the culture of the workplace. To avoid rubbing co-workers and bosses the wrong way and, in the extreme case, to keep a job, workers are often incentivized to conform to certain norms at the workplace, in terms of work habits and work product. This applies to government agencies as well as private companies.

The job of a probation officer can be particularly stressful, since higher-than-recommended caseloads are common. As a result, it is difficult for a probation

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7. "Report to Chief Judge of the State of New York, Task Force on the Future of Probation in New York State," February 2007.

officer to manage each case well. It takes a well-run workplace, inspiring management, and a proper focus to assure that the work of probation employees is geared toward reducing recidivism, increasing public safety, and providing the proper services to offenders.

### *Values as Reflected in Mission Statements*

Though organizations can deviate from them in practice, the mission statements of probation agencies provide insight into their priorities. Some words and phrases that come up in mission statements include “community,” “monitoring,” “safety,” “recidivism,” and “evidence-based practices.” Agencies with mission statements that emphasize community and safety might be different than those that emphasize monitoring and evidence-based practices.

We can divide mission statements into two different general categories: functional and aspirational. Functional missions are those that describe an agency’s role through legal language. Aspirational missions allude to goals for the agency beyond those specifically outlined for them in state law.

To illustrate, Florida’s mission is functional:

The primary mission of Community Corrections is to protect the public by monitoring whether offenders on probation or community supervision are complying with their court-ordered conditions of supervision and reporting non-compliance to the court or releasing authority when it occurs.<sup>8</sup>

This mission essentially describes what it is that the probation department in Florida is required to do statutorily. The probation office follows the orders of the court in supervising offenders on probation and reports non-compliance.

Arizona’s mission is more aspirational:

The Adult Probation Services Division promotes and supports an effective probation system through the use of Evidence-Based Practices that advances the protection of the community, safety of staff, and accountability of offenders.<sup>9</sup>

The Arizona probation agency lists goals and processes in its mission. The agency’s goals are to advance community protection and offender accountability. The agency also prescribes the methods it is going to use to achieve those ends—evidence-based practices.

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8. “Community Corrections Overview,” Florida Department of Corrections, [http://www.dc.state.fl.us/pub/annual/1112/stats/stat\\_cs.html](http://www.dc.state.fl.us/pub/annual/1112/stats/stat_cs.html), accessed Sept. 8, 2013.

9. “Arizona Adult Probation, FY 2012 Annual Report,” Administrative Office of the Courts, Adult Probation Services Division, pg. 4.

Of the eight states we reviewed, three had functional missions, four had aspirational missions, and one state (Michigan) did not have a mission specifically for its probation agency. For Michigan, the Department of Corrections has an aspirational mission which mentions offender supervision in the community.

States with functional missions include New York, Massachusetts, and Florida. Each of these states has a different probation agency structure, so it appears that there is no significant relationship between the structure of the probation agency and the type of stated mission that agency adopts.

Among those states with aspirational missions, we scrutinized their statements for common goals. Each of them mentions public safety or protecting the public in some form. Two states, Alabama and Michigan, mention rehabilitating offenders. Two states, Arizona and Michigan, mention offender accountability in their mission statements. Only one state that we reviewed, Arizona, mentions evidence-based practices. Also, only North Dakota mentions addressing the concerns of crime victims. This is a small sample, but there appears to be no relationship between the characteristics shown in Table 2 on page 13 and the mission adopted by the corresponding probation agency.

#### *Values as Reflected in Published Metrics*

All probation agencies publish at least some metrics. These metrics, such as number of probationers supervised, number of revocations (probation sentences terminated due to a violation), amount of restitution collected, etc., reflect on the priorities of those probation agencies.

Presumably, many of them track additional metrics internally to track performance. Though these internal metrics may be used to judge worker performance and therefore provide strong incentives, we do not have access to them. Therefore, in this report, we attempt to understand better what a probation agency values by looking at those metrics released to the public.

All eight states that we reviewed publish the number of probationers subject to supervision. The next-most-common metrics presented are the number of completions of probation and the number of revocations. In addition to these metrics, several states published program-specific data (participation rates, etc., for specific probation programs) and victim restitution amounts paid. See “Appendix A. Details on Probation in Select States” on page A-1 for a summary of all metrics collected and released publicly by state-level probation agencies.

Only one state of the eight that we reviewed had recidivism data specifically for probationers. The Office of Probation and Correctional Alternatives in New York published a report in June 2011 that documented re-arrest rates following a probation sentence.<sup>10</sup> While almost all departments of corrections track recidivism among the prison population or among all those who have been exposed to

the criminal justice system, including probationers, no other states that we reviewed showed recidivism rates for probationers alone.

