

UTILIZING SWIFT AND CERTAIN SANCTIONS IN PROBATION: FINAL RESULTS FROM DELAWARE'S DECIDE YOUR TIME PROGRAM.



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THE PROBLEM OR- HOW WE GOT HERE.....

- ❖ Over two million individuals incarcerated in U.S. prisons or jails. BUT: Over five million people are under community corrections supervision
- ❖ An increasing number of probationers are serving sentences for drug crimes – - 33% in 2008, up from 24% in 2000
- ❖ 37% of probationers in 2008 failed to successfully complete their probation
- ❖ Many of those who do complete probation do so having experienced positive urine tests while under supervision.
- ❖ To the extent that substance use is related to criminal behavior, these individuals are more likely to commit crimes in the future.
- ❖ What remains unclear is whether probation can serve as an effective deterrent to crime and drug use.

WHAT CAN PROBATION DO?

- ❖ **Monitor people**
- ❖ **Counsel people**
- ❖ **Refer people to treatment**
- ❖ **Hold people accountable for behavior.**
- ❖ **Mostly, the focus is on monitoring and holding people accountable.**
- ❖ **OFTEN in an incoherent way.**

DETERRENCE

- ❖ **Monitoring and accountability are based on a deterrence model.**
- ❖ **Increases in Severity, Certainty and swiftness in punishment *should* decrease crime.**
- ❖ **Research has demonstrated that the certainty principle is the most salient.**
- ❖ **But, increasing the certainty of punishment is hard**

PROJECT H.O.P.E

- ❖ **Hawaii's Opportunity Probation with Enforcement.**
- ❖ **Defendants are required to call a hotline each weekday morning to find out if they must take a drug test that day. Random drug testing occurs at least once a week for the first two months.**
- ❖ **If probationers test positive, they are arrested immediately. If they fail to appear for the test or violate other terms of probation, warrants for their arrest are issued immediately. Once they are apprehended, a probation modification hearing is held two days later, and violators are typically sentenced to a short jail term. The jail time may increase for subsequent violations and repeat offenders are often ordered into residential treatment.**

H.O.P.E OUTCOMES

H.O.P.E Results	HOPE	Control
No-shows for probation appointments	9%	23%
Positive urine tests	13%	46%
New arrest rate	21%	47%
Probation revocation rate	7%	15%
Incarceration days	138 days	267 days

QUESTION: CAN THIS BE DONE IN A MAJOR URBAN PROBATION DEPARTMENT WITHOUT A JUDGE ??

- ▶ HOPE was implemented by a judge with major resource expenditures. (Hnr. Steven Alm)
- ▶ It is unclear whether the principles of HOPE can be implemented in day-to-day probation without a judge.
- ▶ NIJ sought out a randomized trial of a program of KNOWN graduated sanctions, coupled with treatment.
- ▶ The Delaware Department of Probation collaborated with the Center for Drug and Alcohol Studies to evaluate The Decide Your Time Program.

Original Decide Your Time Program Flow

Eligible Persons:
Intensive Supervision Probationers who fail their first urine test, or who flow up to intensive supervision from a lower level of care for failed urine tests.

Enter Program

Phase 1
Two Regularly Scheduled Urine screens Per week For 30 Days

If FAIL Move to..

Phase 2
Two Regularly Scheduled Urine screens Per week + Saturday Treatment Sessions For 30 Days

Phase 3
Three Day Level Four Confinement + Saturday Treatment Sessions + 2 Regularly Scheduled Urine screens Per week For 30 Days

Phase 4
6pm Curfew+ Saturday Treatment Session + 2 Regularly Scheduled Urine screens Per week For 30 Days

Phase 5
Short term 5 to 10 day Incarceration In Probation Violation Center. Followed by return to Phase One

If Succeed Move to

Thirty days compliant at any phase results in moving back to Phase One for 30 Days

