Spokane Probation
The Challenge of Change

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About ideas42

We are a non-profit looking for deep insights into human behavior—why people do what they do—and using that knowledge in ways that help improve lives, build better systems, and drive social change. Working globally, we reinvent the practices of institutions, and create better products and policies that can be scaled for maximum impact.

We also teach others, ultimately striving to generate lasting social impact and create a future where the universal application of behavioral science powers a world with optimal health, equitable wealth, and environments and systems that are sustainable and just for all.

For more than a decade, we have been at the forefront of applying behavioral science in the real world. And as we've developed our expertise, we've helped to define an entire field. Our efforts have so far extended to 40 countries as we've partnered with governments, foundations, NGOs, private enterprises, and a wide array of public institutions—in short, anyone who wants to make a positive difference in people's lives.

Visit ideas42.org and follow @ideas42 on Twitter to learn more about our work. Contact Samantha Hammer at samantha@ideas42.org with questions.

Contents

➤➤ Executive Summary

Project goals and approach

This research responds to the urgent problems with community supervision in the United States. Though probation and parole were originally intended to support rehabilitation and help individuals avoid incarceration, these systems all too often do the opposite. ***According to recent data, almost half (45%) of all state prison admissions were due to either a technical violation of supervision or a new offense committed while on supervision.***[1] A focus on compliance with conditions often replaces meaningful support for rehabilitation for those on supervision.

Addressing the probation-to-incarceration pipeline requires a deeper understanding of the problem, and specifically the contexts, decisions, and actions of all involved actors. This research has been undertaken as part of the Reducing Revocations Challenge, a national initiative funded by Arnold Ventures, which aims to reduce undesirable and costly rates of probation failures and increase success on probation through the identification, piloting, and testing of promising strategies grounded in addressing the drivers of revocations. By applying a behavioral science-driven research approach to examine probation processes and outcomes within the Spokane Municipal Court Probation Department (SMCP), this research aims to identify specific behavioral factors contributing to revocations among individuals on probation in Spokane, and recommend concrete policy and practice interventions with the potential to reduce revocations.

As a probation department supervising individuals convicted of misdemeanors in a semi-rural area, the SMCP is a relatively small department that primarily supervises those convicted of driving-related offenses; domestic violence and/or assault-related offenses; and property crimes. Under the former probation model, SMCP's role was largely administrative, with relatively little interaction between officers and their clients. This research was conducted at a moment of transition for SMCP, which has launched a new probation model that has involved dramatic changes across the probation experience.

To inform ongoing practice change in Spokane and provide insights that could help other jurisdictions seeking to adopt similar reform efforts, researchers focused on identifying 1) drivers of revocations in the former model; 2) aspects of the new model expected to address these drivers; and 3) behavioral barriers to successfully implementing these aspects of the new model. Our recommendations for SMCP therefore largely center on ways to help actors resist the pull of existing norms and prior practices in order to achieve greater probation successes with the new model.

Behavioral research and design approach

The applied behavioral research and design methodology employed in this project consisted of three stages. In the **problem definition phase**, we identified specific decisions and actions taken by each actor that appeared to be contributing to excessive revocations and examined how the new model would or would not change these behaviors. In the **diagnosis phase**, we drew on insights from behavioral science to identify behavioral barriers to actors taking the steps necessary to address drivers of revocations by carrying out these aspects of the new model. Finally, in the **design phase**, we developed ideas for concrete interventions that could help key actors successfully implement the new model.

To inform the problem definition and diagnosis phases and develop our findings, researchers analyzed administrative data on a sample of 2,003 individuals sentenced to probation from October 1, 2016, through October 2019; conducted interviews with eight probation clients and 12 key system actors (probation officers, judges, defense attorneys, and prosecutors); observed important court and probation processes; and analyzed a sample of SMCP client case files.

Drivers of revocations in Spokane's former model of probation

Our analysis identified practices related to multiple aspects of the former model that appear to contribute to excessive revocations:

Revoking probation following a new criminal law violation. We found that violations filed for a new arrest are 1) more likely to lead to a revocation, 2) more likely to lead to a revocation with a jail sentence imposed, and 3) more likely to lead to a termination of probation after the balance of the original jail sentence is imposed than other types of violations. In the case files reviewed, 13 of the 14 clients with a new criminal law violation were revoked at the following hearing, with all 13 given jail. In interviews, judges expressed much more willingness to revoke with jail in response to a new criminal law violation than in response to treatment noncompliance, for which they feel they have more options.

Automatic filing of violations. Under the former model of probation, officers filed all instances of noncompliance with the court, with an average of 50 violations per week being filed by the SMCP's officers. The research found this policy appears to contribute to revocations by placing a large number of probation clients at risk of being revoked and focusing probation officers on handling the administrative side of violations, rather than working with probation clients to get back into compliance. It also contributes to long periods in which violations are unresolved, during which more violations often occur. When the accumulated violations are heard, the judge is likely to revoke. For instance, in the case files reviewed, for clients who were not revoked, the average time between the first violation filing and the hearing was three months, and an average of 1.67 violations were heard.[2] For clients who were revoked, the average time between the first violation filing and the hearing was six months, and an average of 3.67 violations were heard.

Officers have limited tools to adapt their monitoring approach to individual clients. With an average of 370 clients per officer, under SMCP's former model, officers' tools were generally limited to offering referrals to treatment or social service providers and conducting compliance checks. Case files and interviews illustrated the limitations of this approach, as the experiences of probation clients who were revoked pointed to missed opportunities for officers to build trust and then leverage it to help clients reach milestones that could help them successfully exit probation. Clients who struggled but whose officers took a more hands-on approach generally expressed more trust in their officers and a willingness to work with their officers on their change process.

Sentencing is not tailored to risk and needs, with long default probation terms. Spokane Municipal Court (SMC) judges typically default to giving two-year terms when sentencing someone to probation: in the research sample, a two-year probation term was given in at least 67% of cases. Though it is difficult to separate sentence length from other factors, examination of individuals revoked after the first year of probation suggest that the default two-year probation term, combined with automatic and required violation filings for noncompliance, contributes to excessive revocations. Data from the research sample and case files show that a sizable portion of revocations that include termination of probation occur while clients are in their second year on probation. In the administrative data, roughly half of revocations with terminations occurred after the first year; in the case files, 63% (5 of 8) revocations with terminations occurred after the first year. The default term creates a longer period of time in which the client is at risk of revocation, during which those struggling often experience jail time and other disruptive penalties while receiving limited support from their probation officers toward positive change.

Opportunities to reduce revocations through Spokane's new probation model

SMCP's new probation model addresses revocation drivers in the former model

The new model of probation was introduced in response to SMCP's high probation violation and recidivism rates, as well as inefficiencies in the former model. The new model intends to strengthen probation as a tool for rehabilitation for medium- and high-risk individuals by taking a risk-needs-responsivity approach and incorporating many current best practices from across the field. Though SMCP's new model of probation was developed and formally launched before this research began, its design anticipates and addresses several aspects of the drivers of revocations in the former model of probation which this research has identified.

While there are several ways that the design of SMCP's new model of probation could be adapted to more completely target the drivers of revocations present in the former model of probation, the new model as currently designed addresses the drivers in important ways, and the researchers believe it has the potential to reduce excessive revocations. As changes to the design of the new model are under consideration, the immediate challenge that SMCP faces is how to implement

the new model effectively. Much of the professed value of the new model hinges on the ability of key actors in the system—probation officers and judges in particular—to change the decisions and actions they take on a daily basis. By applying a behavioral lens to the new model as currently designed, we have identified likely barriers to the new model successfully addressing two key drivers of revocations: officers' limitations in adapting their monitoring approach to individuals, and long default probation terms.

Ways to mitigate behavioral barriers impeding successful implementation of SMCP's new probation model

Based on the research findings, we offer the following recommendations to support SMCP in mitigating behavioral barriers to achieving the goals of its reforms:

➤ *Opportunities for officers to adapt their monitoring approach to individual clients*
We identified *three central functions that are critical* for probation officers to successfully implement the new model, along with recommendations to help officers take up these new aspects of their role:

1. *Officers must build the knowledge about local resources necessary to help probation clients follow the court's instructions and navigate all challenges related to re-entry and probation.* As officers' roles have shifted under the new model, officers must now marshal a more comprehensive and actionable understanding of the services and resources that can aid their clients.

   💡 *Recommendations*

   ▶ Develop interactive knowledge-building activities, like tasking officers with trying to access resources that clients commonly need, to help officers learn about common challenges clients face and what information the officer can provide in these instances.

   ▶ Create and maintain infrastructure that makes knowledge about resources salient and usable, like a live guide with details about key important local client resources.

   ▶ Establish clear expectations and related processes for officers' knowledge-building, for instance via a knowledge-building work plan provided by the department.

2. *Officers should continually learn about clients and their lives so that the officer can proactively provide the client with contextually applicable resources and support, and appropriately tailor their approach to assisting the client.* Officers understand that learning about their clients will be important for success under the new probation model, but under the former model, they had little practice or guidance in building rapport with and listening to clients.

💡 Recommendation

▸ Create structures and incentives to direct officers to engage in frequent, proactive learning about clients as part of their workflow. This could entail interventions like establishing goals for making calls to clients outside of compliance issues, and creating spaces for officers to reflect and report back on what they are learning to the group.

3. *Officers should assist clients by actively coaching and motivating clients to move through the stages of change—which includes identifying, preparing for, and acting to help the client meet their goals.* According to the new probation model, an officer's role centers on actively coaching and motivating clients to move through the stages of change, a dramatic shift from their compliance-oriented role under the former model.

💡 Recommendations

▸ Put in place structures and processes that support iterative case management through two-way communication between clients and officers**.** Such structures could range from simple prompts for client conversations, to more in-depth training and practice in motivational interviewing.

▸ Give officers easy-to-use tools to help them tailor responses to clients' specific situations—for instance, a handy guide to common responses that also prompts novel problem-solving.

▸ Facilitate spaces and structures for shared learning and collaborative problem-solving among officers, such as regular department case conferencing sessions, and a quarterly or semi-annual co-design event involving clients and other stakeholders.

▸ Build officers' identification with their new model roles by recognizing officers for being good coaches.

➤ *Opportunities for implementing tailored sentencing*

The new model introduces risk- and need-responsive sentencing, based on post-conviction assessments, which allow the court to tailor affirmative conditions. However, the new model does not encourage or require judges to give **shorter probation terms**, nor does it provide a clear way for the court to use **early termination** to make terms responsive to probation clients' needs or pace of progress. Recommendations for addressing those gaps include:

1. **Shift the default away from two-year probation terms.** The two-year term is a deeply entrenched default that is accepted and expected by all parties.

💡 Recommendations

▸ Make the harmful impact that monitoring can have on defendants salient for judges, for instance by participating in probation simulations or restorative circles with former probation clients, or by receiving testimonials from current and former probation clients about the probation experience.

▸ Provide judges with prompts or tools that lead the judge to consider the individual defendant's goals, needs, and risks. An example of a simple near-term shift could be to present a 12-month term as the new anchor point on the sentencing document.

2. **Make use of early termination so those who need less probation get it.** An agreed-on and reliable early termination process could support the goal of reducing revocations by shortening probation terms.

💡 Recommendations

▸ Apply a "good time" standard to probation that both offers a meaningful reduction in probation term and makes the requirements for earning a reduction transparent.

▸ Create a new and realistic set of eligibility criteria (for instance, moving to low or medium risk and meeting all obligations) that would allow early termination even for probation clients with less than 100% perfect performance.

▸ Make the early termination process as automatic as possible for all involved, for instance by automatically notifying an officer through the case management system of their client's eligibility, and allowing clients who meet the criteria to have their probation terminated automatically if no parties object.

Introduction: Project Goals and Scope

The problem of revocations as a driver of mass incarceration

As the number of individuals on probation or parole in the U.S. has risen sharply over the past several decades, it has become clear that these systems, which were intended to rehabilitate and prevent individuals from being incarcerated, are instead serving as a conduit back into jails and prisons.[3]

Each year, nearly a third of those who exit probation or parole in the U.S. fail to successfully complete the terms of their supervision, with almost 350,000 individuals returning to jail or prison.[4] According to recent data, *almost half (45%) of all state prison admissions were due to either a technical violation of supervision or a new offense committed while on supervision.*[5]

These figures highlight the immense challenges of our current community supervision structure. With regard to probation, while numerous approaches—shorter probation terms, graduated responses, earned compliance credits, and reduced or inactive supervision—have been implemented in some jurisdictions, taken as a whole these interventions have had limited impact on violation and revocation rates at scale.[6] Addressing the probation-to-incarceration pipeline requires a deeper understanding of the problem, and specifically the contexts, decisions, and actions of all involved actors. This includes the factors that affect how criminal justice system actors set conditions, respond to violations, and make judgments that lead to incarceration.

Goals of this research project

The Reducing Revocations Challenge, a national initiative funded by Arnold Ventures, aims to reduce undesirable and costly rates of probation failures and increase success on probation through the identification, piloting, and testing of promising strategies grounded in the drivers of revocations. Revocations are a consequence of the decisions and actions of both the individuals who work in the criminal justice and law enforcement systems and the individuals on probation. Behavioral science offers a powerful framework to identify and understand how contexts—legal, social, and environmental—affect the decision-making of probation departments and probation clients themselves, and thereby drive revocation outcomes.

By applying a *behavioral science-driven research approach to examine probation pro-cesses and outcomes in Spokane, Washington, this research aims to identify specific behavioral factors* that are contributing to revocations among individuals on probation in Spokane. We also seek to contribute ideas for concrete policy and practice interventions that could reduce the rate of revocations and help more individuals in Spokane successfully complete probation and exit supervision.

This research was conducted at a moment of transition. The Spokane Municipal Court Probation Department (SMCP) has launched a new probation model that incorporates several practices within a risk-needs-responsivity framework and has involved dramatic changes across the probation experience. We have examined the former probation model and initial experiences with this new model, with the hope that this report informs the evolution of probation practice in Spokane, as well as offers insights to jurisdictions seeking to adopt similar changes elsewhere.

⟫ *Project Approach*

ideas42's behavioral research and design methodology

Our research approach is based around the three primary research questions of the Reducing Revocations Challenge:

1. How do behaviors and decisions at different process points move people toward or away from revocations?

2. How do legal and administrative policies—and the way that they are implemented—affect how probation clients move through these pathways?