**TABLE 3. Aggregate Metrics Made Publicly Available by State Probation Agencies**

State	Probationers Supervised	Completions	Revocations	Types of Revocation	Restitution	Recidivism
Alabama						
Arizona						
Florida						
Massachusetts						
Michigan						
New York						
North Dakota						
Oklahoma						

*Source: State probation agency materials  
Analysis: Anderson Economic Group, LLC*

Not surprisingly, the state we looked at whose probation is largely administered at the county level, New York, provided little aggregate information. The recidivism information available from New York was published through a one-time report and is not updated on an annual basis. North Dakota also provided few statistical details, perhaps because they are the only small state we reviewed, and they have fewer resources than the other states to aggregate and analyze data.

Beyond that, there is little relationship between the size of the state, the structure of its probation agency, and the amount of publicly available metrics. Arizona provides the most data, and its probation system is administered by the courts, while Florida provides the second-most, with its system administered by the Florida Department of Corrections.

Notably, one of the states that provides data on restitution, North Dakota, also speaks of addressing “the concerns of crime victims” in its mission, suggesting that published metrics correspond to the agency’s mission.

10. “Probationer Felony Re-Arrest Rates Following Sentence to Probation,” Division of Criminal Justice Services Crimestat Report, State of New York, March 22, 2011.

## NOVEL APPROACHES

As described in “Brief History of Probation” on page 5, the number of offenders placed on probation increased rapidly through the year 2000. Growth slowed after that, and the number of offenders on probation peaked in 2007. State budgets are increasingly strained under demands to meet a growing prison population. Efforts to decrease this prison population and to bring more probationers to completion of their terms have resulted in considerable reforms over the past ten years. In this section, we outline some of the specialized programs in the eight states we reviewed closely.

**Split Sentencing.** Under split sentencing, judges require that a convicted offender spend a portion of his or her time in prison, and the remainder on probation outside of prison.<sup>11</sup> Of the states we reviewed closely, Alabama is the only one that uses split sentencing regularly as a matter of policy. It is not uncommon or new, however. In the mid-90s, a quarter of all felony cases resulted in a split sentence, with a lot of variation among states. As many as 80% of felony cases in California resulted in a split sentence around that time.<sup>12</sup>

**Evidence-Based Practices.** Evidence-based practices, as used for probation, are practices that have been shown through scientific research to reduce recidivism. When a probation agency adopts evidence-based practices, it implements a set of practices backed by scientific evidence. The agency also usually puts in place a way in which their practices can be revisited in order to incorporate more recent evidence on current and potential new practices.

Of the states we reviewed closely, Arizona is the only one that has committed itself to evidence-based practices in a systematic way. They have re-written their administrative guidelines for probation and have gone through a process of re-certifying all local entities and probation officers so that they are prepared for this new framework. Besides Arizona, at least two other states mention evidence-based practices in their mission (though they are not part of the eight states we reviewed closely): Nebraska and Alaska. Probation in both Nebraska and Arizona is operated by courts. Alaska probation is operated through the DOC.

Note that many states use practices that fit under the definition of “evidence-based practices” without having implemented an intentional, explicit framework for the ongoing use of evidence-based practices.

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11. Though this is very similar to parole in practice, it is different from parole in that the length and conditions of the probation term are established before an offender’s prison term. A probation period is seen as an alternative to giving a longer sentence.

12. Joan Petersilia, “Probation in the United States, Part I,” *Perspectives* (Spring 1998), pp. 30-41. Accessed at [http://www.appa-net.org/eweb/Resources/PPPSW\\_2013/docs/sp98pers30.pdf](http://www.appa-net.org/eweb/Resources/PPPSW_2013/docs/sp98pers30.pdf), on August 23, 2013.

**Swift-and-Sure Sanctions.** Swift-and-sure sanctions require that, for *every* infraction, probation officers apply a penalty roughly in proportion to the severity of the infraction. It is a strategy that eliminates some of the discretion of probation officers, while ensuring that the offender will recognize that their actions have consequences. Hawaii (not included in our eight states) was the first state to enroll probationers in a swift-and-sure program.

In our set of eight states, there are two states that use swift-and-sure programs. Massachusetts was provided with a grant from the National Recidivism Reduction Project (along with Arkansas and counties in Oregon and Texas) to implement swift-and-sure sanctions. High-risk probationers under this plan receive warnings from their judge that *any* violation will be met with sanctions.

Michigan also allows individual county circuit courts to implement swift-and-sure sanctions programs at the discretion of the circuit court judge. Rather than placing offenders under the supervision of the statewide probation system, specialized courts continue to monitor the offenders that have been sentenced to this program. As of March 2013, 12 counties in the State were enrolled in this program. Many of those counties receive state grants to set up the program.

**Earned Time.** In some states, probationers can shorten the full length of their term in proportion to the time spent without a violation. Of the eight states we reviewed, Arizona is the only one that has an earned time policy written into statute. In Arizona, for every month of time spent on probation without any violations, offenders reduce their probation term by 20 days. Some form of “earned time” likely occurs in all states, but at the discretion of probation officers and judges, as opposed to through statutory or programmatic means.

