

# 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 VDP Mar Arthur Workgroup



## Overview...

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

Philadelphia VOP MacArthur Workgroup



### APPD Population...

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

Philadelphia VOP MacArthur Workgroup

---

---

---


---

---

---

---

---



### 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

Philadelphia VOP MacArthur Workgroup

---

---

---


---

---

---

---

---



### 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)

Philadelphia VOP MacArthur Workgroup

---

---

---


---

---

---

---

---



### 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

Philadelphia VOP MacArthur Workgroup

---

---

---


---

---

---

---

---



### 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:
      - 1<sup>st</sup> Positive: Warning
      - 2<sup>nd</sup> Positive: Treatment Referral
      - 3<sup>rd</sup> 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.

Philadelphia VOP MacArthur Workgroup

---

---

---

---

---

---

---

---



### 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)

Philadelphia VOP MacArthur Workgroup

---

---

---


---

---

---

---

---



## APPD MacArthur Initiative...

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

Philadelphia VOP MacArthur Workgroup

---

---

---


---

---

---

---

---



## 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

Philadelphia VOP MacArthur Workgroup

---

---

---


---

---

---

---

---



## 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

Philadelphia VOP MacArthur Workgroup

---

---

---

---


---

---

---

---





### APPD MacArthur Initiative...

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

Philadelphia VOP MacArthur Workgroup

---

---

---


---

---

---

---

---



### 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

Philadelphia VOP MacArthur Workgroup

---

---

---

---

---

---

---

---

—

## 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