

Probation Revocations in Pulaski County: Findings Report

Arnold Ventures and CUNY ISLG
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EXECUTIVE SUMMARY

OVERVIEW

The prison population is rapidly growing in Arkansas. Pulaski County is the most populous county in Arkansas and home to the state capital, Little Rock. Pulaski County has approximately 6,000 people on probation and 700 probation revocations annually.¹ Most of these revocations occurred in the first year of probation.² The Pulaski County Action Research Team (ART), led by the Southern Public Health and Criminal Justice Research Center (S-PAC) at the University of Arkansas for Medical Sciences (UAMS) and the University of Central Arkansas (UCA), in collaboration with the Arkansas Division of Community Correction (DCC), implemented a mixed-methods assessment using both quantitative and qualitative research data collection to explore the following research questions:

- *Who is more likely to be revoked in Pulaski County?*
- *What are the drivers behind revocations in Pulaski County?*

METHODOLOGY

Policy review. We reviewed probation policies in Arkansas (all policies are applicable to Pulaski County since DCC operates throughout Arkansas).

Quantitative analysis. We obtained administrative data of all probations (and revocations) between 2015 and 2019 in Pulaski County, Arkansas from eOMIS (electronic Offender Management Information System) at DCC. The dataset captured 31,701 probation records of 10,260 unique clients on probation. We performed: (1) tabular analyses to compare revocation rates within subgroups and (2) logistic regression to assess drivers for revocations, using a statistical software package (SAS).

Case file review. We examined court files of 79 revocation cases that occurred in Pulaski County during 2018 to further capture information not recorded in eOMIS. The court files were randomly selected using a statistical algorithm. We reviewed demographic characteristics, original charge(s), and revocation information (i.e., terms/conditions of probation, infractions, etc.) of each case.

Qualitative interviews. We conducted semi-structured, in-depth qualitative interviews to complement our quantitative analyses and to better understand potential factors related to probation revocations. We interviewed eight probation clients (with and without revocation history), and twelve stakeholders (three judges, two prosecutors, one public defender, three probation supervisors, two probation officers, and one sheriff). Transcripts of the interviews were coded using a qualitative software package (MAXQDA).

Data limitations. Violations (and information from petitions for revocation filed through the courts) were not systematically recorded by DCC. In addition, some data in eOMIS had over 20% missingness.

PROBATION POPULATION OVERVIEW

¹ Arkansas Department of Correction (2019). Arkansas Department of Correction FY18 Annual Report.

² Legislative Criminal Justice Oversight Task Force (2016). Report and recommendations.

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Between 2015 and 2019, there were 10,260 individuals on probation in Pulaski County. According to DCC, the current client-to-officer ratio is approximately 110 to 1. The majority of adults under probation in Pulaski County between 2015-2019 were male (69%). Black clients were over represented in our sample—58% of the probation population, as compared to 37% in the total county population (Table S1).³ Based on the Arkansas Offender Risk Assessment (ARORA), 5% of the probation population was assessed as “high risk”, 34% as “moderate risk”, and 60% as “low risk”.

Table S1 Pulaski County probation Population Demographic Characteristics

Demographic Characteristics	Individuals on Probation (2015-2019)	% Probation Population	Adults in Pulaski County ⁴ (2019)	% Pulaski County Population
Total				
	10,260		391,911	
Gender				
• Male	6,332	69%	140,905	47%
• Female	2,860	31%	160,757	53%
Age				
• 18-24	817	8%	42,632	14%
• 25-34	3,599	35%	57,542	19%
• 35-44	2,948	29%	50,979	17%
• 45+	2,896	28%	150,509	50%
Race				
• White	4,017	39%	103,848	51%
• Black	5,958	58%	75,240	37%
• Hispanic	229	2%	12,604	6%
• Other	56	1%	9,970	5%