**Performance Incentive Funding.** In performance incentive funding schemes states reimburse local governments that reduce the number of probationers that end up in state prison. The idea is that local probation offices should realize some of the state savings that occur due to a reduction in prison population, given the skewed incentives described in “Funding and Incentives” on page 11.

Nationally, eight states have passed laws that enact legislation creating performance incentive funding programs. They include Arkansas, California, Illinois, Kansas, Kentucky, Ohio, South Carolina, and Texas.<sup>13</sup> There is not a particular agency structure that lends itself to performance incentive funding, but it is generally adopted by large states. Arizona, one of the states we reviewed, has passed a law that would result in performance incentive funding; however, its

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13. “Performance Incentive Funding: Aligning Fiscal and Operational Responsibility to Produce More Safety at Less Cost,” Vera Institute of Justice Center on Sentencing and Corrections, November 2012.

implementation is subject to appropriations, and no state appropriations have been made for the program yet.

**Motivational Interviews.** Motivational interviewing is a technique originally used to address substance abuse problems, but can also be applied more broadly. It generally involves increasing a probationer's awareness of the consequences of destructive actions, while simultaneously working to have a probationer envision and work toward a better future.

In four out of the eight states we looked at, the use of or training in motivational interviewing is mandatory for at least some officers. In Florida and Oklahoma, all probation officers are trained in and encouraged to use motivational interviewing techniques. In Arizona, officers across the state were trained in motivational interviewing as part of that state's transition to the use of evidence-based practices. In North Dakota, all probation supervisors, but not all officers, are required to have motivational interview training.

In three other states, motivational interview training is available or has been used on a demonstration basis, but is not required for all officers. In Massachusetts and New York, motivational interview techniques are made available as specialized training. In Michigan, a demonstration project on evidence-based practices was implemented in four counties with particularly high crime rates. Motivational interviewing was among the practices used in this project. The State of Alabama was the only one among the eight which showed no evidence of the use of motivational interviews in probation.

### *Conclusions—Novel Approaches*

In general, states that have adopted novel approaches appear to be more aggressively pursuing policy solutions that reduce recidivism and reduce the probation and prison roles. Of the eight states we looked at, Arizona, Massachusetts, and Michigan appear to use novel approaches to the greatest extent.

Arizona and Massachusetts both have court-run probation agencies. Michigan is on this list because of its use of swift-and-sure sanctions, which are administered by the courts, separately from the main statewide probation department. Based on this admittedly small sample, it appears that probation agencies which are operated by the court system are more likely to pursue novel approaches to reduce recidivism and bring probationers to completion.

A more in-depth look, across a broader set of states, is required to confirm whether there is in fact a connection between court-run agencies and use of these novel approaches. Furthermore, only the State of New York has provided data on recidivism rates for probationers among these states, so we cannot know for sure if there is a relationship between the use of these programs and a reduction in recidivism among probationers.

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## *Appendix A. Details on Probation in Select States*

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This section briefly summarizes several basic facts about the probation systems in each of the eight states highlighted in “Focus on Eight States: Probation Structure and Its Relation to Practice” on page 13.

### **ALABAMA**

**Region:** South

**Population, 2012:** 4,822,023 (23rd)

**Probation Structure:** A state Board of Pardons and Paroles has field offices in each county. The board serves the courts in the administration of both parole and probation services. Offenders can be sentenced to straight probation, though many offenders with *prison* sentences of 15 to 20 years serve probation as part of a “split sentence” arrangement, which works as follows. An offender serves the beginning of his sentence in prison, then has the remainder of his sentence “suspended,” which in this case means on probation.

#### *Funding*

The Board of Pardons and Paroles received a FY 2013 appropriation of \$35,960,211 in the state budget, including \$25.4 million in general fund appropriations and \$10.6 million in “earmarked funds.”<sup>14</sup>

#### *Culture*

The mission and vision statements of the Board of Pardons and Paroles emphasize public safety, collaboration with the courts and Department of Corrections, and rehabilitation. Stated values of the Board also touch on efficiency, value of staff, and treating “all persons” with dignity and respect.

The Board of Pardons and Paroles annual report reports the number of probationers supervised and the number of probationers whose probation was revoked (for either “technical” reasons, i.e. violating the terms of probation without committing a new offense, or because of a new offense).

The Board’s annual report also states, under a section called “Parole Board Duties,” that the “Board is primarily concerned with changing behavior” such that offenders will “conform with the law and with minimal standards of conduct in his community.”

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14. “State of Alabama General Fund, Fiscal Year 2013 Appropriations as of August 31, 2013,” Alabama Department of Finance, Executive Budget Office website, accessed September 5, 2013.

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The rate of recidivism are not reported in Board of Pardons and Paroles reports. Rather, it is reported in the state's Department of Corrections annual report, which reports recidivism rates for all types of released prisoners, including those who have completed sentences and those who have been released into probation under the state's "split sentence" law. These statistics do not appear to track recidivism for offenders sentenced to straight probation.

