

Technical Violations of Probation

Moving Away from Incarceration and Toward a Tailored Response

Agenda

- St. Louis County: a closer look
- Philadelphia: a closer look
- Case studies & discussion
- Wrap-up

Who's in the room?

- **Julia Childrey**, Acting Director, Dept. of Justice Services, St. Louis County
- **Beth Huebner**, Professor of Criminology and Criminal Justice, Univ. of MO-St. Louis
- **Rich Powell**, District Administrator, MO Dept. of Corrections, Div. of Probation & Parole
- **Darlene V. Miller**, Chief, Philadelphia Adult Probation and Parole Dept.
- **Sarah Allen**, Philadelphia Defenders

St. Louis County: A Closer Look

Why focus on technical violations at all?

- Probation is the largest correctional sanction – era of “mass probation”
- 1 in 66 adults is on probation
- Increased use of jails as a sanction, even though there is **no evidence** that this behavioral response is effective
- Even a short stay in jail can influence long-term outcomes
 - Jails increase recidivism compared to community sanctions
- Dampening effect on earnings - 13% decline in wages 9 months after a jail stay

Why focus on technical violations in St. Louis County?

- **ADP:** in total, 29% of jail population was incarcerated for a probation technical violation.
- **LOS:** length of stay pre-implementation was **99 days**.
- **Disparities:** population included a disproportionate number of racial and ethnic minorities.

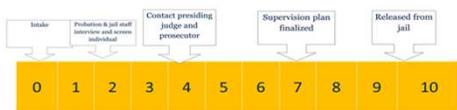
A new approach

In order to address the **excessive length of stay** for those with technical violations of probation, St. Louis County developed a new approach under the umbrella of its Safety and Justice Challenge work.

But first: scope of MO probation & parole

- Supervise felony cases adjudicated in county courts
- Probation officers supervise in community and report any violations to sentencing judge
- Probation officers make recommendations regarding supervision in reports to judges

The revised process



What's changed?



PROBATION VIOLATION PROBATION (% OF TOTAL POPULATION)



LENGTH OF STAY FOR INDIVIDUALS DETAINED ON A PROBATION VIOLATION (DAYS)



Philadelphia: A Closer Look



Philadelphia Adult Probation & Parole Department
prison reduction & motivation for change

Philadelphia VOP MacArthur Workgroup



Overview...

- APPD Population & Custody Inventory
- APPD MacArthur Initiatives Introduction
 - Detainer Alternative Program (DAP)
 - Background
 - Results
 - Testimonials

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 **APPD Population...**

- Inventory:
 - Supervision:
 - Offenders: 38,341
 - High Risk: 12%
 - Moderate Risk: 35%
 - Low Risk: 41%
 - None: 11%
 - Dockets: 59,337

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 **APPD Custody...**

- Inventory:
 - Total County Inmates: 4904
 - Inmates under supervision: 1611
 - Held on a probation detainer
 - 37.9% of Total County Inmates
 - 4.2% of Total Supervision Population

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 **APPD MacArthur Initiative...**

- Detainer Alternative Program (DAP)
 - Eligibility:
 - Assigned to a non-specialized unit
 - No pending open matters
 - No direct violations
 - Non-violent offense(s) for the supervision docket(s)
 - Demonstrate a need for services (**SPECIFIC TARGET NEED:** Substance Abuse)

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 **APPD MacArthur Initiative...**

- Detainer Alternative Program (DAP)
 - Substance Abuse Defined:
 - Any offender who has a minimum of three (3) positive urinalyses for one or any combination of the following substances with Marijuana (THC): Benzodiazepines, Barbiturates, Amphetamines, Cocaine, Opiates
 - Any offender who has a minimum of five (5) positive urinalyses for Marijuana (THC) only

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 **APPD MacArthur Initiative...**

- Detainer Alternative Program (DAP)
 - Substance Abuse Defined:
 - As a graduated sanction, the assigned Probation Officer should adhere to the APPD Substance Abuse Protocol:
 - 1st Positive: Warning
 - 2nd Positive: Treatment Referral
 - 3rd Positive: DAP (replaces VOP/Detainer with all other criteria being met)
 - Any and all positive urinalyses for PCP or combination thereof will make the offender ineligible for DAP.

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 **APPD MacArthur Initiative...**

- Detainer Alternative Program (DAP)
 - To be eligible for the DAP, offenders must be currently serving a sentence(s) for non-violent offenses.
 - In general terms and classifications, ineligible offenses can include and are not limited to the following:
 - Sex Offenses
 - Violent crimes that involve a firearm (Robbery, Aggravated Assault, etc.)
 - Violation of Uniform Firearms Act (VUFA)

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 **APPD MacArthur Initiative...**

- Detainer Alternative Program (DAP)
 - The Criminal Justice Partners:
 - DAP Officer
 - DAP Supervisor
 - Judiciary
 - District Attorney
 - Defenders' Association
 - PHMC Interviewer & Case Managers

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 **APPD MacArthur Initiative...**

- Detainer Alternative Program (DAP)
 - The Process...
 - APPD identifies and recommends candidates
 - Supervising Judges are notified via email of the DAP Recommendations
 - DAP Hearings/Listings are currently held every two (2) weeks
 - Offender's choose to participate by agreeing to the terms of the program.
 - Participate in a PHMC-sponsored assessment
 - Comply with the treatment recommendations
 - Attend weekly visits to the Probation Department

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 **APPD MacArthur Initiative...**

- Detainer Alternative Program (DAP)
 - The Terms of DAP:
 - Participate in a PHMC-sponsored assessment
 - Comply with the treatment recommendations and case-plan
 - Attend weekly office visits at the Probation Department
 - Provide weekly urine sample at the Probation Department
 - Attend subsequent DAP Status Listings until program completion or termination

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 **APPD MacArthur Initiative...**

- Detainer Alternative Program (DAP)
 - Results (As of 4/2019)
 - Current caseload: 27
 - Referred: 325
 - Participants: 278
 - Removed: 252
 - Graduated: 40%

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 **APPD MacArthur Initiative...**

- Detainer Alternative Program (DAP)
 - Results (As of 4/2019)
 - Length of Stay (LOS)/Days Saved = 22,401 Days
 - All participants:
 - Average Days Saved: 99 Days
 - Total Days Saved: 2668 Days
 - Graduates LOS:
 - Average Days Saved: 104 Days
 - Total Days Saved: 10,407 Days

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Case Studies & Discussion

Case Study: St. Louis County

- DB is 19 years old, on probation for burglary & stealing
- Employed & meeting with probation officer regularly
- DB was arrested for shoplifting, and stopped reporting to his probation officer
- Officer reported this to judge, and warrant was issued
- DB was picked up on warrant and booked into jail
- Jail case manager learned DB stopped reporting because he was afraid after his arrest; he maintained his employment

Case Study, cont'd.

- Jail case manager shared info with probation officer, who recommended release
- Judge agreed to release DB with a directive to report to probation officer and return to court for scheduled violation hearing
- JB was able to return to work as a result of this expedited process.

Case Study: Philadelphia

- IB is 38 years old, on probation for felony retail theft
- History of violations, sentences to incarceration
- Struggled with addiction to opiates
- Was reporting, but unable to maintain sobriety
- Referred to DAP as a graduated sanction
- At first court date: suspected overdose, evacuated by medics
- Returned after 2 weeks and voluntarily re-entered program

Case Study, cont'd.

- Screened by case mgr., who determined intensive outpatient was not meeting his needs
 - Referred to inpatient treatment
 - Completed inpatient treatment; referred to medically assisted treatment
 - Due to DAP, able to be home with infant, gain employment, and support his family
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