FINDINGS

Context

DCC assigns a supervising probation officer and office location for reporting to each client on probation. Random drug screening is generally required, and clients are required to pay a supervision fee.⁴ Per DCC policy, probation clients are assessed for risk level at entry, and reassessed periodically during probation using ARORA. ARORA is a nine-item questionnaire to classify clients into low, medium, or high risk. ARORA scoring items include client demographics (i.e., gender, age at intake, age starting substance use), prior offenses (i.e. felony history, most serious offense), and prior revocations. During probation, the Offender Violation Guide (OVG) point system assigns point values to different types of probation violations. There are four levels of violations (low, medium, high, very high), and each corresponds to a different number of points. OVG points are accumulated for violations, and appropriate sanctions and interventions are applied. Clients may earn incentive points for successfully completing incentives associated with sanctions (i.e., earning a GED). Incentive points are deducted from OVG points. When a probation client accrues 40 OVG points, a petition for revocation is submitted to the probation officer’s supervisor for further approval and finally to the prosecutor for a final decision. OVG points are accumulated for violations; however, a person on probation can be revoked immediately for any felony offenses, such as drug, violent, or sexual felony offense. Defendants arrested for probation

³ United States Census Bureau, American Community Survey (2019).

⁴ Arkansas Department of Community Correction. Annual Reports.

violations are entitled to a preliminary hearing to determine reasonable cause “as soon as practicable” after arrest. Defendants have the right to waive this hearing. If the court finds reasonable cause, the defendant may be detained or returned to supervision pending a revocation hearing, which must be held within 60 days of the original arrest. At this revocation hearing, defendants have the right to hear and controvert evidence, present their own evidence, and to be represented by counsel.⁵ Stakeholders involved in the revocation process include probation officers, probation supervisors, prosecutors, and judges.

Populations at higher risk of revocation

We found in our study that the following factors increased risk of revocation: being assessed as high-risk, having a substance use or mental health issue, being unemployed, and having certain demographic characteristics (Black race, male gender, younger age, and lower education attainment). Odds ratios from regression models are shown in Table S2 (higher odds ratios indicate higher risk of being revoked).

Table S2. Quantitative Analysis: Risk Factors and Odds Ratios

Comparison groups	Odds Ratio*	95% Wald Confidence Limits	
	(OR)		
ARORA Risk Category			
• High vs. Low	10.4	8.5	12.8
• Medium vs. Low	4.4	4.0	4.8
Violent crime** / rape within the past 5 years	2.0	1.8	2.2
Prior technical violation	8.6	7.7	9.6
Failed drug test	2.9	2.6	3.1
• Cannabis	2.4	2.2	2.6
• Hallucinogen	2.9	2.3	3.8
• Opioids	1.9	1.6	2.1
• Stimulants	2.8	2.6	3.1
• Synthetic	6.6	1.8	24.2
Mental health illness within the past 5 years	1.4	1.2	1.5
Race			
• Black vs. White	1.3	1.1	1.4
Gender			
• Male vs. female	1.4	1.3	1.6
Arrest under 18	1.7	1.5	1.8
High school degree or equivalent	1.5	1.4	1.7
Unemployment			
• Unemployment vs. all employment***	2.4	2.1	2.7
• Unemployment vs. regular employment	2.8	2.5	3.2

*Odds of being revoked vs. not being revoked.

**violent crime: any offense that is an Act 1029, excluding Residential Burglary

***including irregular employment (temp/seasonal services)

Assessed risk. Clients assessed as high-risk and medium-risk by ARORA were more likely (10x and 4x, respectively) to be revoked than low-risk clients. In addition, revocation rates were higher among clients with histories of felonies and probation violations, as compared to clients without such history.

⁵ AR Code § 16-93-307

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Special characteristics. Clients with evidence of substance use (positive drug test) were 3 times as likely to be revoked, as compared to clients with no evidence of substance use. Clients with mental health disorders were 1.4 times as likely to be revoked, as compared to clients without mental health disorders. Unemployed individuals were twice as likely to be revoked, as compared to employed clients.

Demographics. Male gender, age at intake, and arrest while under the age of 18 are scoring items in ARORA. Our study suggests that revocation rate is disproportionately higher among certain demographic groups: Black race, male gender, younger age (i.e. under 18), and individuals with lower education. Black clients were 1.3 times more likely to be revoked than Whites. Male clients were 1.4 times more likely to be revoked than female clients. Revoked clients were generally younger; those with arrests under 18 were 1.7 times more likely to be revoked. This indicates that those entering the criminal justice system at a younger age (i.e. under 18) tend to have a higher risk of revocation.