#### *Guidelines and Practices*

The state's probation law (AL Code section 15-22-54) allows the courts to decide the length of probation subject to a maximum stated by the legislature (section a). The law emphasizes that probation revocation should be sure to both protect the public and avoid "depreciating the seriousness of the violation." (Section (d)(4)).

The law allows probationers to be incarcerated for a maximum of 90 days in the event of a "technical violation" so long as the offender was compliant for 6 months prior to the technical violation.

## **ARIZONA**

**Region:** West

**Population, 2012:** 6,533,255 (15th)

**Probation Structure:** Administered by the state Supreme Court.

#### *Funding*

In FY 2012, the state spent \$10.7 million for intensive probation services, \$1.5 million for the Community Punishment Program, \$0.6 million for the Interstate Compact, and \$13.5 million for state aid to administer adult probation. Local funds for adult probation totaled \$13.9 million. Total expenditures for adult probation were \$40.2 million in fiscal year 2012.

In that same year, the state appropriated \$999 million for the Dept. of Corrections. \$13.2 million of that total was from the Prison Construction and Operations Fund. \$127.6 million of that total was used to pay per diem costs to private prisons.

#### *Culture*

**Mission Statement:** The Adult Probation Services Division promotes and supports an effective probation system through the use of Evidence Based Practices that advance the protection of the community, safety of staff, and accountability of offenders.

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In late 1990, a standing subcommittee was established in the judicial branch called the Committee on Probation (COP). COP's job was to constantly examine current probation procedures, develop policies and procedures to improve quality, and promote standardization, consistency, and coordination of probation procedures statewide.

Over the past few years, the State of Arizona probation system has seen extensive reforms. Alarmed by the high rate of revocation among probationers, they put several important changes in place. For example, the state legislature passed the Safe Communities Act in 2008, with the goal of focusing probation supervision on high-risk offenders and providing incentives to county-level agencies to reduce crime and probation violations rather than send probationers to state prison. The two primary changes contained in this measure were earned time credits and performance incentive funding. With earned time credits, probationers get 20 days taken off of their probation term for every month in which they meet all of their obligations under probation, such as performing community service, paying restitution, receiving treatment, and avoiding violations.

Performance incentive funding is paid directly to counties to reduce their bills for running adult probation services. Each county provides a report to the state showing how much money they have saved the state through reducing revocations. Once that report is audited, the county receives 40% of the total savings in return. The available funding for performance incentives must be appropriated by the state legislature, and no funding has been provided as of yet.

Statements from the probation director place an emphasis on moving from measuring quantity (number of contacts, number of probationers, number of revocations) to quality (accomplishing specific goals for each offender).<sup>15</sup>

#### *Guidelines and Practices*

Another dramatic change going into effect over the past few years is adoption of Evidence-Based Practices (EBP) for a variety of components of probation. This process has involved re-writing much of the Arizona Codes of Judicial Administration (ACJA) to incorporate EBP into probation processes. Included among these practices is the Offender Screening Tool (OST), which is a statewide risk and needs assessment tool used by all probation officers in the state.

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15. Arizona Adult Probation, "FY 2012 Annual Report."

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## FLORIDA

**Region:** South

**Population, 2012:** 19,317,568 (4th)

**Probation Structure:** Field Service offices overseen and monitored by state Department of Corrections.

### *Funding*

The state legislature has very specific appropriations for the Department of Corrections, where it specifically allocates funds to be used for community supervision, and even for particular initiatives within that department. In 2013, they allocated \$187.8 million for all community supervision.

### *Culture*

**Mission:** To protect the community by supervising offenders and reporting non-compliance to the sentencing or releasing authority.

The Assistant Secretary of Community Corrections oversees all probation field offices. The Assistant Secretary is appointed by the head of the DOC, the Secretary of Corrections, who is in turn appointed by the governor and confirmed by the Senate.

There are twenty circuit offices throughout the state, each serving multiple counties. These circuit offices are overseen by two regional offices (Northern and Southern), and they have a fair amount of discretion over their own operations and practices.

Florida Community Corrections publish fairly extensive data on their population. This includes admissions each year, the total size of the population, terminations along with the reason for termination, completions, substance abuse statistics for those enrolled in the program, and the number of probationers subject to radio frequency and GPS monitoring.

### *Guidelines and Practices*

The guidelines for probation officers are very functional, like the state's mission. They are told to monitor the probationer to ensure that he or she is following the terms of probation, and they are given the right to arrest him or her if he or she is in violation. The judge has discretion over special conditions of supervision. Of course, the probation officer is given the option to refer offenders to other resources such as job placement agencies or drug treatment.

Individual circuit offices emphasize using evidence based practices. There do not appear to be any specialized programs in place at the moment. They recently released an RFP for a risk/needs assessment tool. They are already required to

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perform risk/needs assessment for juveniles, but is not clear whether such an assessment is required for adults. Individual circuit offices require it among themselves, but it appears that there is no statewide regulation regarding risk/needs assessments.