3. Are violations/revocations more likely among probation clients with certain characteristics?

Behavioral science teaches us that seemingly small factors can have very large impacts on behavior; however, identifying the legal, social, economic, programmatic, and psychological features within a context that impact behavior can be difficult. In taking a behavioral science-based approach to exploring these questions, this research focused on both identifying specific decisions and actions as well as holistically examining features of the probation context in Spokane that influence revocation outcomes.

The applied behavioral research and design methodology employed in this project consisted of three stages—Problem definition, Diagnosis, and Design—as outlined below:
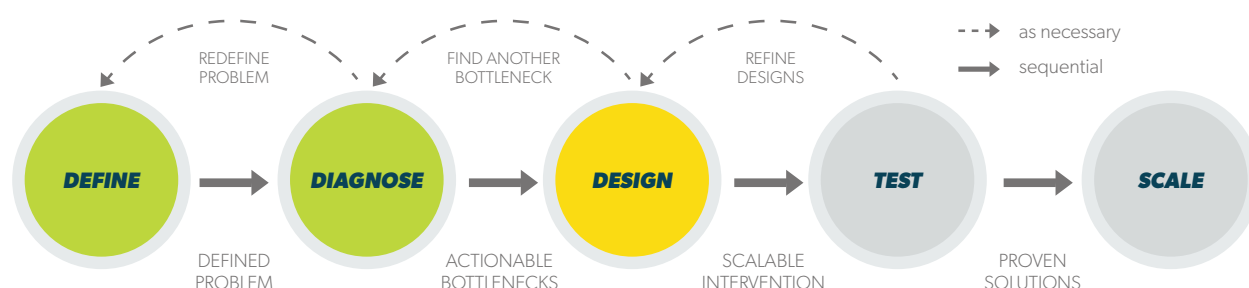
Problem definition. The goal of the problem definition phase is to **identify observable behaviors that contribute to negative outcomes**—in this case, excessive revocations. We seek to define these behaviors without any embedded assumptions about what is influencing or causing the behaviors. The problem definition included a literature review, analysis of administrative data, review of policy documents and statutes, process mapping, interviews with stakeholders (including probation clients, staff, judges, defense attorneys, and prosecutors), and observations of probation and court activities. The work of the problem definition phase led to a set of behavioral problem statements describing decisions and behaviors of different probation stakeholders that, if changed, could positively impact the rate of revocations.

Diagnosis. In the diagnosis phase of the project, the researchers worked to **identify behavioral bottlenecks**—specific elements of the probation context that may work in concert with known elements of human psychology to influence the target behaviors identified in the problem definition phase. The diagnosis phase involved a deep dive into the probation context through mixed-methods research, including interviews, review of case files, and additional analysis of administrative data. This work resulted in the identification of specific behavioral barriers to changing the target behaviors identified in the problem definition phase.

Design. Based on the diagnoses, the team conducted a series of **structured design exercises to identify ways to shift elements of the probation context that we found to be contributing to the target behavioral problems.** The team discussed a shortlist of ideas with partners in Spokane to refine them and selected those included in this report, weighing the likely impact and feasibility of each if they were implemented in Spokane against, and the value they might bring to other jurisdictions.

This research adapted to a moment of transition for Spokane probation

At the time of writing, SMCP has been in the process of dramatically transforming its approach to probation supervision and the day-to-day execution. In brief, ***the goal of this "new model" of probation is to reorient SMCP to provide risk- and needs-responsive supervision to medium- and high-risk probation clients, with the end goal of increasing probation successes and reducing future recidivism*** (described in further detail beginning on page 42). The new model incorporates many current best practices from across the field and requires all parties, not just probation officers, to make changes to their role in the probation process.

In developing the research plan for this project, SMCP and ideas42 were interested in using the research as an opportunity to explore the effectiveness of the new model in reducing probation revocations. The new model was set to launch in November 2019, and SMCP expected more than one hundred defendants would be sentenced to the new model within the first months after the model's launch. This would enable ideas42 to use administrative data from the former model to establish past trends in revocations and locate potential drivers of revocations that might carry over from the former model to the new. ideas42 would then collect nuanced quantitative and qualitative data on new model cases from November 2019 to March 2020 to see if and how trends in revocations were changing, and explore possible causes. The behavioral approach was expected to be particularly useful for Spokane in this regard, as the research would be designed to identify challenges to successful implementation of the new model, as well as the strengths and weaknesses of the design of the new model.

While the "new model" of probation was formally launched as planned in November 2019, the rollout has been slower than expected. Relevant court actors (i.e., judges, prosecution and defense attorneys) initially embraced this tailored, evidenced-based approach to probation terms, but there has been continued disagreement and pushback among the

parties over the new model's implementation. During the planned data collection period (November 2019 to March 2020), only 12 clients were sentenced to the new model with 55 clients total currently under new model supervision (November 2019 to May 2021). Instead, the vast majority of new probation clients sentenced from November 2019—May 2021 (1,716 in total) have been sentenced to monitoring according to the former model.

In response, ideas42 shifted the focus of the research away from comparing actual revocation outcomes and shifts in drivers between the former and new models. Instead, we adapted to focus on ***identifying 1) drivers of revocations in the former model; 2) aspects of the new model that are expected to address these drivers; and 3) behavioral barriers to successfully implementing these aspects of the new model.*** In practice, this allowed us to make use of SMCP's available data and largely employ the same research methods as planned. To the extent possible, we examined the limited experience of the new model to validate our hypotheses as to which aspects of the new model would be critical to its increasing probation success.

Therefore, the findings in this report regarding drivers of revocations reflect those drivers that appear to be prevalent in the former model of probation. Our behavioral diagnosis and recommendations for changing practice look ahead to how the new model can respond to these drivers, and largely on how the system's existing norms of conduct and workplace culture within probation, the judiciary, and counsel have conflicted with the successful implementation of key elements of the new model. In turn, our recommendations for Spokane center on ways to ***help actors resist the pull of these existing norms and prior practices in order to achieve greater probation successes going forward.***

The Context of Probation Revocations in Spokane

Criminal justice in Spokane

Spokane is a mid-size city, though second largest in Washington, located in semi-rural environs in the northeast part of the state. The city has a current estimated population of 220,000.[7] Spokane and the surrounding Spokane Valley area serves as the metropolitan center for the Inland Northwest, with an economy that has diversified from natural resources and manufacturing following an economic downturn in the 1980s and 1990s. Still, in 2019 **the city had four of the 10 lowest-income ZIP Codes in the state,** and an estimated 19.4% of city residents live at or below the poverty line, with homelessness being an important challenge.[8] A sizable majority of the city's population identifies as White (85%). Those identifying as Hispanic/Latino form the largest racial/ethnic minority (6%), with smaller numbers of individuals identifying as Asian and Pacific Islander (2.6%), Black (2.2%), and Native American (1.9%).[9]

Local efforts at criminal justice reform have been ongoing since 2012, following a city- and county-level "Blueprint for Reform." Most recently, the focus has been on reducing the use of jail and eliminating racial inequities in jail time: the daily jail population had been rising since 2000, hitting an average of 919 in 2018, and data showed that on average African Americans, Native Americans, and Hispanic/Latinos experienced longer jail stays than individuals of other races.[10] With funding from the MacArthur Safety and Justice Challenge, ongoing efforts include improving pre-trial services and programs to divert people away from jail and into treatment; implementing pre-trial risk assessments; and offering expanded re-entry programming. A county-wide Justice Council and Justice Task Force play a key role in coordinating these efforts.

Scope and function of the Spokane Municipal Court Probation Department (SMCP)

Jurisdiction and scope

Spokane Municipal Court Probation (SMCP) supervises clients sentenced by the Spokane Municipal Court (SMC), which is staffed by three judges, who exclusively hear criminal misdemeanor charges and civil infractions, and three court commissioners. The SMCP also shares office space with the county probation department. Given Spokane's location near the Idaho border, their clients may have active cases in multiple jurisdictions.

The work of the SMCP, including the department's current adoption of a new approach to supervision, takes place in the context of ongoing criminal justice reforms described above. Probation has not been the focus of these reforms, though some of the initiatives intersect with the work of the Spokane Municipal Police Department (SMPD)—such as the development of a new,

justice system-wide data management system, and the launch of the Envision Center, which allows justice-involved individuals to connect with many program and service providers in one place.[11]

Staff and caseload

In 2019, SNCP's caseload consisted of 3,411 probationers[12] total and has remained relatively consistent for the past eight years.[13]

The department is staffed by 14 total staff, with 10 officers in total. The majority of officers are assigned to clients based on the first letter of the client's last name. One officer is dedicated to Spokane's specialty courts (veteran's enhanced treatment court, mental health therapeutic court, DUI court, and a community court). All officers work under the management of the Chief Probation Officer. Probation officers have received training in motivational interviewing, trauma-informed care, and cognitive-behavioral techniques. Officers receive performance reviews based on progress on these specialized skills. In terms of formal professional advancement, officers are formally evaluated based on standard criteria for city government employees, and therefore do not have advancement tracks based on competencies or achievements specific to their roles.

In 2019 the average caseload per officer was roughly 370 clients, though two officers had over 500 clients each. Officers' caseloads generally include a handful of clients on supervised status and most others on monitored and administrative status. For the vast majority of clients, ***the officer's role is limited to a) an initial intake meeting post-sentencing at which the officer may provide referrals, and b) submitting violations for noncompliance.***

The SMCP's former model of probation
Key policies and statutes defining the work of the SMCP

➤ ***Sentence options available to the court***

Municipal court sentences include: jail and/or jail alternative given, probation term length, and fines and fees. Available jail alternatives include work crew supervised by the Department of Corrections, community work service, and electronic home monitoring (EHM).

➤ ***Maximum sentence lengths and required conditions***

Per Washington State law, the maximum jail time that can be given by the municipal court is 364 days, and the maximum probation term that can be given is two years. Judges do not make use of a formalized sentencing grid to aid in determining a sentence length.

There are exceptions to the above for two types of offenses heard by SMC—domestic violence offenses and DUI offenses.

▸ **Domestic violence offenses:** For domestic violence convictions, the municipal court may order a probation term of up to five years.

▶ **DUI offenses:** Statute sets mandatory minimum and maximum jail terms and accompanying conditions, dependent on the defendant's blood-alcohol level and number of prior offenses. The maximum jail time for any case is 364 days and required conditions of probation for DUI and related charges are: i) no driving without a valid license; ii) no driving without proof of insurance; iii) no driving or being in control of a vehicle with a blood-alcohol level of .08 or more, or a blood THC level of 5.00 nanograms; iv) no refusing to submit to a breathalyzer or blood test; v) no driving without an ignition interlock device. For each violation of these mandatory conditions, the court must order a minimum of 30 days confinement, which can't be suspended or deferred:

> ▶ Additional conditions that can be ordered include sobriety program and alcohol or drug education, treatment, and/or victim impact programming.

> ▶ Additional mandatory penalties include suspension or temporary revocation of the defendant's driver's license, and a fine ranging from $990 to $5,000, unless the defendant is indigent.

> ▶ Electronic home monitoring is mandatory in increasing increments if the defendant has had one or more prior offenses. Per statute, the EHM portion may not be suspended unless the court finds that it would impose a risk to the defendant's physical or mental wellbeing.

The court can order payment of fines associated with the offense, as well as court costs. Payments required may include family support, restitution, and costs of electronic home monitoring, among others. SMC, however, does not revoke probationers solely for failure to pay fines and fees and has taken a lenient approach in this area given the high-level of probationers suffering from poverty in this jurisdiction.

All defendants adjudicated guilty are given a condition of "commit no new criminal violations," meaning that a conviction on a new charge automatically violates their probation.

Features of probation supervision under the former model

Under the former model of probation in place since the founding of the court in 2010, the department's practice was oriented to **_arms-length monitoring and rote reporting of noncompliance that was then handled by the court, not the officers._** This model in general has few procedures codified in formal policy, and does not incorporate many practices—such as monitoring tailored to assessed risk and need, graduated responses to violation behaviors, etc.—that are now frequently used by probation departments across the country.

➤ *Sentencing and intake*

The former model caseload was divided into Supervised, Monitored, and Administrative clients, with roughly 79% of the caseload on Monitored status, 20% on Administrative status, and only 1% on Supervised status. Please see page 22 for a breakdown of monitoring levels for recent years.

Each level involves a different intensity of monitoring:

▶ **Supervised:** Under the former model, supervised probation was rarely utilized (20-27 probation clients per year) and involves the most active monitoring. Individuals sentenced to supervised probation are given affirmative conditions (e.g., to complete treatment programs, submit to drug testing, etc.) and must meet with their probation officer more frequently than clients on "monitored" status—as frequently as once per week.

▶ **Monitored:** The majority of clients are sentenced to monitored probation. While monitored probation clients typically have some affirmative conditions with which they must comply, they typically do not see a probation officer after an initial intake unless they commit a violation or need to sign a new request for information or referral.

▶ **Administrative:** Probationers on administrative status have neither reporting obligations, nor affirmative conditions. Compliance requires the payment of any related fines and fees and no new criminal law violations. Probation officers check weekly reports to confirm that the client has not been arrested but ordinarily do not contact the client directly if there are no new criminal law violations.

Under the former model, apart from indigency screening, there is no formalized process to assess a defendant's risk, needs, or other relevant circumstances to inform the appropriate supervision level, and so sentencing relies on information lawyers provide during the plea or trial process about the individual's criminal history, personal history, current challenges with substance use and mental health, and the like. This makes it difficult for judges to tailor sentencing, and instead leads to a one-size-fits-all approach based on charge and criminal history.

Under the former model, probation clients are typically ordered to report to probation within 24-48 hours of sentencing. At the initial reporting, a probation clerk conducts a simple intake process to gather basic information and then schedules a subsequent time to meet with their probation officer (and, if needed, to be fitted with an EHM device). At the initial meeting with their probation officer, the officer confirms the requirements of probation, requires the probation client to sign various releases, and then provides basic referrals to services such as the Washington State Department of Social and Health Services (DSHS). If treatment or testing has been ordered, the officer will provide the client with a list of service providers. It is then the client's responsibility to contact these providers and enroll in their services. If they are not on active supervised status, this is likely the last in-person interaction that the officer has with the probation client during the term.

➤ *Fulfilling probation term and ongoing interaction between officer and probation client*

Under the former model of probation, supervision is not dictated by one's personal circumstances or needs—the level and type of support that an officer provides to their clients are up to the officer's discretion. In general, the approach to monitoring is hands-off, until or unless the probation client commits a violation. If the officer learns an obligation has gone unmet, the officer will seek to contact the client. Officers may establish more frequent, regular contact with clients in a few scenarios: 1) if the client is consistently failing to complete their obligations; 2) if the judge orders treatment review hearings; 3) if the client requests more frequent check-ins.