Drivers of revocation

Drivers behind revocations could be individual-level or system-level. Individual-level drivers include revocation type (technical violations, new offenses, absconding), financial instability (i.e. unemployment, housing and transportation related issues), substance use, and mental health disorders. System-level drivers include stakeholder risk avoidance, officer caseload, and lack of accessible resources and services.

1. Individual-level drivers

Revocation type. According to eOMIS data, among revocations between 2015 and 2019 in Pulaski County, 94% were due to technical violations, 5% were due to new felony offenses, and 1% were due to new misdemeanors. New felony offenses prompt automatic probation revocation proceedings and do not require an accumulation of OVG points. Felony history potentially increases the risk of revocation, as it increases a client's risk level assessed by probation officers. Absconding is a special type of technical violation defined as a probation client not reporting as required by conditions of probation. Absconding is associated with many other factors. When referencing absconding as a driver of probation revocation, stakeholders (i.e., probation officers and supervisors) typically linked it to other violations like ongoing substance use and expected positive drug tests, and commission of new offenses. In our review of 79 court revocation case files, more than half showed that the client's revocation was due in part, or fully, to absconding.

Financial instability. Financial instability is a main driver behind revocation in Pulaski County. This can be reflected in several aspects, including: **(1) Unemployment.** Employment is often a requirement of probation, yet it is not easy for people on probation to find/keep jobs. The requirements of community supervision (i.e., random drug tests) can impact individuals' ability to secure and to maintain a job. Based on our data, unemployed individuals are 2.4 times more likely to be evoked as compared to employed individuals. **(2) Housing.** Housing is related to programming and treatment engagement, employment and financial well-being, health, and successful completion of probation. Some crimes, such as sex offenses and drug offenses, limit where someone on probation may live and those not following specific guidelines or probation conditions risk revocation. Even for individuals who are housed, often they move frequently and

struggle to maintain permanent housing. **(3) Transportation.** A lack of reliable transportation limits a client's ability to meet probation requirements (i.e., attending meetings on time).

Substance use. Substance use was another key driver for revocation. Drug possession laws are rigorously enforced in Pulaski County (and in Arkansas overall). Due to clients' fear of revocation and/or mandated treatment regimens, substance use may lead to absconding and new offenses.

Mental health disorders. Clients with mental illness often face challenges in meeting probation requirements, including attending/completing treatment programs. Mental health issues are frequently associated with substance use, homelessness, and many other factors that further prevent clients from successfully completing probation terms.⁶ Based on our data, individuals with current or history of mental illness are 1.4 times more likely to be revoked, as compared to those without mental illness.

2. System-level drivers

Stakeholder risk avoidance. Probation officers are more likely to revoke probation if clients are assessed as "higher risk" for fear of facing negative consequences of not revoking a person on probation who commits a serious crime. In addition, stakeholders indicated that harsh and more punitive methods seemed more appealing or more in line with a risk-avoiding 'tough on crime' image.

Officer caseload. The average caseload for officers in Pulaski County is 110; however, the number varies by officer. The majority of stakeholders in our interviews believed that the caseloads of probation officers were too high. High caseloads may prevent officers from investing time in officer-client relationships, and lead to poor communication and higher risk of revocation.

Lack of accessible resources and services. Lack of access to services (i.e., mental health services, substance use treatment, affordable housing) increase the risk of revocation. Services are inaccessible because they don't exist, have low capacity, or because they are hard to navigate or coordinate.

RECOMMENDATIONS

1. Better utilization of risk assessment. ARORA needs to be validated and there needs to be standardized procedures for data collection, data entry and data interpretation at the system-level.

2. Reducing officer caseload. One solution to reduce officer caseload is to assign and/or recruit more officers. Another option to reduce officer-client caseloads is to expand the use of remote monitoring (i.e., via smartphone apps), especially for those categorized as "minimum risk".