## MASSACHUSETTS

**Region:** Northeast

**Population, 2012:** 6,646,144 (14th)

**Probation Structure:** Administered by the Massachusetts Court System.

### *Funding*

Spending on the state's probation programs is part of the budget for Law and Public Safety. Law and Public Safety includes the court system, prosecutors, state prisons, county sheriff departments, probation, parole, the state police, military division, fire safety, and other safety inspection services. The Department of Probation receives no direct appropriation, but is allocated funding from the Chief Justice of Administration.<sup>16</sup>

Massbudget.org, a nonprofit 501(c)(3) provides accessible public data on the Massachusetts budget. In fiscal year 2012, probation and community corrections programs accounted for 11% of the total budget for prisons, probations, and parole.<sup>17</sup> Prisons, probations, and parole accounted for 51% of total spending in law and public safety in the 2012 budget.<sup>18</sup>

Special initiatives in the state have also received external grants, as described below.

### *Culture*

The stated goal of the Massachusetts Probation Service is to keep communities safe and provide probationers with the rehabilitative tools they need to live a safe and law-abiding lifestyle. The agency includes, as a part of this mission, GED and job training, as well as community service opportunities at community corrections sites.<sup>19</sup>

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16. [http://www.massbudget.org/reports/pdf/law\\_safety\\_house\\_fy14.pdf](http://www.massbudget.org/reports/pdf/law_safety_house_fy14.pdf)

17. This calculation is based on line item budgets for the Commission of Probation, Superior Court Probation Services, Office of Community Corrections, Community Corrections Programs, Probation Fee Retained Revenue, Commissioner of Probation Substance Abuse Services, Community Corrections Substance Abuse Services, and Community Corrections Performance Funding.

18. <http://massbudget.org/browser/cat.php?id=Law+%26+Public+Safety>

19. <http://www.mass.gov/courts/probation/statewide-probation-fact-sheet.pdf>

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Massachusetts was one of the first states to monitor probationers with an electronic tracking system. Its elaborate monitoring program for offenders on probation was initially established as an alternative to incarceration, and maintains accurate information on cases statewide.<sup>20</sup>

**Mission Statement.** “The Massachusetts Probation Service is at the center in the delivery of justice through investigations, community supervision of offenders/litigants, diversion of appropriate offenders from institutional sentences, reduction in crime, mediations, service to victims, and the performance of other appropriate community service functions.”

**Special Programs.** In 2011, the state Probation Service and Trial Court were awarded an \$849,000 grant to reduce recidivism among high-risk probationers. The Honest Opportunity Probation with Enforcement (HOPE) project grant was funded by the Department of Justice Bureau of Justice and the National Institute of Justice. This project involves the use of swift and certain sanctions to reduce recidivism, and is inspired by Hawaii’s HOPE program.<sup>21</sup> The 2012 Annual Report on the State of the Massachusetts Court System indicates that project MORR (Massachusetts Offender Recidivism Reduction), currently being planned as a pilot project in Essex County, is designed to reduce recidivism rates using “swift, certain, and measured action for probation violations of any kind.”

### *Guidelines and Practices*

Massachusetts has a total of 105 separate probation departments through the state, including 12 Superior Court departments, where the most serious felony cases are supervised by probation officers. There are 21 community corrections sites, with probation officers in charge at each of those sites. At each of these sites, offenders must check in several times weekly. These centers offer substance abuse treatment, GED preparation and job training, as well as community service opportunities.

Probation officers (POs) enforce the orders of the court, and make recommendations to a judge. It is the PO’s responsibility to bring the offender before the court in the case of a failure to comply with court orders. POs may also recommend additional conditions to improve offender behavior if court orders are violated. POs also facilitate specialty programs that are therapeutic and rehabilitative. Furthermore, POs may represent judges, the chief PO, and other court officials in public relations.<sup>22</sup>

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20. <http://www.mass.gov/courts/probation/elmofactsheet.pdf>

21. <http://www.mass.gov/courts/probation/pr102611.html>

22. <http://www.mass.gov/courts/probation/po.html>

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The Commissioner of Probation has the exclusive authority to appoint, dismiss, and discipline POs, including all associate and chief POs.<sup>23</sup>

**Public Data.** Massachusetts provides an amount of public data on its probation system. Updates on programs are provided annually in the report on the Courts, though this report does not contain statistics about number of offenders in the probation system, or statistics such as recidivism rates or absconders.<sup>24</sup>

## MICHIGAN

**Region:** Midwest

**Population, 2012:** 9,883,360 (9th)

**Probation Structure:** Field operations are monitored by the Michigan Department of Corrections.

### *Funding*

Parole, probation, and community services spending are part of the budget for the Department of Corrections, making up 17% of the total budget. Other portions of the DOC budget include juvenile community services; adult services administration; transitional planning; maximum security institutions; adult services treatment, education, and women's services; and transitional facilities. Parole and probation oversight fees, however, are part of a state restricted fund.<sup>25</sup>

### *Culture*

Probation is largely conducted at local levels in Michigan. There are many available grant programs for circuit courts, which are appropriated by the state. The state has many community-based programs, included Community ReEntry Programs and Special Alternative Incarceration Programs. Over the past two years, the number of probationers and parolees has dropped by 9%.