➤ *Response to violations*

Under the ***former model, all violations are reported to the court forthwith,*** regardless of violation type or severity. There are no options for graduated responses before making a formal violation filing. If the court chooses not to hold a hearing for the violation notice at that time, it is common for the probation officer to file additional notices of violation when subsequent violations occurred, meaning that a hearing often considers many violation notices.

Post violation filing, probation officers have no further involvement in resolving the violation: they do not appear in court to offer further information and they give no resolution recommendation. Adjudicating the violation lies solely in the hands of the judiciary. Two years prior to the research, SMCP moved to end the practice of officers and judges communicating about violations outside of the violation filing, due to ethical and legal considerations, and instituted a formalized process by which judges can request clarifying information about the violation from officers.

➤ *Policies, path, and timing to revocation hearing*

Once a violation has been filed, procedurally the court should issue an order to show cause (violation hearing) and set a date for the hearing. In practice, ***judges frequently continue these hearings multiple times until a later date*** to give the probation client time to get back into compliance.

While "revocation" can typically mean the actual revocation and termination of the probation term, SMC equates this term with "violation found" and then either terminates or continues the probation. At the show cause hearing, if a judge finds cause for the violation, ***the judge can revoke and terminate probation or revoke and continue probation; impose a jail sentence or jail alternative;***[14] or continue and amend probation with new or fewer conditions. Judges can select multiple options—for instance, revoking probation and imposing a jail sentence on a treatment violation, while at the same time ordering that the client's probation be reinstated with the same conditions as originally ordered.

➤ *Use of early termination of probation*

Under the former model, any probation client can initiate a petition for early termination, though the researchers believe this is done rarely. In general, early termination under the former model is designed to be a client-initiated and led process, which the client begins by requesting a form from the clerk's office to request a hearing before the court. Whether and when a probation client is made aware of the possibility for early termination is done ad-hoc, as SMC judges may choose to include the possibility for early termination of probation on an individual's judgment and sentence, but not in a uniform way. In practice, the process is often described informally: during the sentencing hearing judges may simply advise the individual to "write [the judge] a letter" or "come back in a year" to request early termination. However, no established eligibility criteria or process exists by which probation officers are expected to assist their clients in requesting early termination.

Methodology used to identify drivers of revocations in the former model

Research activities

Our activities to identify drivers of revocations in the former model were as follows:

▸ We reviewed **relevant statutes and policy documents,** and mapped our understanding of the probation journey in the former model, articulating key processes such as the pathway from the finding of a violation to the issuing of a revocation. This allowed us to define questions related to potential drivers of revocations to explore in the administrative data provided by SMCP.

▸ We **analyzed administrative data** on individuals sentenced to probation from October 1, 2016, through October 2019. The dataset we were given access to included pertinent demographic information on individual probation clients (i.e., age, race/ethnicity, sex, language); case details (e.g., disposition dates; charge category; jail imposed; probation term length; monitoring level, conditions; fines/fees owed at sentencing); details regarding violations (e.g., date of filing, violation category); and details regarding revocations (e.g., hearing dates, revocation outcomes, including whether or not someone was continued on probation or terminated following a revocation, if jail was imposed, if changes in conditions were ordered). These data allowed us to derive contextualizing statistics on the caseload and the prevalence of violations and revocations. We then examined potential connections between violations and revocations and observable factors, using descriptive analysis.

▸ As we explored the administrative data, we adapted our quantitative analysis plan (described in the Appendices) based on our evolving understanding of the limitations of the data to which we had access. Due to the way that SMCP's database is structured, we discovered that it would not be possible to explore some key factors. For instance:

violations are separated into high-level categories that are not mutually exclusive, and an important type of violation, absconding, is not captured systematically. It is also not possible to link specific violations with specific revocation outcomes, as multiple violations are typically resolved in a single hearing, and no explanation is recorded in the administrative data as to which violation(s) triggered specific penalties. Additionally, monitoring levels and conditions attached to specific cases are not captured consistently, and therefore were not considered helpful for rigorous analysis. Due to these limitations, we placed more focus on using qualitative data sources to validate potential trends surfaced in the administrative data analysis, as well as to explore behavioral factors contributing to revocations.

▸ Over the course of **two site visits** (one conducted remotely), we conducted interviews with a total of eight probation clients and 12 key system actors (five probation officers, three judges, two defense attorneys, and two prosecutors). We were able to interview several of the respondents more than once, which was helpful in exploring emergent themes and digging deeper into challenges inhibiting the success of the new model. During the in-person site visits, we also observed two SMC dockets and two probation reporting appointments.

▸ We further **collected and analyzed data from the case files of a randomized sample of 24 probation clients,** stratified by race/ethnicity and violation type (using the main violation categories used by SMCP—treatment violation, new criminal law violation, combination, and other). We also reviewed case files from the eight probation clients interviewed. The case files provided more nuanced information about clients' personal histories and likely risk- and need-factors; details surrounding their cases; and circumstances of their violations. Case files were particularly helpful in examining the sequencing of events leading up to revocations and successful and unsuccessful probation exits, including interactions between clients and officers and clients and the court, and responses by officers to indications that clients were struggling.

Overview of the former model caseload sample

SMCP provided data on the probation caseload for the three years prior to the research (2016–2019). The research sample included individuals sentenced to probation from October 1, 2016, through October 2019, prior to the launch of the new model.[15] All individuals in the research sample were sentenced to the former model of probation. The data reviewed captures incidents that occurred during this time period only (for instance, previous case history or violations that occurred after the sample end date were not included).[16]

Caseload demographics

The sample included a total of 2003 individuals. Men outnumbered women by about 3:1 in this sample: 1534 individuals (76.6% of the sample) were identified as male, and 468 individuals (23.4%) were identified as female.

As is true in the local jail populations, ***people of color are over-represented in SMCP's caseload*** in terms of their proportion in Spokane's total population, as illustrated in Table 1 below.

Table 1: Breakdown of SMCP caseload sample by race/ethnicity

Race / Ethnicity	Number in SMCP caseload sample	Percent of SMCP caseload sample	Percent of Spokane population
White	1573	78.53%	85.06%
Black	213	10.63%	2.16%
Hispanic / Latino	53	2.65%	6%
Native American	100	4.99%	1.87%
Asian and Pacific Islander	49	2.45%	2.62%
Other[17]	15	.75%	N/A

Common charges, supervision levels, and conditions

Typically, the SMC issues probation terms for the more serious charges the court adjudicates: driving under the influence and domestic violence or assault. As shown in Chart 1 below, in the research sample, roughly 50% of charges were for driving-related offenses; 28% were for domestic violence and/or assault-related offenses; 14% were for property crimes; 3% were for arrest-related charges; and 6% were uncategorized.

Chart 1: Types of charges among the caseload

- 50% Driving-related offenses
- 28% Domestic violence / assault
- 14% Property crimes
- 3% Arrest-related charges
- 6% Uncategorized
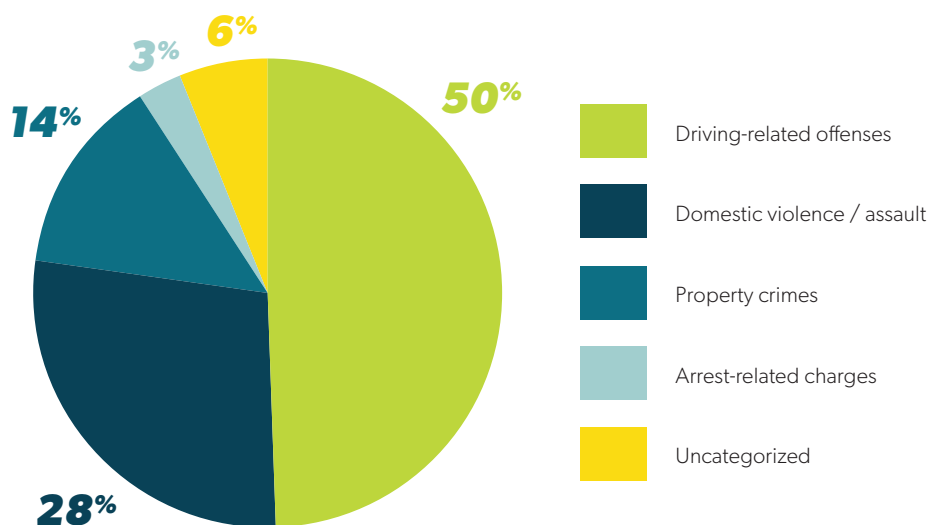
In terms of the categories of post-sentencing supervision that the department used until November 2019, the caseload is divided into three levels: supervised, monitored, and administrative (Table 2).

Table 2: Counts of clients in SMCP caseload sample
by monitoring level under the former model[18]

Monitoring level	2016	2017	2018
Supervised	23	27	20
Monitored	2354	2476	2661
Administrative	669	608	604

Overview of violations and revocations within the caseload sample

Prevalence of violations

➤ *Trends in absolute numbers of violations issued and types of violations*

In the research sample, there was an average of 1,535 total violations filed per year. Overall, approximately *61% of clients had at least one violation filed* during the period covered by the data. Clients who had at least one violation had an average of 3.75 violations filed during the same period.

Categories of violations captured in the administrative data include:[19]

1. *New criminal law violations* of any kind (i.e., felony or misdemeanor);

2. Court-ordered *treatment failure* (e.g., failing to attend sessions of a court-ordered substance abuse treatment program or failing to appear for a drug test)**;**

3. *Other noncompliance,* which could include failing to appear to a hearing or probation appointment, using a prohibited substance, or violations related to electronic home monitoring. While detail on the specific type of other noncompliance is not always given in the data, it appears that a majority of these violations are linked to substance use;

4. A *combination* of 1, 2, or 3. When violations are listed as "combination," the administrative data fails to identify which specific violation categories are present.

Disaggregating the violations in the research sample by type, we see that new criminal law violations are the most prevalent, followed by failure to engage in court-ordered treatment, as shown in Chart 2 below.

Chart 2: Prevalence of violations by type

2%
33%
18%
20%
27%

- New criminal law violations
- Treatment failure
- Combination violations
- Other noncompliance
- Uncategorized
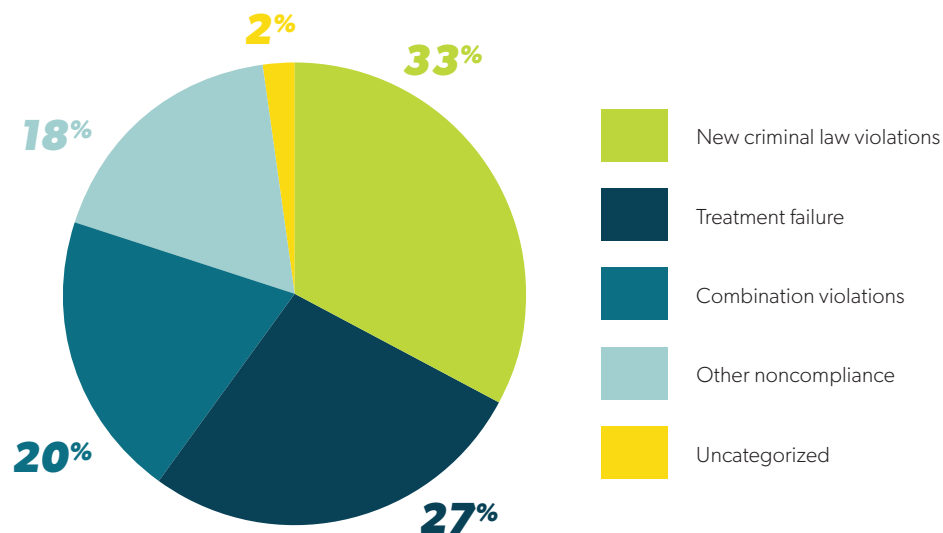
Prevalence of violations by demographic factors

Of clients in the research sample, 63% of male clients had at least one violation during the three-year period our data represents, while 57% of female clients had at least one violation. However, female clients who had at least one violation had an average of 4.3 violations, while their male counterparts had an average of 3.6 violations.

Examining the variation in types of violations committed most frequently by men and women (see Table 3 below) suggests that behaviors leading to them toward violations differ. Keeping in mind that the majority of violations categorized as "Other" are violations for substance use, we can surmise that ***women are more likely to be violated for behavior connected to substance use and related issues, while men are more likely to be violated for alleged new criminal activity,*** although the "Combination" category adds uncertainty.

Table 3: Violations filed for those in the SMCP caseload sample with at least one violation, by sex

Violation type	Average number of violations per client, male	Average number of violations per client, female
Treatment failure	.99	1.05
New criminal law violation	1.31	1.03
Other	.51	1.22
Combination	.71	.88

There are important racial and ethnic differences in violation rates and the types of violations filed. ***Black, Native American, and Hispanic/Latino clients had a higher share of violations filed than their proportion in the research sample*** (see Table 4), with the Black clients having the largest difference between their proportion in the caseload sample and their proportion of those with one or more violations (+1.85%).

Table 4: Total violation rate for those in the SMCP caseload sample with at least one violation, by race/ ethnicity

Race / Ethnicity	Average violations per client with 1+ violations	Share of population with 1+ violations	Share of caseload sample
White	3.8	75.67%	78.53%
Black	3.7	12.48%	10.63%
Hispanic / Latino	4.1	3.47%	2.65%
Native American	3.6	5.99%	4.99%
Asian and Pacific Islander	2.9	2.13%	2.45%
Other	1.7	.26%	.75%

Additionally, ***the data show that Black clients are more likely than clients of other races or ethnicities to be violated for new criminal law violations*** (Table 5). It is unclear which violation types may account for the additional share of violations among Native American and Hispanic / Latino clients. As above, the presence of the "Combination" category makes it difficult to find precise variance in violation behaviors.

Table 5: Prevalence of violations by type, by race/ethnicity

Race / Ethnicity	Percent filed for new criminal law violations	Percent filed for treatment failure	Percent filed for other non-compliance	Percent filed for combination violations
White	33%	26%	19%	20%
Black	38%	22%	17%	22%
33%	33%	33%	15%	18%
Native American	33%	33%	12%	20%
Asian and Pacific Islander	33%	43%	6%	17%
Other	50%	17%	25%	0%

Note: Percentages by row do not sum to 100% because of a small but varying number of uncategorized violations for each group.