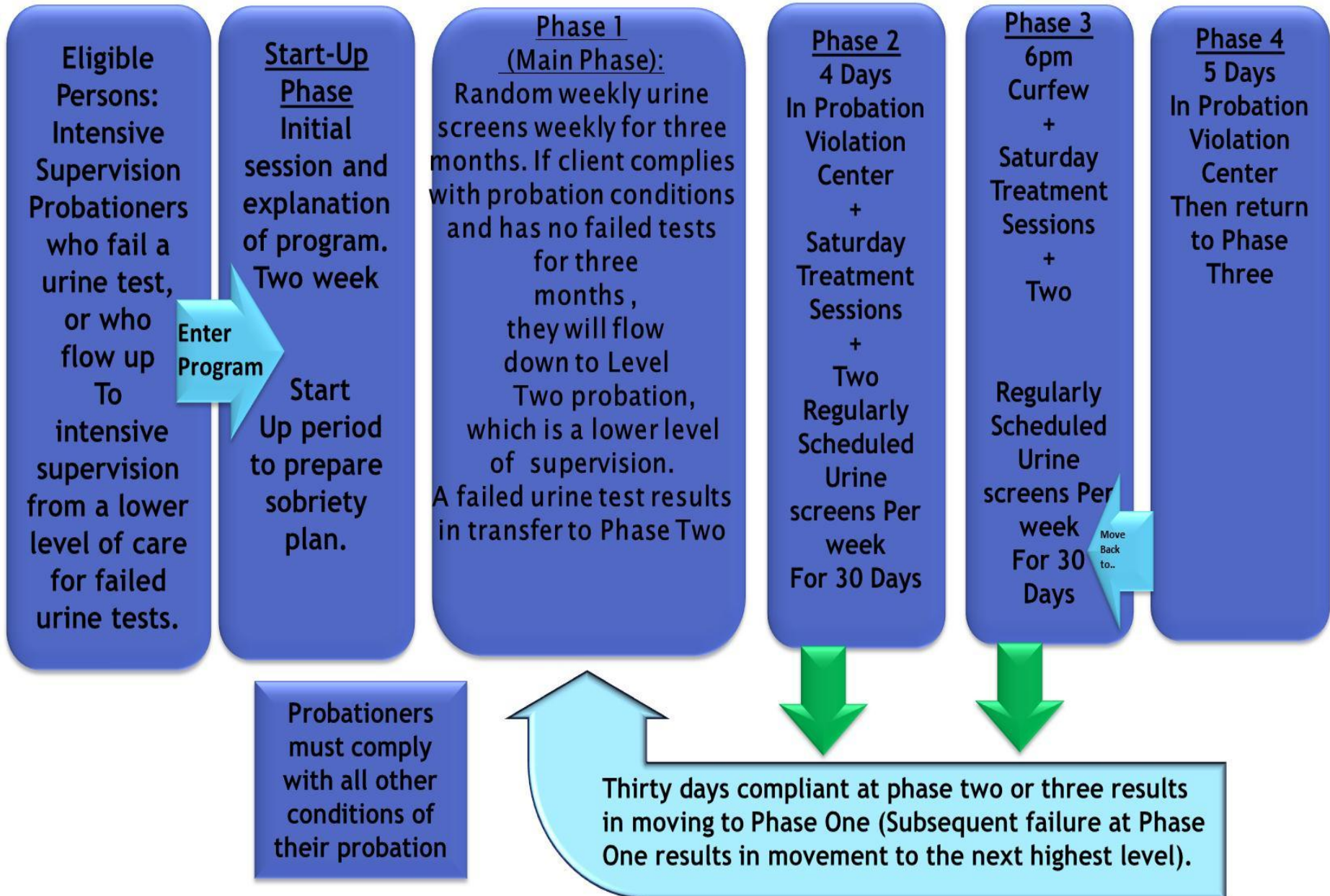
PO can violate for cause at any point in the program.

Phase 0: Thirty days of level one compliance results in lowered status to Phase Zero, which consists of random urine screens approximately weekly for three months. If client complies with probation conditions and has no failed tests for three months, they will flow down to Level Two probation, which is a lower level of supervision. A failed urine test during the three month period results in transfer back to Phase One.

EARLY CLIENT FAILURE

- ▶ When the program was introduced, two scheduled urine tests per week were required in the first phase.
- ▶ Persons placed in the program during the pilot period failed immediately, because they were unable to halt their drug use instantaneously.
- ▶ This was compounded by imposing the schedule of sanctions too quickly.
- ▶ At two urine tests per week, a person could move from no sanctions to the most severe sanction in two weeks, which is exactly what happened.
- ▶ Lesson: Don't impose a sanctions system that requires people to quit using drugs immediately or without a plan.

Revised Decide Your Time Program Flow



CUTTING TO THE CHASE: DID IT WORK?