**Mission Statement.** Michigan probation services do not have a separate mission statement. The mission statement for the DOC is: "The mission of the Michigan Department of Corrections is to create a safer Michigan through effective offender management and supervision in our facilities and communities while holding offenders accountable and promoting their rehabilitation."

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23. [http://www.mass.gov/bb/gaa/fy2011/app\\_11/act\\_11/h03391001.htm](http://www.mass.gov/bb/gaa/fy2011/app_11/act_11/h03391001.htm)

24. <http://www.mass.gov/courts/fy12-annual-report.pdf>

25. Executive Budget Fiscal Years 2013 and 2014.

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**Special Programs.** Some jurisdictions within the state participate in Swift and Sure Sanctions Probation Programs. These programs are modeled after Hawaii's HOPE program, and subject prisoners to frequent drug and alcohol testing, as well as meetings with probation and case management staff. The state issues grants to circuit courts to develop and implement programs focusing on high-risk felony probationers. Funding for some of these grants is received from the federal government.<sup>26</sup>

The state also has a Special Alternative Incarceration Program (SAI). This program is designed to adhere to evidence-based practices, similar to the Michigan Prisoner Re-Entry Program. Its primary purpose is to end criminal behavior by developing offender self-esteem, self-discipline, and work ethic.<sup>27</sup>

#### *Guidelines and Practices*

The DOC Field Operations Administration (FOA) is responsible for the supervision of all adults felons on probation and parole. Some probationers may also be on electronic monitoring. These operations are administered through regional and area offices.<sup>28</sup> The state uses electronic monitoring for certain offenders.

Probation and parole officers in the state supervise and monitor the activity and counsel offenders, as well as maintain responsibility for their legal custody. They also maintain case records, acquaint offenders with rules and programs, and work closely with courts, judges, and police. Furthermore, they are expected to testify at hearings for offenders, and investigate violations, performs drug testing, and determines and collects money from offenders for department-ordered obligations.<sup>29</sup>

**Public Data.** State law requires that the DOC provide a report on the number of probationers sentenced to prison during the preceding calendar quarter. This report includes the offenses by type, as well as by some of the characteristics of the offenders.<sup>30</sup> The DOC issues an annual report, which reports the number of employees and offenders for probation and parole.

Furthermore, there is an annual statistical report with greater detail about offenders by region, nature of offense, and type of disposition. It also reports

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26. <http://www.house.mi.gov/hfa/PDFs/Drug%20Court%20Swift%20and%20Sure%20Memo.pdf>

27. [http://www.michigan.gov/documents/corrections/2012-10-26\\_-\\_MDOC\\_2011\\_Statistical\\_Report-\\_Vers\\_1\\_0\\_402324\\_7.pdf](http://www.michigan.gov/documents/corrections/2012-10-26_-_MDOC_2011_Statistical_Report-_Vers_1_0_402324_7.pdf)

28. [http://www.michigan.gov/documents/corrections/2012-10-26\\_-\\_MDOC\\_2011\\_Statistical\\_Report-\\_Vers\\_1\\_0\\_402324\\_7.pdf](http://www.michigan.gov/documents/corrections/2012-10-26_-_MDOC_2011_Statistical_Report-_Vers_1_0_402324_7.pdf)

29. Michigan Civil Service Commission Job Specification: Parole/Probation Officer.

30. [https://www.michigan.gov/documents/corrections/2nd\\_Quarter\\_Report\\_PA\\_200\\_Section\\_612\\_4\\_419284\\_7.pdf](https://www.michigan.gov/documents/corrections/2nd_Quarter_Report_PA_200_Section_612_4_419284_7.pdf)

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rates of graduation and termination. In previous years, it also reported rates of recidivism for probationers, but now reports absconders for parolees only.<sup>31</sup>

## NEW YORK

**Region:** Northeast

**Population, 2012:** 19,570,261 (3rd)

**Probation Structure:** Overseen by the Division of Criminal Justice Services, which also oversees public safety and legal services, among other initiatives.

### *Funding*

The Office of Probation and Correctional Alternatives (OPCA) is part of the New York State Division of Criminal Justice Services. The OPCA manages the disbursement of local assistance for 58 probation departments, 165 Alternative to Incarceration programs, as well as other programs.

### *Culture*

The OPCA commits to promote public safety, ensure offender accountability, provide victim restitution, and reduce recidivism. The OPCA funds and oversees 165 alternative to incarceration programs. Some of these include mental illness programs, pretrial services, community service programs, and defender-based advocacy.