Prevalence of revocations

> ### Overall use of revocations[20]

In the research sample, an average of 318 total revocations were filed per year, which equates to an average of every 4.82 violations ending in a revocation.

Out of the ***61% of the research sample who were violated at least once during the period covered by the data, 48% were revoked at least once.*** Those who were revoked had an average of 1.6 revocations during that period. (See Table 6 below for overall revocation prevalence in the caseload.)

The data show that approximately 30% of probation clients were revoked at least once. However, it is useful to note that the rate of revocations found in the administrative data available to the researchers is almost certainly lower than the true caseload revocation rate. This is in part because the sample does not include full case histories for every individual included (as those sentenced near the end of the period covered by the sample would not have been on probation long enough to have been revoked, and revocations occurring later would not have been captured in the sample). It is likely exacerbated by the lengthy period it typically takes to resolve violations.

Additionally, those who abscond are not included in the revocation data because they are in "violation limbo." When one absconds (31 or more days of no contact and no adherence to conditions), a violation notice is filed, but no revocation hearing occurs unless and until

the probation client appears again. Therefore, every probation client on absconding status has an outstanding but unresolved violation. As far as approximating numbers, 344 clients in the administrative data sample were labeled as absconders not in contact with probation as their final probation status—17% of the overall sample of 2,003 individuals. Thus, our reported revocation rate leaves out all probation clients currently on absconding status who, once found, will likely be revoked given SMC's equating "revocations" with "violations found."
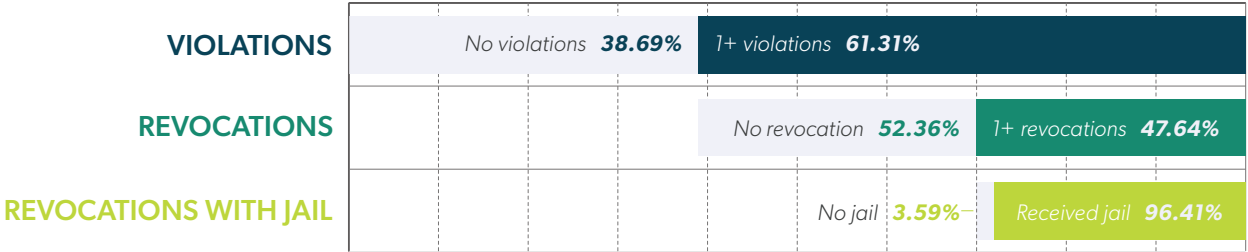
Table 6: Overall revocation prevalence among caseload sample

Percent of total sample with 1+ violations	Percent of probation clients with violations given 1+ violations	Average revocations for probation clients with 1+ revocations
29.81%	47.64%	1.6

➤ *Prevalence of revocation outcomes*

While approximately 48% of probation clients with 1 violation or more are revoked, *if revoked a jail sentence*[21] *is the overwhelming norm. Around 96% of revocations included a jail sentence,* with the majority (86%) of probation terms continued after the jail sentence and only 14% of revocations followed with a probation termination. This sets probation clients up to potentially receive multiple jail sentences during their probation term, as they are violated, revoked, and their probation is continued. Figure 1 below illustrates the prevalence of revocations with jail imposed among those who are violated.

Figure 1: Overview of violations and revocations with jail imposed

VIOLATIONS			*No violations* **38.69%**			*1+ violations* **61.31%**			
REVOCATIONS					*No revocation* **52.36%**		*1+ revocations* **47.64%**		
REVOCATIONS WITH JAIL						*No jail* **3.59%**	*Received jail* **96.41%**		

➤ Prevalence of revocations by demographic factors

Looking at the relationship between revocations and probation client demographics, a similar pattern to the distribution of violations emerges: male clients are more likely to be revoked than female clients—female clients are around 23% of the total research sample, but almost 19% of those revoked.

Chart 3: Caseload sample by sex

23.40%
76.60%
Male
Female
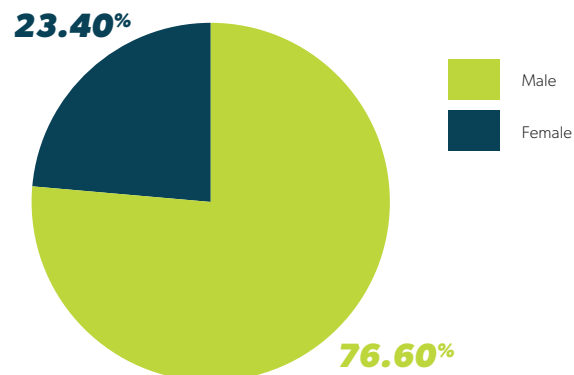
Chart 4: Clients with 1+ revocations, by sex

18.58%
81.37%
Male
Female

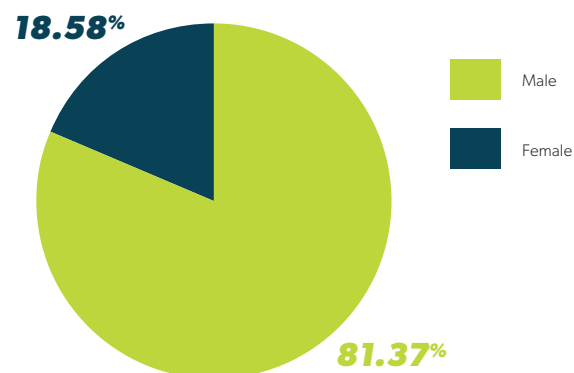Additionally, ***Black and Native American clients are revoked at higher rates than their proportion in the caseload,*** with Black clients over-represented in the share of the caseload sample with one or more revocations by nearly 3%, and Native American clients over-represented by 2.5%. (See comparison of revocation rates by race/ethnicity in Table 7 below.) A potential link between violation activity and revocation incidence with regard to race and ethnicity is explored more in the following section.

Table 7: Revocations among the SMCP caseload sample, by race/ethnicity

Race / Ethnicity	Average number of revocations per client with 1+ revocations	Percentage of clients with 1+ revocations	Share of caseload sample
White	2.03	73.85%	78.53%
Black	1.95	13.50%	10.63%
33%	2.40	2.56%	2.65%
Native American	1.68	7.52%	4.99%
Asian and Pacific Islander	2.54	2.22%	2.45%
Other	3.50	0.34%	0.75%

Drivers of Revocations in Spokane's Former Model of Probation

Overview of revocation drivers in SMCP's former model of probation

Our analysis identified practices related to multiple aspects of the former model that appear to contribute to excessive revocations:

1. *Revoking probation following a new criminal law violation*

2. *Automatic filing of violations*

3. *Officers have limited tools to adapt their monitoring approach to individual clients*

4. *Sentencing is not tailored to risk and needs, with long default probation terms*

These practices span different phases of the probation journey and represent a mixture of formal policy and normative practice. Each impacts a sizeable portion of probation clients under the former model.

Below, we contextualize each driver with relevant analysis of the administrative data and additional qualitative data, then discuss the evidence linking the driver to the rate of revocations. Last, we offer an interpretation of how this driver contributes to revocations and considerations for further exploration where relevant.

DRIVER #1:
Revoking probation following a new criminal law violation

Context on handling of new criminal law violations

"Commit no new criminal law violations" is a default condition given to everyone sentenced to probation by the SMC, regardless of monitoring level. An officer is to file a violation notice immediately upon learning that a client has been arrested, regardless of the charge.

As illustrated in Chart 2 above, *new criminal law violations were the most common type of violation filed* for probation clients in the research sample (33% of violations were categorized as "new criminal law" violations, while an additional 20% of violations were categorized as "combination" violations, many of which likely included a new criminal law violation along with one or more additional types of violation activity). When these violations are disaggregated by sex, we find *men are more likely to have new criminal law violations than are women* (with averages of 1.31 vs 1.03 new criminal law violations per individual). When these violations are disaggregated by race/ethnicity, we find that *Black clients are more likely to have a new criminal law violation than members of any other race or ethnicity.*[22]

Evidence for how this handling of new criminal law violations drives excessive revocations

Examining the link between specific types of violations and revocation outcomes is challenging using SMCP's administrative data. As noted above, a single hearing on an order to show cause frequently resolves multiple violations—the initial one filed for that time, and additional violations that have been filed since. The judge's decision to revoke may hinge on only one of the violations heard, but there is no indication of that decision-making recorded in the database. Figure 2 below illustrates this process.

Figure 2: Illustration of process from formal violation filing to resolution

VIOLATIONS

Four violations are filed for Probationer X, who has one case

- Commit
- Tx Failure
- Substance Abuse
- Tx Failure

HEARING

All four violations are heard at the same hearing

- Commit
- Substance Abuse
- Tx Failure
- Tx Failure

ORDER

The judge issues one order resolving all violations. The judge does not distinguish which outcomes relate to which violations.

- ✔ Probation revoked
- ✔ 5 days jail imposed
- ✔ Probation restored with same conditions following jail

Still, the data suggest that violations consisting of new criminal law violations are ***1) more likely to lead to a revocation, 2) more likely to lead to a revocation with a jail sentence imposed, and 3) more likely to lead to a termination of probation after the balance of the original jail sentence is imposed*** than other types of violations.

In the research sample, on average, clients with at least one revocation had more violations related to an alleged new criminal law violation than any other type of violation as illustrated in Table 8:

**Table 8:** Overall rate of violations by type

Violation type	Average number of violations per client, for clients with 1+ revocations
Commit new criminal law violation	1.8
Treatment failure	1.1
Combination	0.9
Other	0.6

In the case files reviewed, jail almost always followed a new criminal law violation. [23] For example, **14 clients suffered a new criminal law violation and of those, 13 were revoked at the following hearing; all 13 were given jail** (at least a portion of their original jail sentence); eight probation clients also had their probation terminated after serving the full balance of their original jail sentence; five had their probation term continued after jail. In the case files, only one probation client was revoked with jail without committing a new crime and only at his third violation hearing. For one probation client, even 43 violations, mainly for treatment failures, did not trigger jail until the violation was a new offense.

Looking through the lens of demographics adds nuance to the connection between new criminal law violations and revocations. Comparing rates of new criminal law violations to rates of revocations between men and women in the entire caseload sample (in Chart 5 below) suggests that violation type may play a role in the differing revocation rates by sex: men have higher rates of new criminal law violations and revocations than do women, but the gap between men and women's revocation rates is narrower.

Chart 5: Comparison of rates of new criminal law violations and revocations in the entire caseload sample, by sex
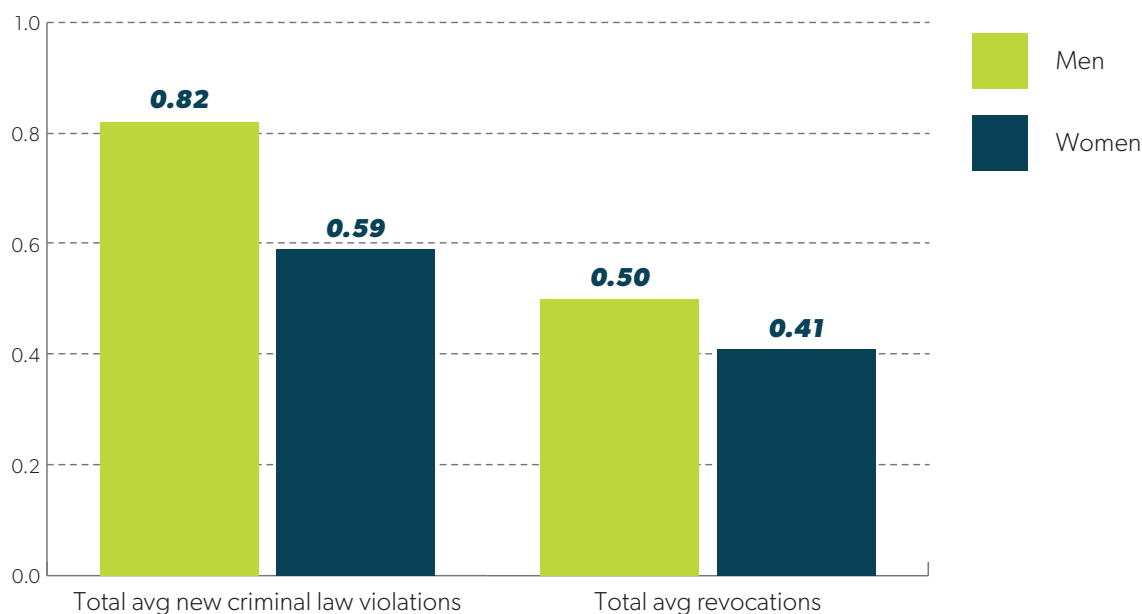

The rates of revocations by race and ethnicity supports but also complicates the conclusion that new criminal law violations drive excessive revocations. As illustrated in Chart 6 below, rates of probation clients receiving revocations generally seem to lag behind the rate of filings for new criminal law violations, with some variation in the size of the lag. The notable exception is Native American probation clients. This is somewhat puzzling, as Native American clients are violated for new criminal law violations at the same rate as clients identifying as White,

Hispanic/Latino, and Asian and Pacific Islander, and no other factor that we observed provides a likely reason for this higher rate—though it is possible that the uncertainty in the true number of new criminal law violations due to the "combination" violation category plays a role. Though precise data on absconding rates by race/ethnicity are not available, SMCP staff opine that Native Americans who abscond may remain on such status longer given the option to return to tribal lands where state and local authorities cannot serve warrants. Once returned to court, revocations (again, equated with finding a violation) and continued probation is the likely resolution but not reflected in our data.