3. Training officers in client needs (i.e., services for both mental illness and addiction). More training for existing officers needs to be created/provided, and there is a need to create new positions that specialize in behavioral health. These specialty trained officers could conduct more thorough assessments, better explain existing services and programs, and refer clients to more appropriate and evidence-based services.

⁶ <https://www.ojp.gov/pdffiles1/nij/235637.pdf>

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4. Treatment as alternative to punishment. Relapse is often part of recovery. As discussed elsewhere in our report, substance use may lead to absconding because clients fear revocation and/or mandated treatment regimens. It would be beneficial to allow for a whole-health model of addiction that includes periods of relapse.⁷

5. Increase accessibility to services/resources. We recommend increasing client/officer awareness of existing services, increasing accessibility to services (i.e., assistance in scheduling appointments, assistance with transportation, increased service capacity, and affordability), and engagement with the community (i.e. community residents, community leaders and organizers, and service-users) in the planning and preparation process in order to foster a sense of community ownership and investment to help sustain these programs and organizations into the future.

⁷ https://mfpcc.samhsa.gov/ENewsArticles/Article12b_2017.aspx
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CONTENT	Page
Background	1
• Probation Revocation	1
• Research Methodology	2
• Data Limitations	3
Probation Population Overview	4
Findings	5
• Context	5
• Who are more likely to be revoked?	9
• What are the potential drivers for revocation?	16
Recommendations	24
Appendix	27
• <i>Appendix 1. Arkansas Division of Community Correction Team Organizational Chart</i>	27
• <i>Appendix 2. Full Methodology</i>	28
○ <i>Quantitative Analysis</i>	28
○ <i>Case File Review</i>	30
○ <i>Qualitative Interview</i>	31
• <i>Appendix 3. Qualitative Interview Guide</i>	34
• <i>Appendix 4. Offender Violation Guide (OVG)</i>	37
• <i>Appendix 5. Additional Tables</i>	39
○ <i>Revocation by Year (Pulaski County, 2015-2019)</i>	39
○ <i>Quantitative Analysis: Sample Characteristics</i>	40
○ <i>Quantitative Analysis: Risk Factors and Odds Ratios</i>	41
○ <i>Case File Review: Sample Characteristics</i>	42
○ <i>Case File Review: Drug Test Failure Revocations</i>	43
○ <i>Case File Review: Reasons for Revocation</i>	44
○ <i>Qualitative Interview: Sample Characteristics</i>	45

BACKGROUND

The Council of State Governments (CSG) Justice Center issued a report in 2017 asserting that the criminal justice system in Arkansas is facing significant challenges. The prison population in Arkansas grew 21% from 2012 to 2015, showing more rapid increases than nearly every other state in the US. Most of this increase was the direct result of revocations while under community supervision.⁸ In Arkansas, from 2009 to 2015, the number of revocations increased 4-fold from 779 to 5,109; most of these revocations occurred in the first year of probation.⁹ Nationally, 45% of incarceration in state prisons is the result of violations of conditions associated with either probation or parole, but in Arkansas it is much higher at 54%, with 20% of these for probation violations.¹⁰ In Arkansas, 54% of those under community supervision are probationers and 42% are parolees.¹¹ The state of Arkansas experiences on average 3,500 probation revocations per year.⁴ Pulaski County is the most populous county in Arkansas and home to the state capitol, Little Rock. Pulaski County has among the highest number of probationers with nearly 6,000 people on probation annually.⁴ Pulaski County has approximately 20% of the total number of individuals on probation in Arkansas, thus Pulaski County experiences on average 700 probation revocations annually. Given Pulaski County experiences the highest number of probationers, we have chosen to focus our report on this county.

There is urgent need for more intervention to reduce the number of probation revocations in Pulaski County and throughout Arkansas. Such interventions should follow evidence-based treatments and should incorporate Risk Need Responsivity (RNR) principles.¹² An important component in such interventions is that they are responsive to the individual needs of individuals on probation and therefore based on data unique to the experiences of these individuals. Therefore, it is imperative to understand the underlying factors that are predictive of probation revocation and also the primary drivers of revocation among individuals on probation in Pulaski County. We present findings from a comprehensive analysis of probation data among individuals on probation in Pulaski County. We conducted both quantitative and qualitative data collection and analyses aimed at furthering our understanding of the primary drivers of probation revocation in the county.