**Mission Statement.** “The Office of Probation and Correctional Alternatives (OPCA) works to advance public safety through the vital work of public and private agencies that comprise community corrections in New York State. OPCA is working to create a new vision for community corrections that identifies and emphasizes best practices while ensuring that community corrections professionals have the tools to implement new and more effective standards that continue New York's commitment to public safety.”<sup>32</sup>

### *Guidelines and Practices*

There are 58 probation departments in the state. A probation commission, some of whom are appointed by the Governor, oversee all probation services in the state.<sup>33</sup> Probation Directors or designees assign cases to probation officers. Probation officers have a range of responsibility, and, in the event of non-compliant behavior, report to supervisors or other probation officials. POs must retain supervisor approval to act on the non-compliant behavior.<sup>34</sup>

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31. <http://www.michigan.gov/corrections/0,4551,7-119-1441---,00.html>

32. <http://www.criminaljustice.ny.gov/opca/vision.htm>

33. <http://www.criminaljustice.ny.gov/opca/commission.htm>

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Local probation directors are responsible for writing policy to non-compliance with probation conditions. These policies address the offender's history of compliance, which sanctions are suitable for offenders, and graduated sanctions that can be imposed administratively. They also address any modifications or extensions of probation sentences.

**Public Data.** The Division of Criminal Justice Services produces an annual performance report, which highlights some of the initiatives being taken by the OPCA, as well as the number of participants in programs such as Alternative to Incarceration programs. Furthermore, the DJCS publishes statistics on parolee and probationer arrests by county, juvenile probation intakes, as well as monthly and quarterly reports on probationer felony re-arrest rates.<sup>35</sup>

## NORTH DAKOTA

**Region:** Midwest

**Population, 2012:** 699,628 (49th)

**Probation Structure:** Overseen by the North Dakota Department of Corrections and Rehabilitation

### *Funding*

Funding for probation falls within the Department of Corrections and Rehabilitation. Funds include a general fund, federal funds, and specialized funds. Funding for parole and probation account for approximately 8% of total spending within the Department of Corrections and Rehabilitation.<sup>36</sup>

### *Culture*

The Parole and Probation Services are located within the Department of Corrections and Rehabilitation. They have actively embraced philosophies which target offenders' intrinsic motivation to change. The Transition from Prison to Community philosophy focuses on addressing offender behavior and motivation to change, and have trained staff in an evidence-based program that assists offenders to change behaviors, Effective Communication/Motivational Strategies. They also engage in community re-entry programs, collaborating with community stakeholders to transition offenders into society.

**Mission Statement.** "The mission of the Parole/Probation Division is to protect society, address the concerns of crime victims, and provide supervision and programs to offenders in the community."

34. <http://www.criminaljustice.ny.gov/opca/pdfs/352r.pdf>

35. <http://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>

36. <http://www.nd.gov/fiscal/budget/state/>

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**Special Programs.** The HOPE program, based on Hawaii’s model, has been launched as a pilot program in Devil Lake, and is being monitored by the state.

Secure Continuous Remote Alcohol Monitor (SCRAM) was a pilot project that began in Bismarck in 2010. SCRAM uses an electronic device on an offender’s ankle to monitor alcohol intake.

*Guidelines and Practices*

Parole and Probation Services is responsible for supervising all offenders or supervised probation in the community. There are 88 staff who operate district 15 district offices throughout the state. Some of the parole and probation officers specialize in caseloads, focusing on areas such as re-entry, drug court, domestic violence, and sex offenders. Offices also use GPS monitoring to supervise high-risk offenders.

Officers also are involved in pre-sentencing investigations if ordered by state district courts, helping to determine appropriate offender sentences. Officers use a standardized tool (Levels of Service Inventory-Revised) to identify risk factors for offenders, and to generate plans for each case. These plans are supposed to reduce the offender’s risk factors. While community safety is important, officers hope to integrate offenders into the community. Officers also coordinate with staff in correctional facilities to honor the Transition to Community initiative.

**Public Data.** The state’s budget reports details on number of offenders for parole and probation, and well as employment, and detailed spending for the parole and probation combined. The Department of Corrections and Rehabilitation also releases a biennial report presenting overviews on current programs and caseloads.<sup>37</sup>

**OKLAHOMA**

**Region:** South

**Population, 2012:** 3,814,820 (28th)

**Probation Structure:** Overseen by the state Department of Corrections.

*Funding*

Funding for probation and parole services is within the Department of Corrections. In the FY 2013 budget, probational and parole services account for 7% of the DOC budget.

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37. Accessed from <http://www.nd.gov/docr/media/biennial/archive/BiennialReport%202009-11.pdf> in September 2013.

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### *Culture*

Probation and Parole is responsible for the supervision of offenders sentenced by the court to probationary sentences, offenders released to GPS monitoring systems, and offenders in Oklahoma who were initially sentenced in other states. Oklahoma uses evidence-based practices, designed to reduce offender risk through enhancing intrinsic motivation for social change; these evidence-based practices focus specifically on outcomes.