Chart 6: Comparison of new criminal law violations and revocations, by race/ethnicity
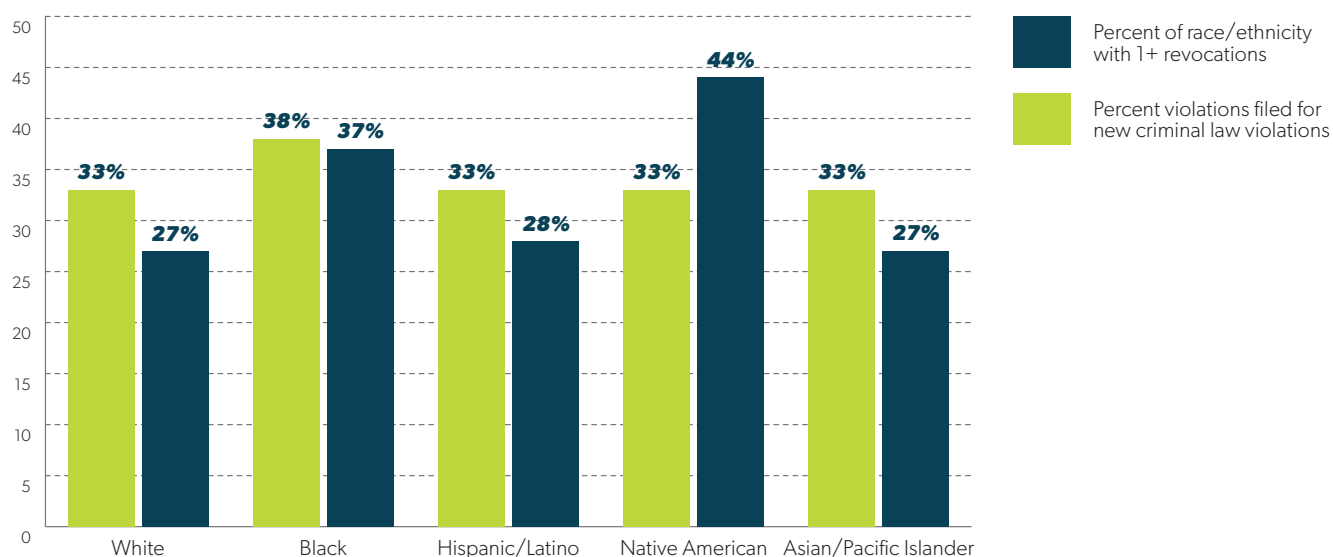
As for what may motivate judges to habitually revoke in response to new criminal law violations, in interviews, ***judges stated that, unlike with new charges, they feel they have more ways to respond to treatment noncompliance, and so can avoid issuing a revocation with jail time.*** SMC judges on the whole stated that they prefer to require probation clients to appear for treatment reviews in response to treatment failures rather than impose jail or revoke and terminate.[24] SMC judges are also inclined to use a revocation with a short jail sentence as a "flash sanction," or way to shock a probation client out of a downward spiral. Typically, this is done by imposing a day or two of the suspended sentence. As one judge explained, "If we are dealing with someone who is treatment noncompliant, I may reach to a kind of flash sanction … and usually there is a joint recommendation as to what should be done. I try to avoid the use of jail as a battering ram. I instead use a treatment review, so they are not out in the wind …"

While judges stressed that in general they seek to avoid giving jail in response to a violation, **on the whole they expressed much more willingness to revoke with jail in response to a new criminal law violation** than in response to a treatment failure or other type of violation, which concurs with the administrative data and case file review. The nature of the new offense seems to figure heavily in judges' decisions about how much jail to impose and whether or not to terminate probation in response to a new offense. One judge explained that they consider the risk to public safety implied by the charge, and that they are willing to give "significant" jail time (up to one year) for "risky" new offenses.

Interpretation

Judges do not seem to feel they have an adequate alternative to revoking and imposing a jail sentence on probation clients who are violated for new offenses. As illustrated above, this **response to new criminal law violations may predispose Black probation clients to being revoked at higher rates than probation clients of other races or ethnicities, due to their higher incidence of new criminal law violations.** This may be further linked to disproportionately high arrest rates of Black individuals in Spokane, but this is speculation, as data that we have access to shows a disproportionately high rate of pre-trial jail bookings among Black individuals compared to White individuals, and we have not seen such data on actual arrests made. These same data additionally show a similar but slightly less disproportionate rate of pre-trial jail bookings among Native American individuals, but again, it is difficult to see the possible impact of that increased jailing in their rate of violations for new criminal law violations.[25]

Additionally, **case files reviewed suggest that being placed on a new probation term following a revocation for a new offense is likely to end in another probation failure.** In the case files, none of the three probation clients who were revoked for a new offense and then placed on a new probation term for that new offense successfully completed the new term—all were arrested for new offenses, one was subsequently revoked and terminated, and two were on warrant status through the end of the data collection period. While this is a small subsample, this suggests a possible compounding effect of using a new probation term as a penalty attached to a revocation for a new criminal law violation, and would also be worth further exploration.

One additional practice—**the use of short jail terms in response to multiple treatment failures—could also be examined for its relationship to new criminal law violations and eventual probation terminations with jail time.** We observed in the case files and heard from judges that clients who struggle with substance abuse treatment are frequently given jail stints—in the form of imposing a portion of a suspended sentence—in response to violations, prior to ultimately being revoked and their probation terminated following a new criminal law violation. It is not possible to determine the effectiveness of these "flash sanctions" or their impact on revocations with the current research sample, but is a worthwhile avenue for further investigation.

DRIVER #2:
Automatic filing of violations

Context on automatic filing of violations

Under the former model of probation, officers filed all instances of noncompliance with the court. This flooded the system with violations filings: recently, under the former model, SMCP found that *the department's ten officers were filing approximately 50 violations per week in total.* This has led to a *formal violation rate of 2.3 violations per probation client,* according to the research sample, with the true average rate likely being higher (as we have incomplete data for individuals whose probation term extended past the cutoff date for the sample).

Evidence that automatic filing of violations contributes to excessive revocations

As illustrated above, the majority of probation clients (an average of 79% of the total caseload in 2016-2018, for which data are available) are on monitored status with little or no interaction with probation officers after initial reporting. Officers monitor an average of 370 clients each, limiting the time an officer can spend with each; in addition, *the former model does not direct officers to coach or engage deeply with their clients to support success on probation.* One officer described the typical experience of working with a probation client: "We meet [for an initial intake and referrals], they do what's on the court order, and we may or may not meet with them again." Without a pre-existing relationship, routine contact, or need to learn more about the probation client's circumstances or needs, officers have limited ability to notice and respond to signs that a client is not doing well before noncompliance occurs.

Due both to the volume of probation clients and the former model's hands-off approach to monitoring, officers focus on the administrative aspects of handling violations. *The former model does not include an expectation that officers work with clients to understand what led to a violation and to try to change that behavior.* Instead, when noncompliance happens, officers will gather the information necessary to file a violation notice, and may also offer minimal support such as provide a list of referrals, call treatment providers to check on progress, or similar steps focused on telling clients to get back in compliance as soon as possible. As a result, officers can feel that, as one officer shared in an interview, their job is "just about getting the violation notice [filed] within 72 hours of being aware [of a violation]."

Officers observed that *this automatic response does not increase success on probation.* As one long-serving officer noted, "Right now, if somebody's not doing treatment, they're returned. Just returning people doesn't change behavior ..." Even if probation clients with treatment failures or other technical violations are not ultimately terminated for those violations, the judge may impose jail time, a jail alternative, or another penalty in response to these violations and continue probation. Though it is challenging to find correlations between these penalties and revocations in

the administrative data, *the case files and interview data suggest that these penalties may have the effect of destabilizing probation clients further, and may contribute to behavior that leads to a revocation or other probation failure down the road.* For example, in the case files of individuals whose probation was revoked and terminated, four of the six probation clients who struggled with treatment failures and other technical violations were given a jail term and/or electronic home monitoring before ultimately being revoked and terminated for new criminal law violations. Additionally, the existence of a filed violation may encourage probation clients to exit probation and go on warrant status, as five probation clients whose case files were reviewed did following a violation.

The automatic filing of violations additionally may contribute to revocations by encouraging the lengthy average time between the filing of a violation and the hearing to resolve the violation. On average, it takes *nine months* to resolve a violation according to SMCP's calculation, with some violations going more than 550 days without a disposition. Judges may choose not to take action on the violation, and so it remains open without a hearing date scheduled. *The extended time that elapses between a violation behavior and the hearing on that violation does not seem to be effective in bringing clients into compliance.* Instead, as time goes on more violations occur, and when the accumulated violations are heard, the judge is likely to revoke. For instance, in the case files, for clients who were not revoked, the average time between the first violation filing and the hearing was 3 months, and an average of 1.67 violations were heard.[26] For clients who were revoked, the average time between first violation filing and the hearing was 6 months, and an average of 3.67 violations were heard. Aside from probation officers asking clients to get into treatment, officer interventions to help course correct are neither encouraged by the former model nor incentivized. In the case files, officers most often recorded providing referrals or checking in with treatment providers following a violation behavior. In very few cases, officers recorded that they had more intensive or sustained engagement (e.g., multiple phone calls with a client) following a violation filing.

In the small number of instances in which officers have been able to implement a different approach to violations (according to Spokane's proposed new probation model, described below), officers have seen a positive impact on clients' stability. For instance, one officer observed that being able to tell a struggling client that the officer was *not* filing a violation in response to a lapse helped to keep the client calm, avoid "spinning out" with anxiety over the impending court date and ultimately, open up a channel within which they as a team can work on solutions. Another officer supervising a client who was increasingly struggling took the initiative to work with the prosecution to avoid a warrant, with the goal of preventing a client from going on the run. In this instance, it seems the shift in roles initiated by the new model rollout led the probation officer and prosecution to a) communicate and collaborate with one another, and b) implement new strategies to help the probation client ultimately succeed.

Probation officers can encourage probation clients to, for example, seek an AA sponsor, to write in a journal about the triggers they feel before using marijuana, seek counseling if caught in an abusive relationship, or simply just talk with their probation officer about what is going on. ***The new model teaches probation officers that change is not a linear path, and that failure is to be expected and not necessarily punished.*** It can be reasoned that helping clients to stay focused on completing their probation obligations may in turn reduce the types of risky activities (driving under the influence, violating a no-contact order, absconding) that could lead to new charges and trigger a revocation.

Interpretation

The former model policy that all violations must be filed with the court appears to contribute to revocations in that it places a large number of probation clients at risk of being revoked; it focuses the energy of probation officers on handling the administrative side of violations, rather than working with probation clients to get back into compliance; and it contributes to long periods in which violations are unresolved. In sum, the ***automatic filing of violations does not generally contribute to actions aimed at resolving the underlying behavior.*** In this context, the filling of a violation may be additionally destabilizing for clients who are struggling or fearful of the consequences of being brought before a judge, which may contribute to subsequent probation failure.

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DRIVER #3:
Officers have limited tools to adapt their monitoring approach to individual clients

Context on officers' approach to monitoring under the former model

The focus on administrative duties, like filing violations, is reflected in officers' ap proach to monitoring, and researchers observed ***that officers' toolkit to work with probation clients on positive behavior change is limited.*** Until officers began training for the new model, there had been almost no emphasis on the importance of building a relationship with clients and officers have not been trained in techniques or approaches—like motivational interviewing—that would help them better understand their clients' situations and build trust, thereby encouraging clients to work with the officer and seek help when needed. As one officer summarized, "[Under the former model] it was up to the client to do everything ... We'd help every once in a while, we'd refer them to insurance and things like that."

Structural limitations, like not being able to meet clients outside the office, as well as certain norms of practice, like seeing it as the client's responsibility to initiate communication, increase the barriers to officers adapting their approach to clients with higher needs. For instance, one officer interviewed illustrated this in speaking about a client who had been struggling with substance and mental health treatment. The officer did not know the client's

current status but said they were very concerned about how this client was doing. However, when asked about interactions with this client, the officer said, "I think the last time I talked to him was two weeks ago … I'm trying to remember when *he's* supposed to *contact me* again …" Rather than expressing an intention to take steps to find out how the client was doing or consider what supports they might need, the officer's response reflected the status quo of a limited, structured relationship with their client.

All officers interviewed expressed feeling limited by the former model or simply unequipped to help their clients successfully navigate challenges on probation or address root causes of noncompliance. One officer described how, under the former model, there was an expectation that interaction with a client would be kept to a minimum, and officers had few resources to aid them in problem-solving: "We were never encouraged to spend as much time with people. You wouldn't make a phone call with your client in the office. We didn't even have a sheet that said, here's what you need to do …" Another officer explained that under the former model they felt "stuck behind a desk," and that they have a hard time thinking outside the box when faced with a client who truly needs help in navigating probation.

Four of five officers interviewed expressed having *limited knowledge of the eligibility and logistical details of the programs and services to which they refer clients regularly. Officers have especially limited resources and experience to help with clients who are earlier in the stages of change and/or have complex needs,* like interlocking mental health and substance use, trauma, homelessness, etc. An officer who had struggled to support a client experiencing an abusive domestic situation reflected on the gap between their toolkit and their client's needs, and how emotionally taxing that work had been. The officer's attempt to get the client help at a local shelter was unsuccessful, and the officer felt that they "had no more tools" to use in the situation. They did not know of other options for the client, did not feel prepared to work through this with the client, and felt overwhelmed by the experience.

Evidence that a lack of tailored support from officers contributes to excessive revocations

Case files of probation clients who were revoked illustrate the missed opportunities of this approach. In the case files reviewed, officers reported providing information or referrals largely in response to these clients' *calling or asking for help*, rather than *checking in* with clients who they were concerned about or proactively helping with tasks before the client failed to complete them. This concurs with what researchers heard in interviews with both officers and clients. The case files additionally showed few instances of officers taking actions beyond speaking with a client and offering a list of referrals. These actions tended to be administrative (for instance, telling the client to go to the clerk's office to tell the clerk s/he could not afford a fee associated with a probation obligation). In other instances, the case files showed officers refraining from taking supportive action at moments when clients were facing challenges or instability that could, in turn, threaten their success on probation. For instance: telling a client that the officer cannot offer

legal advice in response to a question about how to find a new defense attorney; not inquiring or offering resources for a client who has lost housing, or offering similar support for another who has experienced a recent death in the family). These limited steps officers took in response to clients' struggles and noncompliance did not seem to help clients change course or ultimately avoid revocations.

In interviews, clients who had struggled but whose officers took a more hands-on approach in general expressed more trust in their officers and willingness to work with their officer on their change process, than did clients whose officers took the standard approach. In these cases, the officer was able to coach these clients with significant life goals that can help the client maintain stability after completing probation. One client had specifically asked for more frequent check-ins with their officer to help them stay on track. After having struggled on a previous probation term with a different officer, this client had built a strong relationship with the new officer. The client now felt that they understood what was expected of them and could rely on their new officer to advocate for them: *"I don't feel like I'm going to get put in jail for every little thing … Having [my officer]—it's great support."* With their more frequent check-ins and positive relationship, the officer and client were able to work on things like helping the client budget for living in their own apartment for the first time, and address issues like maintaining insurance coverage that would allow the client to continue with mental health treatment once they were no longer eligible for state-sponsored insurance. The client was not ordered by the court to address these issues, but doing so was foundational to the client maintaining the stability to complete probation successfully.