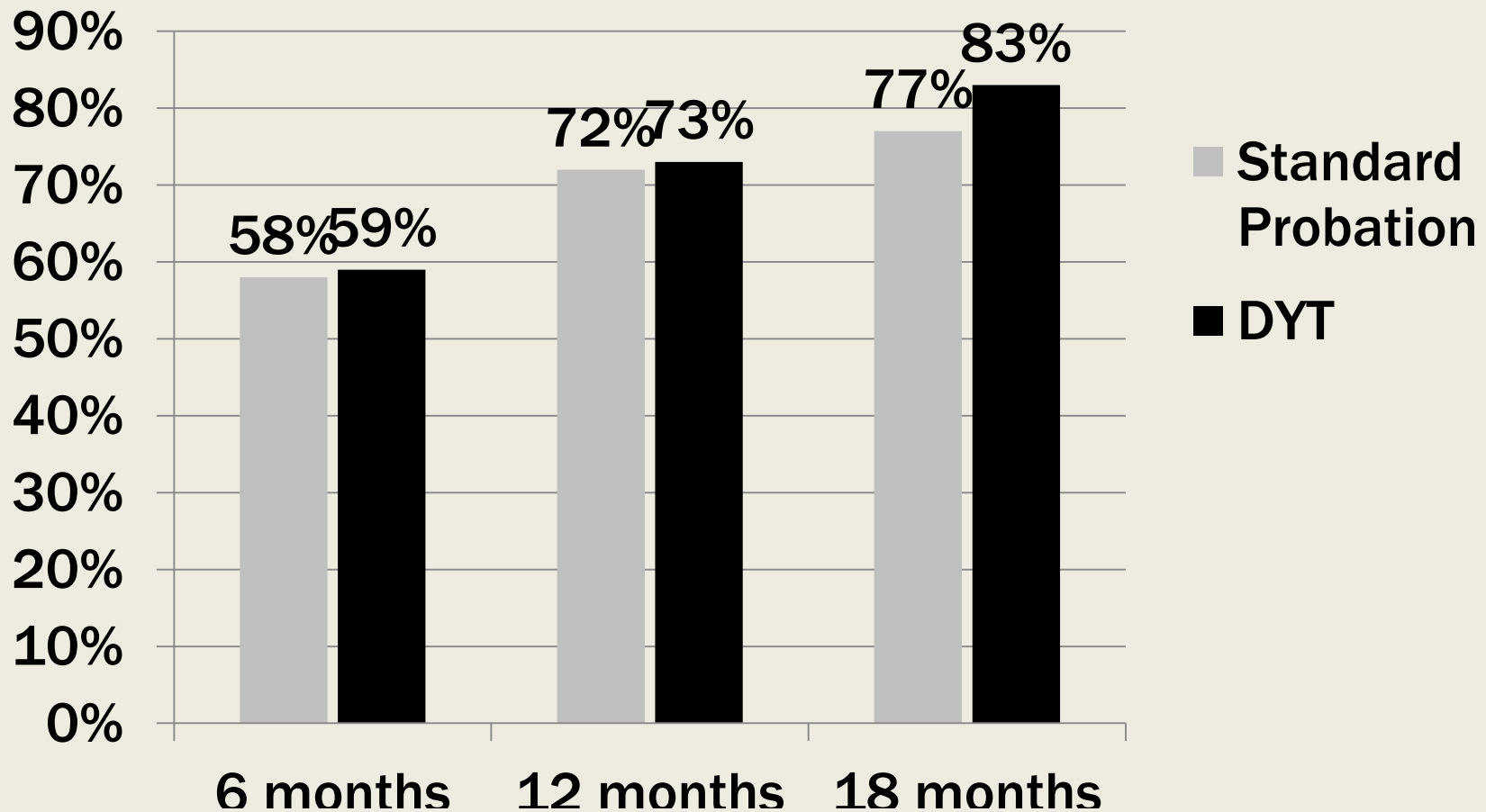
- UD/CDAS conducted randomized trial.
 - 400 clients randomized to DYT or standard Levee 3 probation.
-

Table One: Descriptive of Sample; Full Sample and by Group

	Total		DYT		Standard Prob	
	N	%	N	%	N	%
Male	339	84.8	171	85.5	168	84
Female	61	15.3	29	14.5	32	16
Black	215	53.8	109	54.5	106	53
White	185	46.3	91	45.5	94	47

	Full Sample				
	N	Min	Max	Mean	SD
Age at Entry	396	18.44	58.77	29.8	9
Age of First DE Arrest	396	8.41	43.54	17.8	6
Age of First DE Adult Arrest	395	18	43.54	20.9	4.6
	Standard Probation				
Age at Entry	200	18.44	55.8	29.8	8.9
Age of First DE Arrest	200	8.74	43.5	17.9	6.2
Age of First DE Adult Arrest	199	18	43.5	21.1	4.9
	DYT				
Age at Entry	196	18.9	58.8	29.8	9.2
Age of First DE Arrest	196	8.4	43	17.8	5.8
Age of First DE Adult Arrest	196	18	43	20.7	4.3