Performance reports for the DOC compiled by the Senate Committee on Appropriations contain performance management forms. These forms require measurements of absconder rates, crimes committed by probationers, and measures of recidivism.

**Mission Statement.** The mission of the Oklahoma Pardon and Parole Board is to perform its duties as imposed by Article VI, Section 10, of the Oklahoma Constitution. To serve the citizens of Oklahoma as an integral component of the Oklahoma Criminal Justice System and to protect the public by conducting informed hearings and by making careful, equitable, informed parole decisions as well as credible recommendations to the Governor. Thereby reaching the goal of successful re-entry of offenders while reducing the likelihood that an offender will commit another crime and return to prison.<sup>38</sup>

### *Guidelines and Practices*

Oklahoma has 64 probation and parole offices statewide. Probation officers manage probationer caseloads, prepare reports, monitor offender payments, assist in security operations, and conduct drug and alcohol screening for offenders. Some of the probation and parole officers are employees of the Division of Community Corrections.

Probation officers are also collaborating with domestic violence advocates, law enforcement officers, and assistant district attorneys as part of a “coordinated Community Response” team initiative.<sup>39</sup>

**Public Data.** The Department of Corrections releases an annual report which details the number of probation workers, as well as probationers by offense and characteristics. It includes highlight numbers for outcomes such as recidivism and expenditures. It also details important initiatives that are occurring, and progress on existing initiatives.

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38. <http://www.ok.gov/ppb/>

39. State Budget

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## *Appendix B. About the Authors*

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### **ANDERSON ECONOMIC GROUP**

Anderson Economic Group, LLC was founded in 1996 and today has offices in East Lansing, Michigan and Chicago, Illinois. AEG is a research and consulting firm that specializes in economics, public policy, financial valuation, and market research. AEG's past clients include:

- *Governments* such as the states of Michigan, North Carolina, Kentucky, and Wisconsin; the cities of Detroit, Cincinnati, Norfolk, and Fort Wayne; counties such as Oakland County, Michigan, and Collier County, Florida; and authorities such as the Detroit-Wayne County Port Authority.
- *Corporations* such as GM, Ford, Delphi, Honda, Taubman Centers, The Detroit Lions, PG&E Generating; SBC, Gambrinus, Labatt USA, and InBev USA; Spartan Stores, Nestle, automobile dealers and dealership groups representing Toyota, Honda, Chrysler, Mercedes-Benz, and other brands.
- *Nonprofit organizations* such as Michigan State University, Wayne State University, University of Michigan, Van Andel Institute, the Michigan Manufacturers Association, United Ways of Michigan, Service Employees International Union, Automation Alley, and the Michigan Chamber of Commerce.

Please visit [www.AndersonEconomicGroup.com](http://www.AndersonEconomicGroup.com) for more information.

### **AUTHORS**

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Mr. Horwitz is a Consultant at Anderson Economic Group, working in the Public Policy and Economic Analysis practice area. Mr. Horwitz' work includes research and analyses for a range of AEG clients representing both the public and private sectors.

Mr. Horwitz's recent work includes an assessment of the effects of personal property tax reform in Michigan, an assessment of the effects of proposed reforms to state pension and retiree health care systems, analyses of the fiscal condition and tax policies of Michigan's state and local governments, and a review of tax incentive programs administered by the states of Michigan and Kentucky, respectively.

Prior to joining AEG, Mr. Horwitz was the Coordinator of Distribution for the Community Center of St. Bernard near New Orleans, where he oversaw the distribution of donated food, clothes, and household supplies to low-income residents of St. Bernard Parish and New Orleans' Lower Ninth Ward.

Mr. Horwitz holds a Master of Public Policy from the Harris School of Public Policy at the University of Chicago and a Bachelor of Arts in Physics and Philosophy from Swarthmore College.

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*Alexander L. Rosaen*

Mr. Rosaen is a Senior Consultant at Anderson Economic Group, and the Director of Public Policy and Economic Analysis. Mr. Rosaen's background is in applied economics and public finance.

Mr. Rosaen's recent work includes several economic and fiscal impact analyses, including of proposed real estate developments, power plants, and infrastructure projects; analysis of tax incentives; an analysis of the impact of federal tax incentives on the freight rail industry; and an analysis of the economic contribution that research universities make in the State of Michigan.

Prior to joining Anderson Economic Group, Mr. Rosaen worked for the Office of Retirement Services (part of the Michigan Department of Management and Budget) for the Benefit Plan Design group. He has also worked as a mechanical engineer for Williams International in Walled Lake, Michigan.

Mr. Rosaen holds a Masters in Public Policy from the Gerald R. Ford School of Public Policy at the University of Michigan. He also has a Masters of Science and a Bachelors of Science in mechanical engineering from the University of Michigan.