Interpretation

The largely administrative approach that officers take to working with clients does not seem to be effective in helping clients who are struggling to successfully navigate probation. Steps like offering additional referrals or having a few additional one-off check-ins did not seem to help struggling clients avoid revocations. In addition, the approach of officers waiting until noncompliance happens to engage with clients also increases the risk that the client will be sent before a judge and have their probation revoked.

This reactive, hands-off approach is also unlikely to foster trust between client and officer, or encourage a client to see the officer as a source of help or support. Officers and clients typically have little interaction, and officers do not take actions that concretely demonstrate their value to the client**.** As a result, officers miss an opportunity to build and then leverage that trust to help clients through their challenges and reach milestones (like attaining housing or getting a job) that can help them maintain compliance and avoid further involvement with the system.

An important caveat is that a hands-on approach may not be sufficient to overcome other differences between officers and clients. Race and ethnicity may be an especially important difference: all SMCP officers present as White, and this may raise additional barriers to building trust with clients of

other races or ethnicities. Among the clients interviewed for this research, all those who expressed a high degree of trust and appreciation for the way that officers had helped them were White. While race and ethnicity is certainly not the only factor impeding trust—both White probation clients and probation clients of color expressed a lack of trust in their officers—the two Black clients interviewed spoke to perceiving a gap in understanding between themselves and their officers and even feeling at times antagonized by their officers. In one case this went as far as a client saying that they felt the officer was "playing with my life … I feel like I'm being targeted."

DRIVER #4:
Sentencing not tailored, with long default probation terms

Context on sentencing under the former model of probation

We see that **_judges are defaulting to giving two-year terms when they are sentencing someone to probation,_** even when they are not statutorily required to do so. The average probation term for an SMCP probation client is just under two years (22.27 months). In the research sample, a two-year probation term was given in at least 67% of cases.[27] Table 9 below provides a breakdown of probation terms across the research sample.

Table 9: Breakdown of SMCP caseload sample by probation term length

Probation term	Number of cases	Proportion of cases
5 years[28]	24	1.2%
2 years	1323	67%
18 months	18	0.9%
1 year	373	19%

Judges explained in interviews that, though they prefer to avoid giving probation in most cases, when they do impose probation, they typically order a two-year term. Exceptions might include sentences for first-time offenders and for less serious offenders (for instance, a first DUI, quality of life—though each judge expressed somewhat different opinions about what constitutes a less-serious charge). Shorter terms may also be given if the defendant's known history suggests that they will complete treatment or other orders easily, and will not be returned on a violation. As one judge said, "You've got somebody in there who's on their first DUI—they've done an evaluation, which isn't required but suggested by the attorney, and they've done that, and they've done an eight-hour class. So, there's not a lot left for probation in that case. So I might give 12 months [of] probation or even less probation in that case. That's not somebody we need to spend resources on … they're a low risk/low needs person who can go through those steps."

However, **the two-year term seems to be a court-wide default.** When the prosecutor and defense agree on a plea deal with probation, it is typically for a two-year term. Even when judges would prefer less or no probation, they feel it is important to honor the agreement of the parties who "know the case better than" the judge. Though judges often concede to the attorneys' usual joint request for a two-year term despite their doubts that such a lengthy term is necessary, one judge explained, "If there's no [prior criminal history] anywhere and the charge has been reduced even to a reckless driving, or endangerment, or negligent driving first degree charge, but [the parties] are still asking for two years of probation, I very often will say the following: I'm going to follow this [recommendation] … if you're following through on all the terms and conditions … then [you] would earn that super shortened period of probation [one year instead of two]." In these cases, judges leave the door open to later requests to terminate probation once all obligations fulfilled yet nonetheless impose the two-year term.

Evidence for two-year default probation terms contributing to excessive revocations

While it is challenging to tell from the administrative data what proportion of probation clients are revoked in the first year of their probation term and what proportion are revoked at some point after the first year. The administrative data shows that 89% of clients with one or more revocations were revoked for the first time in year 1 while the remaining 11% were revoked for the first time after the first year. However, in the case files reviewed, 42% of those with at least one revocation experienced a revocation after the first year.[29]

However, both sources show that a sizable portion of revocations that include termination of probation occur after the first year of probation. **In the administrative data, roughly half of revocations with terminations occurred after the first year; in the case files, 63% (five of eight) revocations with terminations occurred after the first year.**

Case files illustrate how the lengthy sentence may contribute to excessive revocations that terminate probation. Most of those revoked and terminated in their second year of probation had received several violations prior to being revoked and terminated, three had been revoked at least once prior to termination, and five had served periods in jail prior to this final revocation, indicating that they struggled significantly while on probation. All but one of these individuals had been violated for a new criminal law violation prior to their second-year revocation hearing, suggesting that probation was continuing on without course correction until the client is arrested on a new charge.

Interpretation

While it is challenging to make a conclusion through the administrative data, the default sentencing behavior of the SMC, combined with the generally inflexible monitoring approach of the former model and approach to the handling of violations (both discussed below), seems to contribute to excessive revocations in that **it creates a longer period in which the client is at risk of revocation,** during which those who are struggling often experience jail time and

other disruptive penalties, creating further challenges to success. At the same time, the longer term allows for judges to continue revocation hearings during which time probation clients in violation receive limited support for positive change. This continues until the probation client is charged with a new offense, which is likely to trigger a revocation and termination of probation with added jail time.

⟫ The New SMCP Probation Model as An Effort to Address These Drivers

How the new model addresses drivers of revocations in the former model

The new model of probation was introduced in response to Spokane's high probation violation and recidivism rates, as well as inefficiencies in the former model that focused officers' time on administrative duties for very large caseloads. Though Spokane's new model of probation was developed and formally launched before this research was begun, its design anticipates and addresses several aspects of the drivers of revocations in the former model of probation, which this research has identified. Below, we describe the major elements of the new model of probation and analyze ways that it addresses the drivers of revocations found in the old model as well as ways the design could be strengthened.

Key elements of Spokane's new model of probation

The new model is intended both to strengthen probation as a tool for rehabilitation for medium- and high-risk individuals, and to make the system more efficient by focusing the department's time and resources on the clients with demonstrated risk and need factors. It introduces a risk-needs-responsivity approach and incorporates many current best practices from across the field. Under the new model, in addition to ensuring that clients remain in compliance, SMCP seeks to have all clients achieve basic needs (housing, sobriety, education, employment, etc.) during their probation period.

The new model changes probation practice in five key areas:

1. **Sentencing and intake:** Defendants convicted of the more serious types of charges the SMC hears (e.g., domestic violence and drug or alcohol charges, including DUIs), as well as defendants with repeat offenses, are referred to SMCP for risk and need assessment and possible placement on the new model. Based on the assessment results, SMCP officers provide a recommendation to the court regarding i) the level of supervision, ii) further assessments or treatment, and iii) recommended conditions of probation, and to inform case management.[30]

2. *Increased and ongoing interaction between officer and probation client:* Caseloads will be reduced to 70-120 per officer in order to focus officers' time on supporting clients who are medium-to-high risk and need. Spokane has introduced a case planning process to focus the probation experience on meeting clients' needs and life goals, rather than focusing solely on complying with the terms of probation.

3. ***Graduated responses to violations:*** Officers address technical violations—virtually any kind of non- compliance that does not include an arrest—directly and can impose graduated responses rather than filing the violation with the court. Major violations are filed with the court for new arrests, "patterns of behavior that may result in arrest, repeated technical violations, absconding for 31 days or longer, or 'complete lack of amenability to probation.'" Major violation filings result in an order to show cause and a hearing that could result in a revocation.

4. ***Policies, path and timing to revocation hearing:*** As the new model limits the kind of violations that are heard, it narrows the path toward revocations. The model also requires that a hearing on major violations be held within ten days of filing, which should reduce the instances of clients being revoked long after violation behavior occurred. Additionally, officers will attend hearings on orders to show cause, taking the stand to present the circumstances of the violation, and respond to questioning by the parties.

5. ***Use of early termination of probation:*** Officers are to review their caseloads for clients who have completed their conditions early, or have consistently been in compliance over the first half of their probation term, and request that the court grant the client an early discharge. Additional policies to effectively use early termination to reduce caseloads are being developed.

Table 10 on the following page summarizes key differences between the former and new models.

Table 10: Comparison of key elements between SMCP's former and new models

Element	Former model	New model
Sentencing and intake	No assessment tools used	Tailored sentence: Risk and needs assessment informs conditions of probation and guide case management.
Interaction between officer and probation client	▸ Infrequent or no in-person contact ▸ Hands-off approach ▸ Contact if not in compliance only	▸ Weekly reporting ▸ Proactive, hands-on approach ▸ Ongoing case planning focuses the probation experience on meeting clients' needs and life goals
Response to violations	▸ Automatic filing ▸ Violations take an average of nine months to be resolved.	▸ No automatic filing ▸ Technical violations resolved by probation officer ▸ Only major violations filed with court ▸ Time for resolution dramatically shortened
Pathways to revocations	▸ Judges determine all violation outcomes at hearing ▸ Probation officer not present ▸ No input from probation officer	▸ Expanded role for probation officers Fewer violations trigger court hearing/judicial intervention ▸ Officers present at hearings on major violations
Early termination of probation	▸ Open to any probation client, but probation client-led ▸ No clear guidelines or prompts for probation clients to undertake the process	If practice initiated during the COVID-19 pandemic continues, officers will review caseloads for clients who have completed conditions early or consistently in compliance over the first half of probation term and request court grant early discharge

Analysis of ways the new model addresses specific drivers of revocations in the former model

Prior to the launch of the new model, SMCP, along with their fellow court parties, had been preparing the new processes and training on the new model for more than a year. However, as described above, ***the rollout has been slower than expected,*** due in most part to continued disagreement over its implementation, pushback from the defense and prosecution, as well as the massive disruption to the courts and probation stemming from the COVID-19 pandemic. Due to the delays in implementation, we are not able to look at a body of new empirical evidence to see if and how SMCP's new model of probation addresses drivers in the former model that

we hypothesized have been contributing to excessive revocations in Spokane. Drawing on the analysis of drivers above, however, we can examine the design of the new model to further hypothesize which aspects can mitigate those drivers, and which may be unaddressed.

DRIVER:
Sentencing not tailored, with long default probation terms

The new model introduces risk- and need-responsive sentencing, based on post-conviction assessments. This approach provides a way for the court to tailor affirmative conditions based on the findings of the assessment and the resulting recommendation of the SMCP officer, so that clients are not saddled with overly onerous conditions or conditions that serve no rehabilitative purpose.

Ways that the design of the model could better address this driver:

▸ The new model could specifically encourage or require judges to give shorter probation terms, based on an individual's specific set of identified risks and needs.

▸ The new model could provide a clearer way for the court to make use of early termination as a way for sentences to be responsive to probation clients' needs or pace of progress.

DRIVER:
Officers have limited tools to adapt their monitoring approach to individual clients

The new model asks probation officers to proactively help probation clients change behavior and successfully complete probation, using case planning, trauma-informed practices, and additional techniques to tailor their approach to specific clients' needs and situations. The new model also reduces caseloads to allow officers to spend more time coaching clients with high levels of risk and needs.

Ways that the design of the model could better address this driver:

▸ The new model could revise or remove administrative restrictions on officers' roles (such as the prohibition on accompanying clients to offsite appointments) that may prevent officers from meeting clients at their current level of need and more actively helping clients obtain resources they need.

▸ To facilitate trust-building between clients and officers and ensure that officers are better poised to anticipate and respond to their clients' needs and challenges, the department could recruit officers who reflect the racial and ethnic diversity and lived experience of the caseload.

DRIVERS:
Revoking probation following a new criminal law violation and automatic filing of violations

The new model allows probation officers to address technical violations directly with clients, working to change behavior that led to the violation while avoiding the destabilizing effects of placing the client at risk of a revocation. When major violations occur, officers appear at the subsequent hearing to present a recommendation to the court and provide a fuller picture of the client's history and probation journey, which may bring to light ways in which a revocation would be an inappropriate or harmful response. The time between an officer becoming aware of a violation and resolution of the violation has been shortened for both technical and major violations. This will reduce the long periods in which violation behaviors go unaddressed and unresolved, aiding timely behavior change.

Ways that the design of the model could better address these drivers:

▸ The new model still requires that violation notices be filed following a client's arrest for a new offense. As they have done with other types of violation behaviors, SMCP could consider graduated responses to these types of violations as well.

▸ Additionally, the court's options for responding to a new criminal law violation have not changed. SMCP can specifically examine the use of short jail terms given in response to a violation, as well as the effects of placing a client on a new probation term following a revocation, to determine if and how changes to these practices could address this driver.

Behavioral Challenges and Recommendations for Successfully Implementing the New Model

Applying a behavioral lens to head off implementation challenges

While there are several ways that the design of SMCP's new model of probation could be adapted to more completely target the drivers of revocations that this research has identified in the former model of probation, the new model as currently designed addresses the drivers in important ways, and the researchers believe has the potential to reduce excessive revocations. While changes to the design of the new model are under consideration, the immediate and even larger challenge that SMCP faces is how to implement the new model effectively. Much of the professed value of the new model hinges on the ability of key actors in the system—probation officers and judges in particular—to change the decisions and actions they take on a daily basis in important and dramatic ways.

In anticipation of the new model being put to use in Spokane, the **researchers applied a behavioral lens to the new model as currently designed, and identified likely barriers to successful implementation.** Addressing these behavioral barriers to implementation as well as the policy and design gaps named above may help the new model deliver on its promise.

Below, we discuss two aspects of the new model which are likely to present especially difficult behavioral challenges to implementation:

> ▶ *Officers providing tailored support to clients and adapting their approach during the probation term*
>
> ▶ *Implementing tailored sentencing*

As described in the section above, both of these elements of the new model are expected to address drivers of revocations that existed in the former model of probation. From a behavioral perspective, they also stand out as being particularly challenging to implement successfully because both represent a significant departure from practice under the former model, and require the lead actors (probation officers for the former, judges for the latter) to change while much in the context around them will continue to pull them toward the familiar practices of the former model.

> *Note: SMCP has begun implementing several recommendations below to increase success on probation for all clients, while continuing to work with all parties to take up the new model. This progress is noted in italics throughout.*

Opportunities for officers to adapt their monitoring approach to individual clients

Probation officers are the linchpin of the new model, as its **success depends in large part on officers' abilities to build a working relationship with and effectively coach their new-model clients.** The formal policies associated with the former model conflict with the redefined probation officer role in the new model. Officers are therefore experiencing a dramatic change in the foundation of their role, their overall approach to the work, and their day-to-day activities. Officers have already undergone significant training in the new model approach and processes, but all involved acknowledge that building the skills and confidence to execute the new model will necessarily take time and ongoing practice.