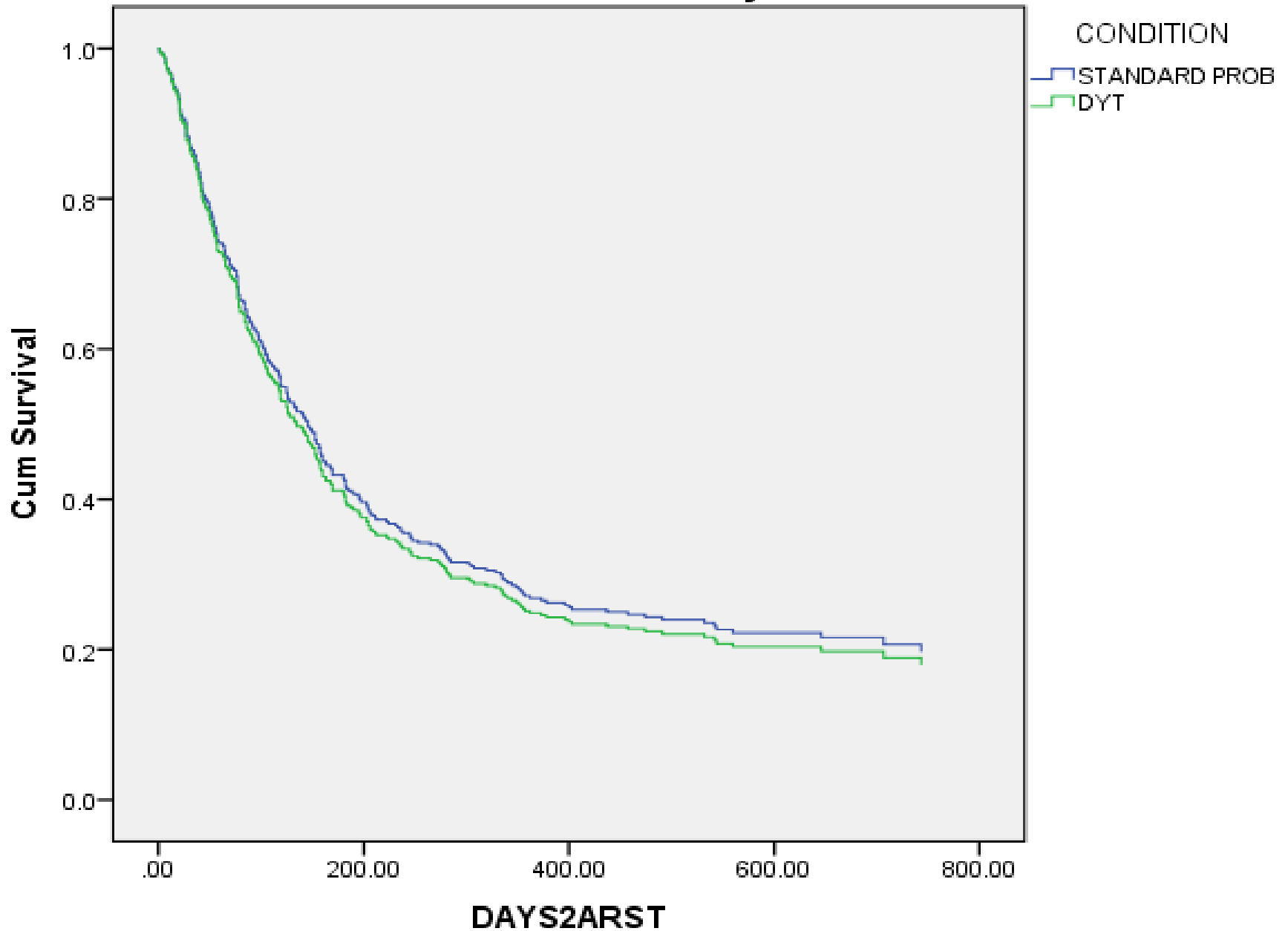
PERCENT ARRESTED AT DIFFERENT TIME POINTS BY STUDY CONDITION



ODDS RATIOS FROM LOGISTIC REGRESSION ANALYSES PREDICTING ARRESTS

Arrested	6 Months	12 Months	18 Months
Startage	.971*	.965**	.958**
Frstdearr	.995	.982	.955
Frstdeadult	1.019	1.054	1.078
Race	1.178	1.008	.906
gender	.465*	.740	.684
Condition	1.113	1.231	1.178