Recent census data indicated a total adult population in Pulaski County of nearly 400,000 adults. The county demographics of all adults currently living in the county as well as all individuals on probation are presented below in Table 1, on Page 5 of the report. Our community corrections partner for this project is the Arkansas Division of Community Corrections (DCC), which supervises more than 60,000 individuals on both probation and parole throughout the state of Arkansas.¹³ DCC supervises several distinct groups of individuals: 1) **regular:** normal probation and parole caseloads; 2) **specialty court:** individuals involved in specialty courts (i.e. drug court); 3) **specialized:** strategically specialized caseloads consisting of individuals requiring heightened

⁸ Council of State Governments Justice Center (2017, May). Arkansas's Justice Reinvestment Approach: Enhancing Local Mental Health Services for People in the Criminal Justice System

⁹ Legislative Criminal Justice Oversight Task Force (2016). Report and recommendations.

¹⁰ Council of State Governments Justice Center (2019). Confined and costly: How Supervision Violations Are Filling Prisons and Burdening Budgets.

¹¹ Arkansas Department of Correction (2019). Arkansas Department of Correction FY18 Annual Report.

¹² Bonta, J. & Andrews, D. (2017). The Psychology of Criminal Conduct. Routledge: New York.

¹³ Organizational chart of DCC is shown in Appendix 1

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supervision protocols (intensive supervision) and individuals who have absconded supervision (Special Response Team); and 4) **indirect**: individuals for whom their sentence, circumstance, or current status is associated with a reduced supervision obligation for the officers they are assigned to. Generally, these include individuals in non-reporting status, those on suspended sentences (SIS), and interstate compact individuals. Individuals on annual supervision are also included in this group. At the time of writing this report (February 2021), there were 5,597 active probation clients in Pulaski County. Our report focuses on the 10,260 probation clients under community supervision across all categories between the years 2015-2019.

Appendix 1 provides the organizational structure of DCC; approximately 90 DCC supervision staff are employed in Pulaski County and each probation officer supervises approximately 110 clients at any given time. Pulaski County is one of the original five counties in the state of Arkansas and encompasses a land area of 808 square miles. According to recent census data, there are nearly 400,000 adults living in Pulaski County. The county demographics are presented above in Table 1 in the findings section.

RESEARCH METHODOLOGY

The Pulaski County Action Research Team (ART), led by the Southern Public Health and Criminal Justice Research Center (S-PAC) at the University of Arkansas for Medical Sciences (UAMS) and the University of Central Arkansas (UCA) in collaboration with the Arkansas Division of Community Correction (DCC), implemented a mixed-methods assessment using both quantitative and qualitative research methods to explore the following research questions:

- *Who is more likely to be revoked in Pulaski County?*
- *What are the drivers behind revocations in Pulaski County?*

Policy Review

We reviewed probation policies in Arkansas, including policies on risk-needs assessments, probation officer qualifications, probation conditions, intermediate sanctions, probation violations, and revocation procedures. While we present policies related to the state of Arkansas, all policies presented are applicable to our research site of Pulaski County since DCC operates throughout the state of Arkansas.

Quantitative Analysis

We obtained administrative data of all probations (and revocations) between 2015 and 2019 in Pulaski County, Arkansas from eOMIS (electronic Offender Management Information System) which is the administrative data management software used by DCC. The final dataset contained 31,701 probation records of 10,260 unique clients on probation, and captured revocation status, Arkansas Offender Risk Assessment (ARORA), demographics, and positive drug tests. According to DCC, ARORA is administered at intake and repeated every six months unless the probation client commits a new crime. ARORA determines the risk level (high, medium, low) of each client, and recommends potential behavioral health programs (substance use disorder treatment, cognitive behavioral education, life skills, etc.). We compared revocation rates among different subgroups, and used logistic regression models to identify key drivers for revocation. All quantitative analyses were performed in a statistical software package (SAS 9.4).