In exploring the differences between the former and new models, and hearing probation officers and clients share their thoughts on ways that probation officers can and could help clients be successful, the team identified **three central functions** that are critical to probation officers successfully implementing the new model:

1. **Build knowledge about local resources** necessary to help probation clients follow the court's instructions and navigate all challenges related to re-entry and probation.

2. **Continually learn about the clients and their lives** so that the officer can proactively provide the client with resources and support, and appropriately tailor their approach to assisting the client.

3. **Assist their clients by actively coaching** and motivating clients to move through the stages of change—which includes identifying, preparing for, and acting to help the client meet their goals.

For each of these functions, the team found **barriers that officers are already experiencing or are likely to experience as the new model rolls out,** and concrete intervention opportunities to support their success.

OFFICER OPPORTUNITY 1: Building the knowledge about local resources necessary to help probation clients successfully navigate probation

As the officers' roles have shifted under the new model, officers must now marshal a more comprehensive and actionable understanding of the services and resources that can aid their clients. Behavioral barriers that complicate officers' efforts to build actionable knowledge include:

Officers may not see the importance of building the kind of detailed, comprehensive knowledge about resources that clients need to effectively access them. This stems from past experience, in which officers have generally been responsible for making simple referrals. Officers have typically not been encouraged to treat building knowledge about relevant services as one of their core job functions. Officers may also have a perception that most clients are already familiar with relevant resources, leading them to **stereotype clients and assume that clients already have sufficient knowledge** to successfully navigate processes and perform tasks. Officers may also apply **motivated reasoning**, taking an optimistic view of what their clients can accomplish on their own.

Recommendations to mitigate behavioral barriers to officers building the knowledge necessary to help clients successfully navigate probation

Recommendation 1: Create a clear moment of action and mitigate officers' assumptions about clients through **interactive knowledge-building activities that center clients' experiences.** Simulation-based and gamified knowledge-building activities that put officers in the role of trying to access resources that clients commonly need can help officers understand and learn the information that will be useful for clients.

Recommendation 2: Put knowledge-building in officers' field of vision and elevate its importance by **creating and maintaining knowledge infrastructure that makes knowledge salient and usable.** A live guide with key details about the most important local client resources could be shared by all probation officers and continually updated**.** *At time of writing, SMCP had already begun work on such a resource, a yellow book of services to be updated monthly.*

Recommendation 3: Underscore the importance of knowledge-building and reduce ambiguity by establishing **clear expectations and related processes for officers' knowledge-building.** For instance, leadership can create a work plan to structure officers' knowledge-building, providing concrete direction and accountability to support follow-through.

OFFICER OPPORTUNITY 2:
Continually learn about clients and their lives

Under the new model, *officers will need to continually learn about their clients and understand in tangible terms what their lives are like* to provide clients with effective support and relevant resources. Officers understand and appreciate the importance of listening to their clients and are eager to improve their communication and rapport. Still, the research found several behavioral barriers that could interfere with officers continually learning about their clients:

While officers are enthusiastic about their new role, **status quo bias** may keep them from actively seeking to learn about their clients' evolving needs and situations because they are used to clients reporting in, and are unfamiliar with reaching out to clients to learn important information. Under the former model of probation, officers developed the **mental model** that it is the clients' responsibility to *reach out* to the officer both generally and when an issue arises. Additionally, officers were used to executing pre-established, one-time processes, making more open-ended and continual interactions with clients may feel ambiguous and unfamiliar.

Recommendations to mitigate behavioral barriers to officers continually learning about clients and their contexts

Recommendation 1: **Create structures and incentives to direct officers to engage in more frequent, proactive learning about clients** as part of their regular job duties. SMCP could do this by formally blocking out time in officers' schedules to conduct as-needed check-ins with clients, and by setting clear targets and incentives to motivate officers to reach out to clients outside of compliance check-ins. SMCP could facilitate officer outreach by using **automated notifications to prompt officers to reach out to clients on a regular basis outside of compliance issues.** The system could suggest topics or prompting questions for officers, and be timed during working hours set aside for this kind of outreach. Finally, SMCP could create spaces for officers to reflect and report back on what they are learning to the group, underscoring the value of the interactions with the clients and support shared problem-solving among the officers.

At the time of writing, SMCP is piloting these kinds of check-ins with three officers, setting goals of spending about one hour per week contacting five clients. Early anecdotes about this system have been largely positive, with officers noticing that their relationships with these clients have improved and that these clients are now more likely to contact them with questions or issues to work through. The department will be assessing the pilot experience to determine whether and how to fully integrate this system into standard SMCP practice.

OFFICER OPPORTUNITY 3: Assist clients by actively coaching and motivating them to move through the stages of change

According to the new probation model, an ***officer's role centers on actively coaching and motivating clients to move through the stages of change.*** Officers are on the whole excited about this shift, while openly acknowledging their concerns with such a dramatic change. Mitigating the behavioral barriers below can support officers in internalizing and acting in accordance with their changed role:

Probation officers may ***mentally discount the barriers clients face*** to navigating processes and successfully performing tasks, as they do not yet deeply understand the complexities involved in helping clients progress toward their goals. Stemming from the limitations of their past role, officers have ***few mentally available options*** beyond making a referral. This leads them to resort to the same responses time and again, and quickly feel like they have tried everything. Finally, actively coaching a client is an ***ambiguous process that can be very uncomfortable*** for officers. As one officer said simply, "I'm a little petrified getting to the point where it's comfortable. I think it will be awkward for a while." It may be unclear to officers when they need to take a more active role in supporting their client, and how long to persist in doing so.

Recommendations to mitigate behavioral barriers to assisting clients by actively coaching and motivating them to move through the stages of change

Recommendation 1: Bring focus to actual client needs and build genuine relationships by putting in place **structures and processes that support iterative case management through two-way communication between clients and officers.** This can be done by providing simple prompts or a script to help facilitate a reflective conversation between an officer and their client after the client has achieved a case plan milestone. This builds directly on the SMCP's new iterative case planning structure. SMCP can also provide deeper training and sustained practice in motivational interviewing and how officers may apply it to their work, helping officers to continue building expertise with this skill in a range of situations and gaining confidence in using it.

Recommendation 2: Increase mentally available options and mitigate ambiguity bias by **giving officers easy-to-use tools to help them tailor responses to clients' specific situations.** SMCP can provide officers with a handy guide to common responses that also prompts novel problem-solving. SMCP could synthesize existing guidance into an easily skimmable document that officers can keep at their desks. Officers could also be required to consider and document a Plan A, B, and C to support clients through steps in their case plan. This could be included in the incremental case planning process, ensuring officers use case planning to anticipate potential challenges and responses.

Recommendation 3: Decrease the ambiguity of coaching and help build officers' mentally available strategies by **facilitating spaces and structures for shared learning and collaborative problem-solving** among officers. SMCP can re-start weekly or bi-weekly case conferencing sessions, focusing on the most challenging cases and using design-inspired methods to generate an array of potential solutions. The department can also host a quarterly or semi-annual co-design event, involving clients and other stakeholders, to come up with new ways to handle challenges that officers have struggled with over the previous period.

Recommendation 4: Build officers' identification with their new model roles by **recognizing officers for being good coaches.** SMCP can create an award system to validate officers who exemplify new goals and norms for coaching. Such a system would not necessarily need to focus on the outcomes that an officer's clients are able to achieve but should focus on officers taking steps to embody their new role.

Opportunities for implementing tailored sentencing

SENTENCING OPPORTUNITY 1:
SMC defaults to giving two-year probation terms

As the two-year probation term was observed to be a strong default, it presents a barrier to reducing revocations made more likely by long probation terms. Behavioral factors contributing to the use of two-year terms as a default include:

The two-year term is deeply entrenched in the workplace culture, and is perceived as a default that is accepted and expected by all parties. Cues in the environment, such as the fact that the prosecution and defense will often agree on recommending a two-year term, underscore the two-year term as the system-wide default. Judges may also impose two-year probation terms for charges that are more severe, *equating the seriousness of the charge with the length of supervision required,* rather than sentencing based on the length of time needed for rehabilitation. Judges may also seek to avoid the perceived risk of a client completing their probation term before they successfully complete treatment, and so err on the side of giving longer terms to buffer for anticipated delays in treatment and backsliding. Finally, *judges can license themselves to give a longer probation term by offering early termination* to a defendant, without ensuring that early termination is an accessible option. In interviews, judges seemed to focus on the perceived agency and other positive aspects of early termination, and underestimate how difficult it will be for defendants to comply with conditions to be able to get the reduced sentence.

Recommendations to mitigate these behavioral barriers to tailored sentencing[31]

Recommendation 1: Make the harmful impact that monitoring can have on defendants salient for judges. There are a variety of ways that judges can gain a more personal and salient understanding of probation clients' experiences: they could participate in the probation simulation that is facilitated by Spokane service providers, participate in restorative circles with former probation clients, or receive testimonials from current and former probation clients about the hardships of probation, and what about the probation experience was most helpful for them.

Recommendation 2: Help judges choose alternatives to the two-year default and mitigate the perceived risk of shorter sentences by providing judges with decision-making aids that lead the judge to consider the individual defendant's goals, needs, and risks. While constructing new decision aids (e.g., a sentencing matrix) to help judges ground their sentencing decisions in an individual defendant's circumstances is a complex task, an easier near-term shift would be to change the sentencing document: for instance, it could present 12 months as the new anchor point, and judges would need to list special circumstances if they were imposing a longer probation term.

SENTENCING OPPORTUNITY 2:
Make use of early termination so those who need less probation get it

An agreed-on and reliable early termination process could support the goal of reducing revo-cations by shortening probation terms. Behavioral factors limiting more effective use of early terminations include:

The early termination process is ambiguous, with no clear moment of action—for either the probation client or officer—to initiate it. There is no clear bar that a client must pass in order to be eligible; instead, there is likely a ***mental model*** among all involved that only individuals who have maintained perfect compliance and have completed 100% of their conditions are eligible. There is also no standard point in a sentence at which a client can become eligible. Instead, the current system asks either the probation officer to recognize progress and remember to speak about early termination with their client, or the client to request advice and help from a probation officer with whom they may not have a trusting relationship. As the client does not have a clear idea of how early termination works and what progress they have made toward it, ***the opportunity of early termination may not remain salient to the client after sentencing, reducing its motivational power.***

💡 Recommendations to mitigate these behavioral barriers to making use of early termination

Since early 2020, the COVID-19 pandemic has spurred Spokane, along with many other jurisdictions, to look to early terminations as a way to slow the spread of the disease by reducing caseloads. In that context, SMCP has been able to test out ways to increase early terminations and, at the time of writing, is incorporating versions of some practices below into a new proposed early termination policy.

Recommendation 1: **Apply a "good time" standard to probation** that both offers a meaningful reduction in probation term and makes the requirements for earning a reduction transparent. Clients could earn meaningful time off their probation by maintaining good behavior (for instance, earning 30 days off their probation for each 30 days of compliance). This system would be transparent and would act as a continual motivator for the probation client throughout their term. Like with jail sentences, good time could not be lost.

Recommendation 2: **Create a new and realistic set of eligibility criteria that would allow early termination even for probation clients with less than 100% perfect performance.** Eligibility criteria might include moving to low or medium risk and meeting all obligations, for instance. The focus would be on demonstrating progress and growth, acknowledging that mistakes are expected, and allowing even those with prior violations who ultimately completed tasks to enjoy the benefit of early termination.

Recommendation 3: **Make the early termination process as automatic as possible** for all involved—clients, officers, and judges**.** The early termination eligibility date could be entered into the probation database, automatically notifying the probation officer when a client became eligible. The probation officer would then assist the client with the steps needed for early termination, or simply file the termination request without requiring the probation client's appearance. Clients who meet the criteria could have their probation terminated automatically if no parties object.

Appendix 1: Quantitative Analysis Plan

The goals of the quantitative analysis plan were to :

1. Understand the prevalence and nature of violations and revocations among the SMCP caseload.

2. Identify observable factors that reliably predict revocations within the SMCP caseload.

3. Identify any emergent differences between the prevalence, nature, and drivers of violations and revocations under SMCP's former model of probation and the new model launched in November 2019.

The quantitative analysis was intended to point toward potential drivers of revocations, characteristics or experiences on probation that could make revocations more likely, or specific decisions or points in the probation journey that moved people closer to revocations, to inform the behavioral problems that the ideas42 team would then work to explore more deeply through qualitative research.

Analysis of the administrative data

The team used administrative data provided by SMCP to address the first two goals of the quantitative analysis. SMCP provided all available variables that were requested for individuals sentenced to active probation between October 1, 2016, and October 31, 2019.

➤ Possible revocation drivers drawn from the literature

The team referred to existing literature to identify factors that could have an observable impact on revocation outcomes and to prioritize specific factors for inclusion in the analysis of administrative data on the SMCP caseload sample. Using reported results from previous studies, the team considered the reported magnitude of the effects, often reported as odds or risk ratios, as well as the calculated Cohen's *d* for comparability (see table below).