Constant	4.475*	4.793*	9.433*

Survival Function for Days to ANY Arrest



Omnibus Tests of Model Coefficients^a

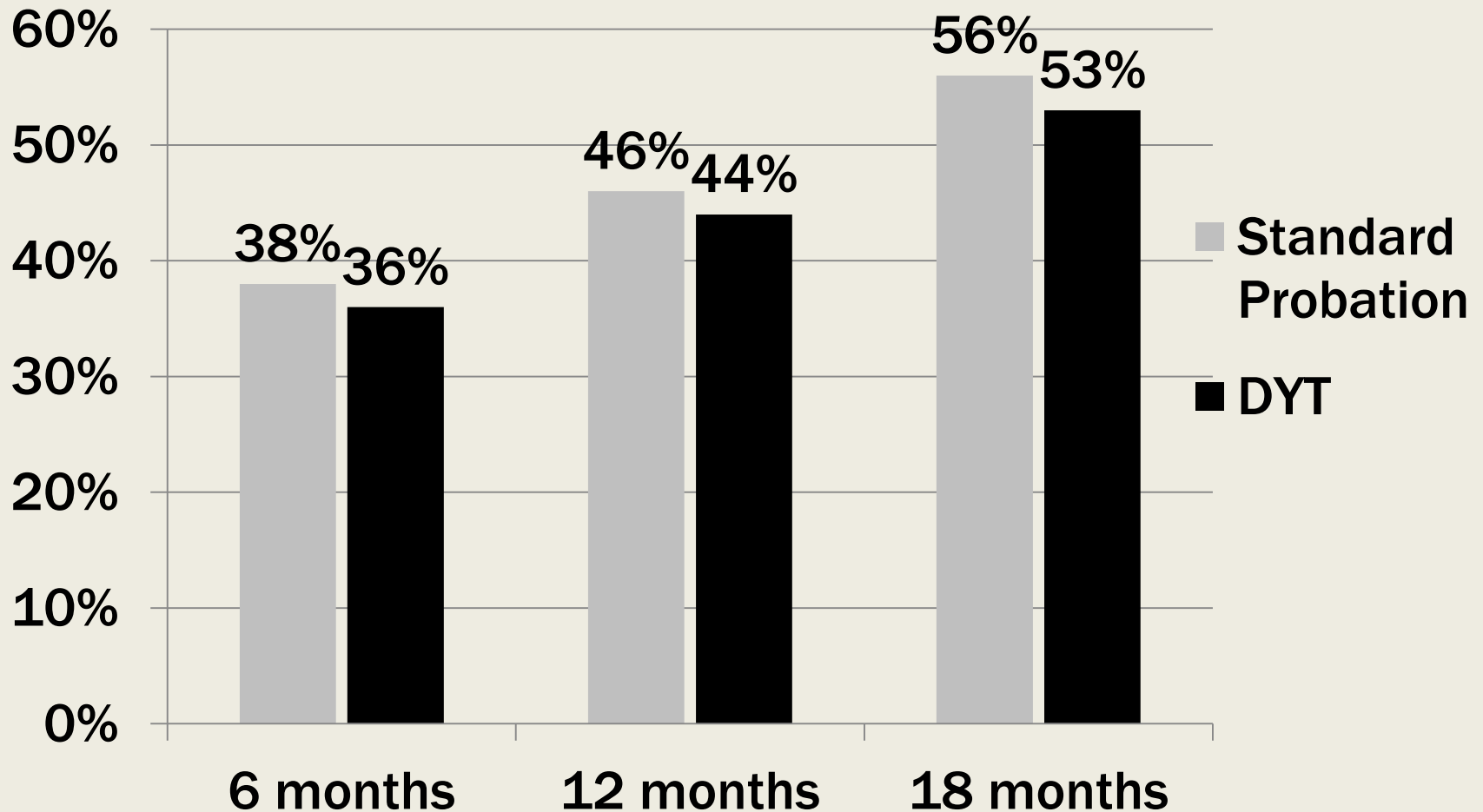
-2 Log Likelihood	Overall (score)			Change From Previous Step			Change From Previous Block		
	Chi-square	df	Sig.	Chi-square	df	Sig.	Chi-square	df	Sig.
3295.309	10.473	6	.106	10.734	6	.097	10.734	6	.097