Case File Review

We examined court files of 79 revocation cases that occurred in Pulaski County during 2018, which is slightly less than 10% of total revocations during that year (N=824). To identify the cases for review, unique cases were randomly sampled with a computer-generated algorithm using case ID numbers (assigned by court). The case ID numbers are different from the identifiers in the eOMIS dataset, and for this reason the two datasets were not linked. We performed cross-tabulation analyses using a statistical software package (SPSS), and analyzed demographic information on the probation client (i.e., gender, age, race, and ethnicity), information on the original charge(s) (i.e., type of offense, sentence terms, use of public defender), and information on the revocation case itself (i.e., terms/conditions of probation, infractions). The same judge, Hon. Herbert Wright – 4th Division, 6th Circuit court, heard all of the cases in the case review sample. This decision was made because Arkansas closed its courts to the public during the COVID-19 pandemic, which coincided with this study period, and this greatly impaired access to case file data. However, Judge Wright provided us with case files for a total of 788 individuals with probation revocations, which is 96% of the total number of revocations reported in the eOMIS administrative database for 2018 (N=824).

Qualitative Interview

We conducted semi-structured, in-depth qualitative interviews to complement our quantitative analyses and to better understand potential factors related to probation revocations. We interviewed eight probation clients (with and without revocation history), and twelve stakeholders (three judges, two prosecutors, one public defender, three probation supervisors, two probation officers, and one sheriff). Participants were recruited between March and June in 2020. Probation clients were currently on probation at the time of their interview and had been on probation during one or more years during the study observation period (i.e. 2015-2019). Interviews were conducted by two PhD researchers and two PhD students, and lasted approximately 1 hour each. Transcripts of the interviews were coded using MAXQDA, a qualitative software package. A thematic analysis was utilized in which recurring themes from the participants' interview answers were generated. Coders analyzed the transcribed data from probation clients and stakeholders to identify patterns.

DATA LIMITATIONS

The study has some important limitations. First, we were not able to analyze violation/petitions for revocations for the quantitative analyses. According to staff at DCC, violations and petitions for revocations are recorded in case notes, but not systematically entered into eOMIS. As a result, we could not extract data on the number of petitions filed each year, which could have been important in understanding the mechanisms of probation revocation in Pulaski County. Second, we encountered missing data in both quantitative analysis and case file reviews. Some data elements (i.e., ARORA reassessment) had over 20% missing data, potentially due to the lack of standardized protocols on data entry. In court files, documents were missing, unclear, or inconsistent, potentially due to human error or poor document quality (scanned/written documents). Third, we were unable to determine the exact cause for revocation based on the court files we reviewed. In most cases, multiple violations were listed in the petition for revocation documents and there was no indication in the documents as to which violation(s) contributed most to the decision to revoke.

PULASKI COUNTY PROBATION POPULATION OVERVIEW

Caseloads

Between 2015 and 2019, there were 10,260 individuals on probation in Pulaski County. According to DCC, the current client-to-officer ratio in Pulaski County is approximately 110 to 1.

Demographics

As shown in Table 1, the majority of adults under probation in Pulaski County between 2015-2019 were male (69%). Black individuals were overrepresented in the probation population—58% of the probation population was Black, while approximately 37% of the total population in Pulaski County is Black.¹⁴

Table 1 Pulaski County probation Population Demographic Characteristics

Demographic Characteristics	Individuals on Probation (2015-2019)	% Probation Population	Adults in Pulaski County ¹⁴ (2019)	% Pulaski County Population
Total	10,260		391,911	
Gender				
• Male	6,332	69%	140,905	47%
• Female	2,860	31%	160,757	53%
Age				
• 18-24	817	8%	42,632	14%
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• 45+	2,896	28%	150,509	50%
Race				
• White	4,017	39%	103,848	51%
• Black	5,958	58%	75,240	37%
• Hispanic	229	2%	12,604	6%
• Other	56	1%	9,970	5%

Based on the ARORA risk assessment, 5% of the probation population was assessed as “high-risk”, 34% as “moderate-risk”, and 60% as “low-risk” (Table 2).

Table 2 Probation client initial risk

Risk Level*	Individuals on Probation (2015-2019)	% Probation Population
High	486	5%
Moderate	3,175	34%
Low	5,550	60%

¹⁴ United States Census Bureau, American Community Survey (2019).