Table 1: Observable factors linked to revocation outcomes in previous studies

Factors	Specific finding	Odds and risk ratios	Estimated effect size (d)
Length of probation	Probationers with longer sentence lengths were more likely to get probation revoked (.02, p<.01)	1.02 (odds ratio)[32]	0.01
Past probation failure number	Probationers with more technical violations were sig more likely to commit new crimes while on probation. (0.26, p<.001)	1.30 (odds ratio) [33]	0.14
Age	Age is inversely correlated with probation revocation, such that older probation clients were less likely to be revoked (-.03, p<.001)[34]	0.97 (odds ratio)[35]	
Sex (male)	Male offenders who had a record of prior arrests experienced a significant increase in risk of probation revocation (b=.77, pS.01)	2.16 (risk ratio)[36]	0.22
Race / Ethnicity (minority)	Non-White probation clients were more likely to violate probation (0.4, p<.001)	1.50 (odds ratio)[37]	-0.13
Income	Income (ordinal) is inversely correlated with probation revocation such that higher income probation clients are less likely to have their probation revoked (.03, p<.001).[38]	0.79 (odds ratio)[39]	-0.24
Employment	Unemployed probation clients more likely to commit a new crime more quickly (-.5, p <.001)	0.61 (odds ratio) [40]	-0.27
Education	Among offenders who did not complete high school, probation revocation risk increases for those having a record of prior arrests. [41]	3.12 (risk ratio)[42]	
	Lower educated probation clients were more likely to violate probation (-.034, p<.001)	0.71(odds ratio)[43]	-0.19
	Probationers who did not complete high school were more likely to have their probation revoked (-.5, p <.001)[44]	0.60 (odds ratio)[45]	-0.28

Factors	Specific finding	Odds and risk ratios	Estimated effect size (d)
Probation supervision level	Probationers who were initially assigned medium-level supervision committed new crimes significantly later than those who were initially given minimum-level supervision (-0.53, p<.01)	0.59 (odds ratio)[46]	-0.29
Substance use	Probationers with history of drug abuse were more likely to get probation revoked (.95, p<.001)[47]	2.60 (odds ratio)[48]	0.53
	Probationers with a history of drug use were more likely to violate probation (0.30, p<.01)	1.35 (odds ratio)[49]	0.17
Number and type of previous criminal justice involvement	Among the offenders with a prior arrest, being arrested for a **property offense** exerted a significant (b=.49, p<.01) increase in the risk of a probation revocation.[50]	1.63 (risk ratio)[51]	
	Probationers with **1 or more conviction** were more likely to have probation revoked (.80, p <.001)[52]	2.23 (odds ratio)[53]	0.44
	Probationers who were convicted of assault-related offenses committed new crimes sooner (0.47, p <.01) and were more likely to violate their probation (0.37, p<.01)	1.44 (odds ratio) 1.60 (odds ratio) [54]	0.20 0.26
Counseling	Among offenders w/ prior arrest, exposure to **counseling** increased risk of probation revocation (b=.91, p^.01)[55]	2.48 (risk ratio) [56]	

After reviewing the factors highlighted by previous studies, learning more about the Spokane probation context and the variables available in the SMCP administrative data, the team identified a list of factors to include in the analysis for this project, reflecting both the findings from previous studies and features of Spokane's probation practice and context.

➤ Factors that were included in the analysis

Factors that were explored for their relationship to revocations included:

- Gender
- Age
- Race
- English vs non- English speakers (Use of interpreter was a proxy for non-English speaker)
- Neighborhood (by ZIP Code)
- Use of public defender
- Number of charges
- Types of charges
- Number of conditions
- Type of conditions
- Incarcerated prior to revocation hearing (binary: were in jail or not in jail)
- Monitoring level
- Length of probation term
- Number of violations
- Type of violations
- Number of interactions with probation officers

➤ Analysis process

Preparing the data for analysis involved extensive cleaning and transformation of the data in order to combine disparate datasets and create variables with meaningful levels for analysis. In the process, the team discovered inconsistencies in the data coding and data entry, and learned new information about how important metrics were and were not captured (for instance, not being able to concretely count absconders, or the difficulty in matching specific violations to specific revocations). As the team conducted exploratory analysis, it became apparent that it would not be feasible to conduct rigorous analysis that would establish a concrete relationship between the factors of interest and revocation outcomes. Rather, the team focused on compiling summary statistics on key metrics and examining breakdowns by important factors like race/ethnicity, length of probation term, number and type of violations, etc. As noted in the report above, the concrete statistics should be used with caution and should be taken as suggestive rather than conclusive.

➤ Analysis of new model data

The ideas42 team planned to analyze data collected throughout the research period on probation clients who were sentenced to SMCP's new model of probation. The team designed a database specifically for this data, where probation officers supervising new model clients could input data that would not be captured in an analyzable way in the existing SMCP database (for instance, assessed risk and need levels) so that this could be incorporated in the analysis. While it was not expected that enough clients would be sentenced to the new model to rigorously compare the emerging violation rates or other metrics on new model clients to the rates of the same metrics found for the historical caseload sample, it was anticipated that there would be at least 100 clients sentenced, offering some opportunity for meaningful quantitative analysis. However, as only 12 clients were sentenced to the new model during the research period, it was not possible to conduct meaningful analysis of the data collected on these clients.

⟫ *Appendix 2: Qualitative Analysis Plan*

While the quantitative analysis aimed to identify who among SMCP clients are most often violated and revoked, and which decisions and actions (such as which conditions are given or what probation term is imposed) may have an important influence on revocation rates, the qualitative analysis aimed to identify why and how this is the case. Specifically, the qualitative analysis aimed to identify behavioral factors that come into play at key moments in the probation journey, and which move probation clients closer to revocations.

The qualitative analysis plan was designed to evaluate the ideas42 team's hypotheses about behavioral factors driving key decisions and actions taken by various actors across the probation journey, and which could make revocations more prevalent. The team developed these hypotheses using insights from behavioral science regarding similar types of decisions and actions and the information gathered during the first phase of research into the processes and policies governing probation in Spokane, as well as the initial summary statistics drawn from the administrative data. The interview guides were constructed to learn more about each hypothesis, with the goal of confirming or disconfirming each one as part of our analysis.

To draw insights regarding these hypotheses from the qualitative data that the team collected during the project, the team used a thematic coding approach. An initial set of codes were drawn from the hypothesized barriers and related contextual features, as well as structural factors that could be expected to influence revocations. The team then coded data from interviews, observations, and case files according to these codes, evolving the codes as patterns began to emerge and new contextual features were discovered. Coded data was then matched to each individual hypothesis, and members of the ideas42 team individually assessed the extent to which the evidence supports or contradicts the hypothesis, or whether evidence is mixed. The team compared the individual assessments and, for hypotheses where there was not a clear consensus as to the strength of the evidence for or against, discussed discrepancies in interpretation and re-examined the evidence until consensus was reached regarding the barriers and factors that are most strongly supported by the evidence.

Coded data were matched to each relevant hypothesis and assessed based on the evidence from interviews. This was done first individually by team members, and then assessments were compared and any discrepancies discussed in order to reach a consensus about which hypotheses were most strongly supported by the evidence.

Endnotes

[1] Council of State Governments Justice Center. (2019, June). "Confined and Costly: How Supervision Violations are Filling Prisons and Burdening Budgets." Retrieved from: https://csgjusticecenter.org/confinedandcostly/

[2] When removing one outlier for whom 43 violations were filed prior to a hearing.

[3] The population on probation or parole increased by 239% between 1980 and 2016. The Pew Charitable Trusts. (2018, Sept). "Probation and Parole Systems Marked by High Stakes, Missed Opportunities." Retrieved from: https://www.pewtrusts.org//media/assets/2018/09/probation_and_parole_systems_marked_by_high_stakes_missed_opportunities_pew.pdf

[4] The Pew Charitable Trusts, 2018.

[5] Council of State Governments Justice Center, 2019.

[6] For instance, see examples cited in Schiraldi, V. N. (2018, Jan). "Too big to succeed: The impact of the growth of community corrections and what should be done about it."

[7] US Census Bureau 2019 estimate. US Census Bureau (2019). City and Town Population Totals 2010-2019. Retrieved from: https://www.census.gov/data/tables/time-series/demo/popest/2010s-total-cities-and-towns.html

[8] Vestal, Shawn (2019). "There it is again—the center of Spokane in the state's poorest district." The Spokesman. September 29, 2019. Retrieved from: https://www.spokesman.com/stories/2019/sep/29/shawn-vestal-there-it-is-again-the-center-of-spoka/ ; Data USA (2020). "Spokane, WA." Retrieved from: https://datausa.io/profile/geo/spokane-wa/

[9] United States Census Bureau (2014). https://www.census.gov/

[10] Safety and Justice Challenge (2020). "Spokane County, WA." Retrieved from: http://www.safetyandjusticechallenge.org/challenge-site/spokane-county/

[11] While it is difficult to draw any broader conclusions about the impact of the broader criminal justice reform efforts on probation caseloads and outcomes, it would be worthwhile for future analysis to explore this.

[12] These figures do not include probation clients who were on warrant status for the years indicated. In addition to a decrease in individuals referred to probation, the decrease in caseload counts between 2014 and 2019 is due in part to a change in case management system designation that previously included individuals who were not actively monitored on the SMCP caseload.

[13] SMCP reports out a 2014 caseload of 7,169. However, the JustWare system then included duplications in the system between those on monitored status, in transfer, warrant and no data status. The JustWare system continues to improve to yield more accurate total caseloads.

[14] Typically, probation clients come to the violation hearing with a suspended sentence and may have been in custody prior to the hearing at which time the judge will "revoke," impose a portion of the suspended sentence (often the amount of time the probation client was held prior to the hearing) and then reinstate with the same terms, albeit a suspended sentence shortened by the amount of time imposed as credit.

[15] We closed administrative data review as of October 31, 2019, expecting new probation clients would receive the new model of probation with new characteristics and processes that the existing database could not capture. In response to this problem, we built SMCP a data capture platform to be used for probation clients under the new model as of November 2019.

[16] For a further discussion of what information was available in this administrative data sample and important limitations, see methodology section above and the quantitative analysis plan in the appendices.

[17] "Other" includes bi- and multi-racial probation clients as the system has not traditionally included this option.

[18] These statistics represent the entire caseload on active probation during the years included and depicts the status at the time of the data pull. For instance, a client who was sentenced to monitored status in September 2019 (within the research sample period) but who went on warrant status in December 2019, when the data for the research sample were pulled, would appear as being on warrant status in the research sample.

[19] Under the former model, SMCP did not use the categories "technical" or "major" to classify violations.

[20] Please note that SMC uses the term "revocation" to connote "violations found," meaning after a revocation, a judge may then either terminate the probation term or continue the term after the revocation.

[21] The imposed jail sentences often stem from an original suspended sentence at time of disposition that judges later often impose in installments. For example, on a sentence of 100 days suspended with probation, if a violation is found and probation "revoked," the judge may impose 10 days of jail from the suspended sentence, and then reinstate probation with a revised 90-day suspended sentence.

[22] We have excluded the "Other" category for this particular analysis. This is because the very small number of individuals in the "Other" category with one or more violations (seven individuals) dilutes the usefulness of a breakdown in violations by type, and the inability to disaggregate the "Other" category further prevents a meaningful discussion of variance in violation and revocation rates based on race or ethnicity.

[23] Researchers reviewed case files for 24 probation clients selected at random and stratified by race/ethnicity and violation type, as well as case files of 8 probation clients interviewed.

[24] Treatment reviews are usually monthly hearings at which a probation client is required to appear in court to tell the judge in person how their treatment is going.

[25] W. Hayward Burns Institute (August, 2018). "Spokane County Washington: Data on Racial & Ethnic Disparities."

[26] When removing one outlier who had 43 violations filed prior to a hearing.

[27] Note however that 206 cases out of the total of 1984 that are included in the research sample do not include a probation term. Most of the individuals involved in those cases appear to have been sentenced to monitored probation, which suggests that a significant portion of the 206 cases had been given two-year probation terms.

[28] These 5-year terms are likely being given for domestic violence cases, for which terms of up to 5 years are possible.

[29] To examine occurrence of revocations during and after the first year of the probation term, we looked at a subgroup of the research sample composed of probationers whose probation terms were longer than one year; were sentenced at least two years prior to the sample cut-off date; and who also had at least one revocation during their probation term. Because of the way the administrative data were coded, it is not possible to give a definitive count of how many probation clients in the subsample received one or more revocations in the first year of probation and how many received one or more revocations after the first year of probation. It is possible to give a count of how many clients with one or more revocations received their first revocation in the first year versus later in their term: 89% of clients with one or more revocations were revoked for the first time in year 1; the remaining 11% were revoked for the first time after the first year. We believe these figures belie the actual experience of revocations for those sentenced to probation terms longer than one year, as illustrated by the stories of probation clients represented in the case files. As explained in the text, it seems that a sizable portion of revocations with terminations of probation occur after the first year of a probation term, following a period during which the probation client struggles on probation and is revoked at least once.

[30] Assessments used include the Ohio Risk Assessment System (ORAS) Community Supervision Screening Tool (CSST) and Community Supervision Tool (CST); the Michigan Alcoholism Screening Test (MAST) and the Kessler Psychological Distress Scale (K6+); the Ontario Domestic Assault Risk Assessment (ODARA); and the University of Rhode Island Change Assessment Scale (URICA). The department plans to additionally begin using the Ohio State University Traumatic Brain Injury (TBI) Identification Method (OSU TBI-ID).

[31] The recommendations named here focus primarily on actions within the judges' purview. However, due to the strength of the two-year system-wide norm, we believe that they will be most successful if the other parties are included in the development and use of these interventions as well. Overall, impactful interventions will focus on shifting norms and practices for all parties, and be part of a more comprehensive process. SMCP is continuing to pursue these kinds of adaptations. For example, since these recommendations were developed, SMCP has worked with the SMC to introduce a new practice whereby probation officers can offer a recommendation for term length for defendants sentenced to the new model, based on the result of the risk/need assessments. There is not yet enough data from this new practice to see if and how it is affecting sentencing decisions.

[32] Olson, D. E., & Lurigio, A. J. (2000). Predicting probation outcomes: Factors associated with probation rearrests, revocations, and technical violations during supervision. *Justice Research and Policy, 2*(1), 73-86.

[33] Gray, M. K., Fields, M., & Maxwell, S. R. (2001). Examining probation violations: Who, what, and when. *Crime & Delinquency, 47*(4), 537-557.

[34] Olson & Lurigio, 2000.

[35] Ibid.

[36] Albonetti, C. A., & Hepburn, J. R. (1997). Probation revocation: A proportional hazards model of the conditioning effects of social disadvantage. *Social problems, 44*(1), 124-138.

[37] Gray, M. K., Fields, M., & Maxwell, S. R. (2001). Examining probation violations: Who, what, and when. *Crime & Delinquency, 47*(4), 537-557.

[38] Olson & Lurigio, 2000.

[39] Ibid

[40] Gray, Fields, & Maxwell, 2001.

[41] Ibid

[42] Albonetti & Hepburn, 1997.

[43] Gray, Fields, & Maxwell, 2001.

[44] Olson & Lurigio, 2000.

[45] Ibid

[46] Gray, Fields, & Maxwell, 2001.

[47] Olson & Lurigio, 2000.

[48] Ibid

[49] Gray, Fields, & Maxwell, 2001.

[50] Albonetti & Hepburn, 1997.

[51] Ibid

[52] Olson & Lurigio, 2000.

[53] Ibid

[54] Gray, Fields, & Maxwell, 2001.

[55] Ibid

[56] Albonetti & Hepburn, 1997.

ideas **42**