a. Beginning Block Number 1. Method = Enter

Variables in the Equation

	B	SE	Wald	df	Sig.	Exp(B)
CONDITION	-.056	.115	.241	1	.624	.945
startage	-.018	.007	5.939	1	.015	.982
frstdearr	-.020	.018	1.338	1	.247	.980
frstdeadult	.032	.023	1.884	1	.170	1.033
race	.116	.121	.930	1	.335	1.123
gender	-.171	.162	1.107	1	.293	.843

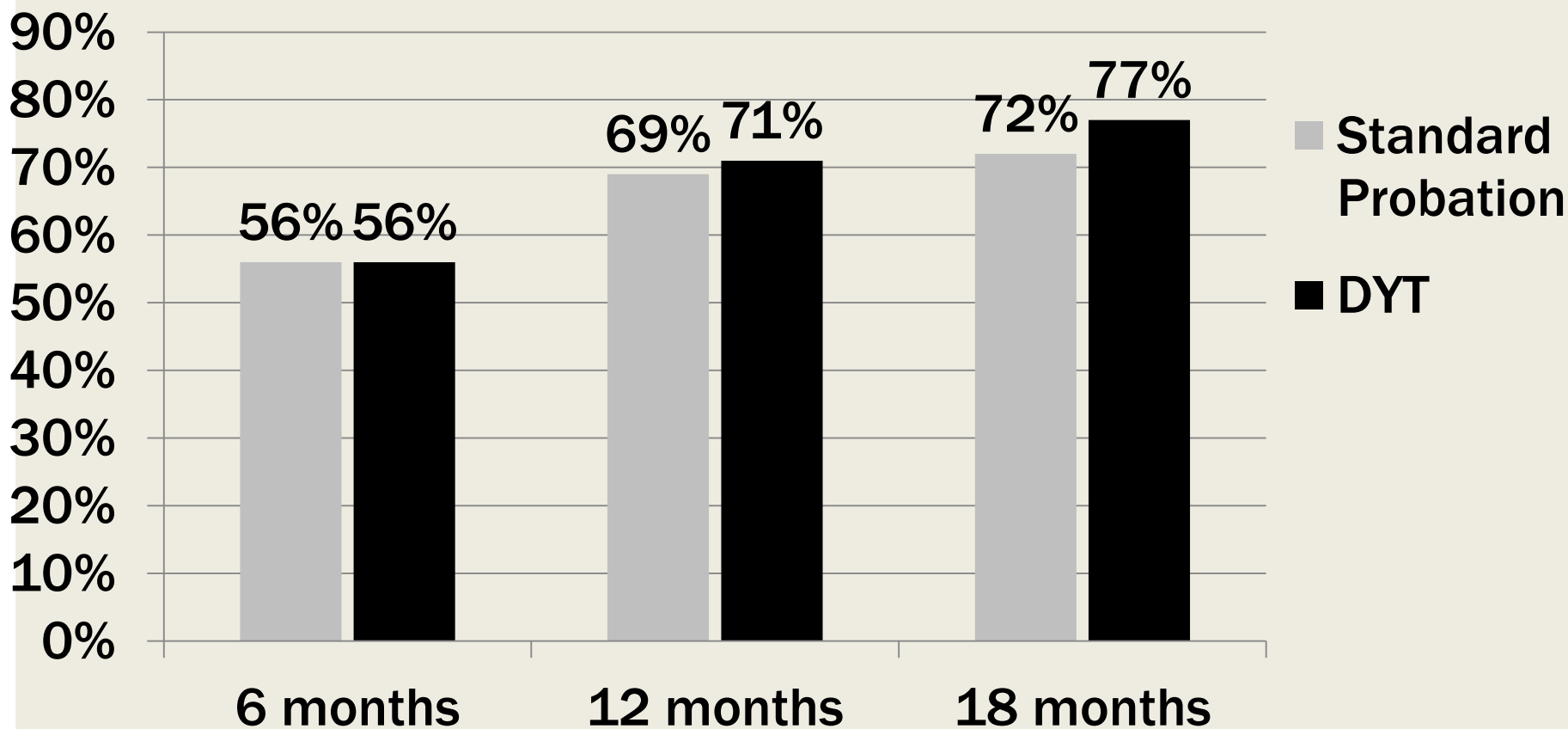
PERCENT ARRESTED FOR A NEW CRIME AT DIFFERENT TIME POINTS BY STUDY CONDITION



Odds Ratios Predicting Arrest for a New Crime

New Crime	6 Months	12 Months	18 Months
Startage	.984	.986	.977
Frstdearr	.992	.967	.930
Frstdeadult	1.004	1.038	1.091
Race	1.185	1.082	1.170
gender	1.039	1.358	1.609
Condition	.983	.984	.866
Constant	.921	.861	.952

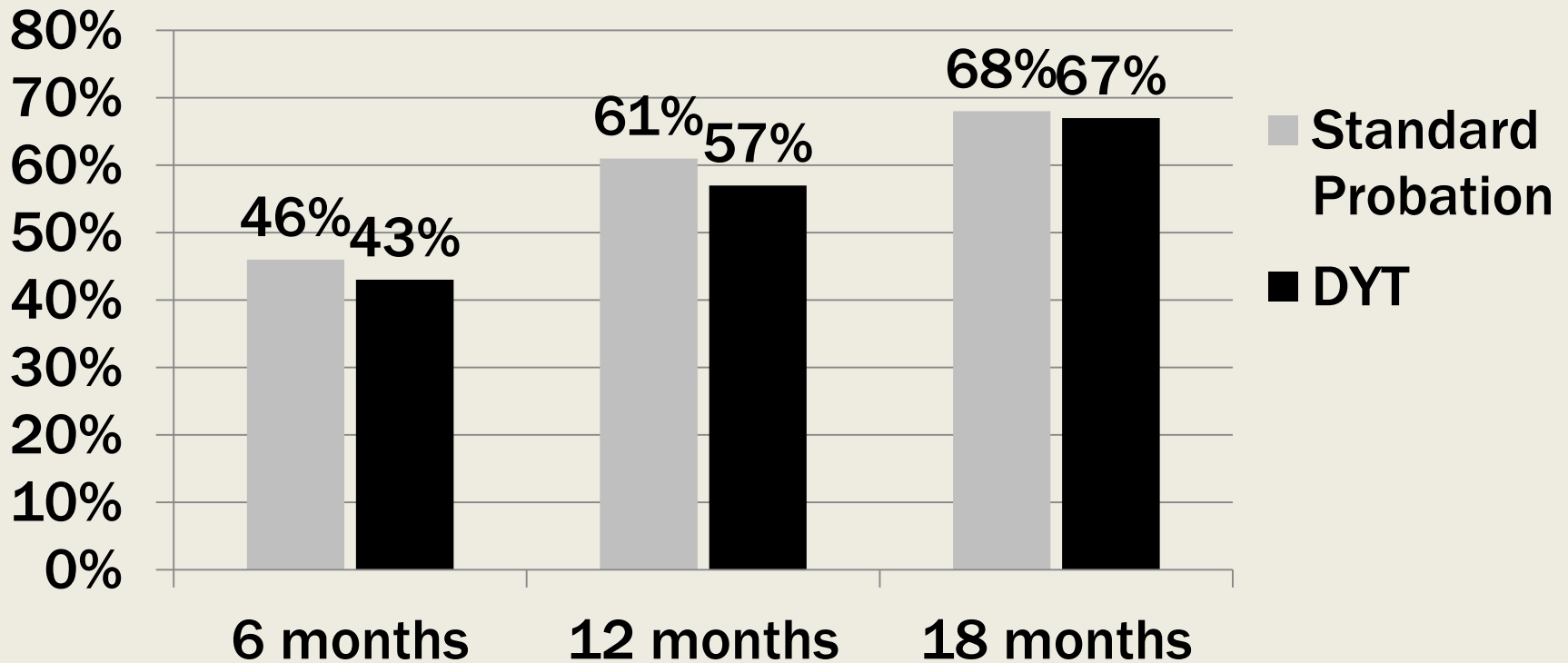
Percent Arrested for Violation of Probation at Different Time Points by Study Condition



ODDS RATIOS PREDICTING ARREST FOR A PROBATION VIOLATION

VOP	6 Months	12 Months	18 Months
Startage	.970*	.958**	.947**
Frstdearr	.997	.965	.963
Frstdeadult	1.014	1.093	1.097
Race	1.192	.966	.812
gender	.509*	.764	.771
Condition	1.038	1.087	1.285
Constant	4.246*	3.191	5.702

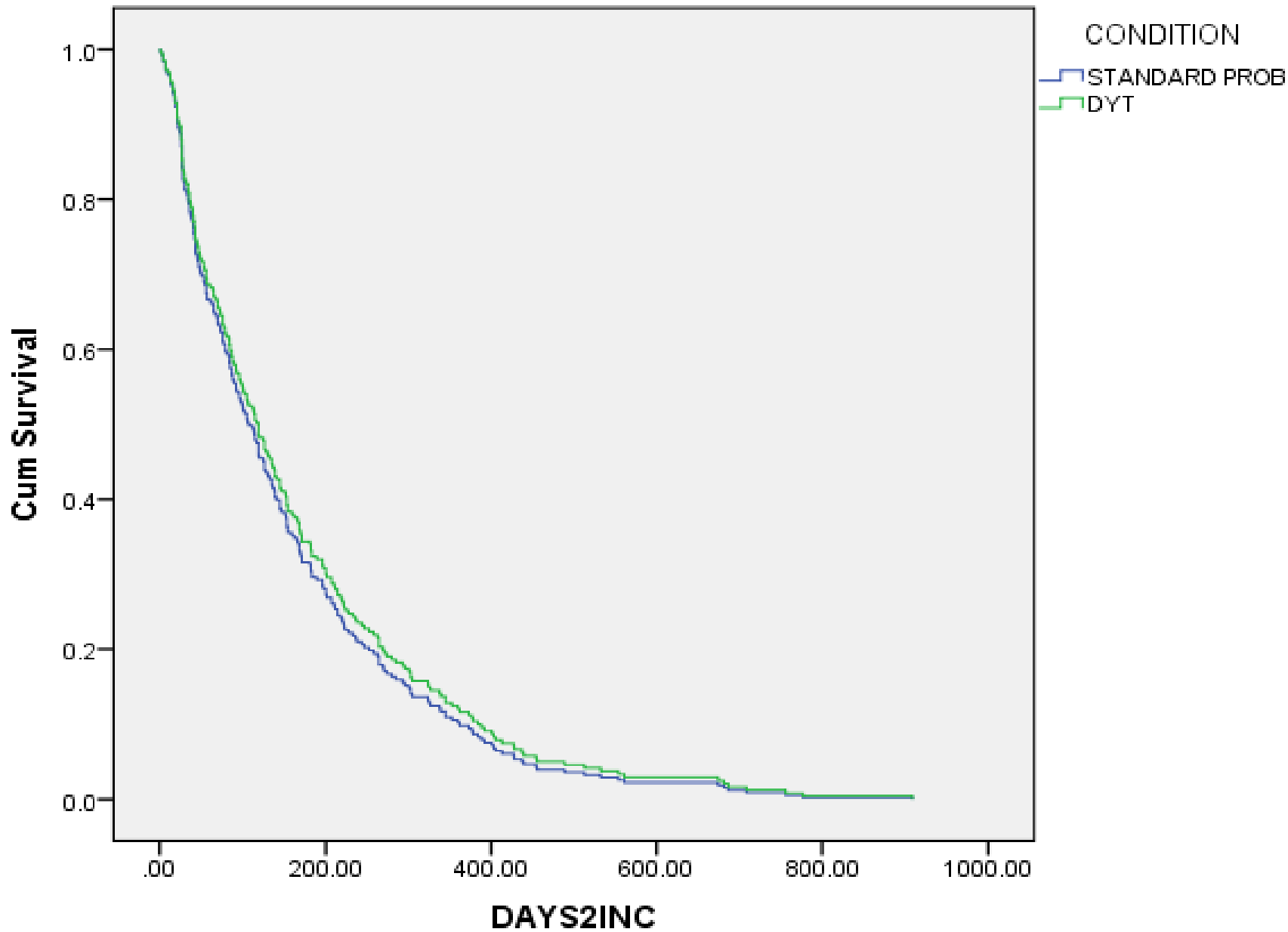
Percent Incarcerated at Different Time Points by Study Condition



LOGISTIC REGRESSION RESULTS PREDICTING INCARCERATION AT EACH TIME POINT.

Incarcerated	6 Months	12 Months	18 Months
Startage	.971*	.972*	.963*
Frstdearr	.966	.951	.936
Frstdeadult	1.008	1.047	1.091
Race	1.276	.989	.730
gender	.945	.877	1.057
Condition	.930	.839	.925
Constant	2.94	3.902*	4.242

Survival Function for patterns 1 - 2



INTERPRETING OUTCOMES

- DYT is an intensive monitoring program designed to increase the certainty of apprehension for violations.
- Control group is Standard Level three (intensive) probation, requiring continual monitoring.
- In spite of this, the DYT group is being monitored at the much higher rate.
- Average urine screens during probation term:
 - DYT = 9.2
 - Control = 2.4
- DYT clients had substantially higher contact rates than control.
- Previous studies have found that closer supervised probationers actually did worse.

JUDICIAL EXCLUSIONS

- Many persons on intensive supervision (the focus of DYT), have judicially mandated restrictions that prevented them from participating in the program.
- ❖ 4% interstate cases
- ❖ 9% less than 6 months left on their probation
- ❖ 1% Boot Camp exclusive caseload
- ❖ 3% Judge XXXXXXX's calendar
- ❖ 5% pending charges
- ❖ 27% violated the terms of their probation
- ❖ 26% testing positive for prescribed medication
- ❖ 2% "zero tolerance" conditions as part of their probation
- ❖ 4% LSIR score being low-moderate or lower
- ❖ 1% Serious physical health issue
- ❖ 2% severe Mental Health issue
- ❖ 3% being excluded due to being on a specialty caseload

Lesson: Carefully examine the case flow and target the population with the realities on the flow well understood.

DEMOGRAPHICS HOPE VS DYT

■ HOPE		DYT
■		
■ Age	36.8	29
■ Male	82%	84%
■ Female	18%	16%
■ Race/ethnicity		
■ Black	5%	54%
■ Caucasian	18%	46%
■ Asian/Poly	66%	
■ Hispanic	1%	
■ Portuguese	1%	
■ Other	8%	

Could difference in age or race/ethnicity between HOPE and DYT impacted outcomes?

We have no way of measuring this.

WHAT DID THE DYT OFFICERS SAY?

POs voiced a concern that the program targeted the wrong type of person:

“The people that are career criminals are horrible criminals. The sanctions just aren’t powerful enough. Plus the people that are heavy into drugs, like the people who use cocaine or heroin, it’s not going to work for them. 4 days then going to get right back out and start using immediately. It’s not enough break them.”

“I think that we targeted – not that we targeted the wrong population – but, it would work better with a younger population. Like, somebody who failed diversion and then you move them right into the DYT program or similar structured program. I think that people who have been career criminals or have been in jail for long periods of time, that four day sanction right at the beginning does not mean anything to them.”

WHAT DID THE SUCCESSFUL CLIENTS SAY?

- Successful clients felt the structure of the program was beneficial:
- “I think DYT is better because, regular probation is kind of set to make you fail, to make you go back. It puts some kind of stress on you and might make you wanna go back into using. With DYT, it’s not like that, it depends on what I do.”
-
- “I would always hear from like friends or from relatives, and people, oh my PO he’s this, oh he’s that, watch out, they be tryin to get you. Regular probation aint clear, you never know what’s gonna happen. I don’t know, on this program, being in DYT, I didn’t feel that way. I know exactly what’s gonna happen. It different you know. I think it’s better.”

WHAT DID THE UNSUCCESSFUL CLIENTS SAY?

Unsuccessful clients focused on life stress and living conditions

“ When I got locked up I had a job. So, they found some temp and when I got back it was more permanent for them. They actually move up before me. So when I go to work now, I am still in the same position doing all the dirty work and not moving up. Man that is so aggravating even though I am trying to change and did my time. You ask what makes us use, its shit like that.”

“The point is to find a place that is free from drugs; most everyone I know go to places where there are drugs. Man, drugs are everywhere, and it is going to be hard for me to find a place without them. I mean my family uses and I need to live with them. I have no other choice.”

“I been staying with a friend off and on and his parents have an extreme addiction to heroin. I know I need to find another place and get out but I cant. I have to live there casue I ain't got nowhere else to go.”

WHAT DID THE UNSUCCESSFUL CLIENTS SAY? 2

“Every day, I live in a neighborhood with drugs everywhere. Every day is high risk for me. There are like ten houses on the row and I live in the last house. When people wake up, they be going outside and smokin’. All that rolls down the street and I can smell it. It’s like a trigger. I leave my house and walk by this all the time. And people know me and they always be asking me to chill or ride or whatever. Every day is high risk for me.”

“Sometime, I'd play some games and we'd smoke all day. A lot of things I did was being high, going out, eating, chillin, playing ball, we were high.”

When asked if DYT helps deters “Naw, it’s like, things come up and I’m like ‘shit pass me that’. I aint thinking about all that. DYT can’t change that either. It’s being at the wrong place with the wrong people, or right ones depending on what you want then. When shit starts happening and you see them same people, you see stuff and want to start being a part of it. So you start using and shit.”

WHAT DID THE UNSUCCESSFUL CLIENTS SAY? 3

“The treatment is not going to do it (help you stop using) unless you want it to be. It all starts with us. Look, you can have the shittiest treatment and still make it be successful. You can have the best treatment and get nothing out of it too.”

“It’s like, it’s on me and I ain’t ready. So it don’t matter the program, DYT or not. It ain’t gonna work because I ain’t stoppin”

“Don’t matter if it’s this DYT or some other shit. You ain’t going to change me unless I want to be changed. Any program, any, none will work because I don’t want to change. Everyone else be sayin this and that but, really, it ain’t going to work. This is my life.

CONCLUSIONS

DYT failed to significantly alter the behavior of participants.

WHY?

- 1) Logistics may have impacted delivery (reported in Oconnell et al. 2010)**
- 2) Different type of clients in DYT**
- 3) Sanctions not severe enough (?)**
- 4) Clientele too criminally involved (?)**
- 5) Structural factors of community. — very high crime high drug using areas.**

THE FUTURE

- Swift and certain sanctions CAN work (see HOPE).
- Swift and certain sanction can also NOT work (DYT).

- Need to examine contextual factors.

- Which type of people?
- What is the effect of environment?
- How much of a sanction is “enough” (dose).
- What is the impact of the judge? (see drug court lit).