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FINDINGS

CONTEXT

The study consisted of four components: **policy review, quantitative analysis, case file review, and qualitative interviews**. Complete details on methodology can be found in Appendix 2. The following sections introduce the Pulaski County jurisdiction, policy/laws on probation and revocation, and stakeholders involved.

Key Findings: Context

- ARORA assesses client risk (*high, medium, or low*)
- OVG points are used to inform revocation, except for new felonies and violent misdemeanors
- Stakeholders include: *probation officers, probation supervisors, prosecutors, judges*

Policies on probation supervision and revocation

In Arkansas, probation is administered by DCC, an executive branch agency subject to oversight by the Arkansas Board of Corrections.¹⁵ All counties within Arkansas, including Pulaski County, adhere to the same policies for probation. DCC assigns a supervising probation officer and office location for reporting to each client on probation. Community-based probation supervision allows clients to live and work in the community while completing the remainder of their sentence. Random drug screening is generally required, and clients are required to pay a supervision fee.¹⁶ Probation violation and revocation procedures for Arkansas are described in AR Code § 16-93-307 through 309.

Risk assessment

According to DCC policy, probation clients are assessed for risk level at entry, and reassessed periodically during probation. The Arkansas Offender Risk Assessment (ARORA) is a nine-item questionnaire used by probation officers at DCC to determine risks and needs of clients. Each score item contains different response categories and corresponding scores, and the cumulative score (ARORA risk score) is used to classify clients into different risk levels (Table 3). Each risk level corresponds to a recommended supervision category. For example, a client scoring 13 and above would be classified as “high-risk” and would require maximum supervision.

Table 3 ARORA calculation

Scoring item		Score
Gender	Female	0
	Male	1
Age at intake	≤ 25	2
	26-35	1
	36-50	0
	≥ 51	-1
Prior felony convictions	0	0
	1-2	1
	≥ 3	2

¹⁵ American Probation and Parole Association. Arkansas State Profile.

¹⁶ Arkansas Department of Community Correction. Annual Reports.

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Most serious offense*	Type 1	0
	Type 2	2
Arrested / detained under 18	No	0
	Yes	1
Major prison / jail misconduct	No	1
	Yes	2
Prior revocation	No	1
	Yes	2
Expelled / suspended from school	No	1
	Yes	2
Age starting alcohol / drug use	Never	0
	≥ 17	1
	< 17	2
Risk level	Recommended supervision category**	Total score
Low	Minimum	5-9
Medium	Medium	10-12
High	Maximum	≥ 13

*Type 1 includes: homicide, manslaughter, sex crimes, drug distribution / delivery, weapons, DUI, DWI, all other non-violent Type 1s; Type 2 includes: sexual registration, sexual assault, assault, robbery, drug possession, burglary, theft, fraud, forgery, and other property misdemeanors

** Officers can override recommended supervision levels under certain conditions (i.e., specific supervision level ordered by court)

Offender Violation Guide

In Pulaski County, probation officers and probation area managers use the Offender Violation Guide (OVG) point system, which assigns point values to different types of probation violations.¹⁷ The OVG consists of violations, sanctions (consequences), interventions and incentives. According to the OVG, violations can be categorized into 4 levels: low, medium, high or very high. Each level of violation corresponds to specific points. OVG points are accumulated for violations, and appropriate sanctions and interventions are applied. OVG points expire after 12 months. Clients may earn incentive points for successfully completing incentives associated with sanctions (i.e., earning a GED). Incentive points are deducted from OVG points.

- **Low level violations** (i.e., failure to maintain employment, failure to pay fines/fees, failure to report; positive drug test) are assessed 5 points. Sanctions include warnings, increased drug testing, increased reporting, and curfew.
- **Medium level violations** (i.e., failure to pay fines/fees – 90 days or more delinquent, first and second new misdemeanor) are assessed 15 points. Sanctions include house arrest and travel restrictions, in addition to low level sanctions.
- **High level violations** (i.e., absconding $\geq=180$ days, third new misdemeanor) are assessed 40 points. Sanctions include Supervision Sanction Program and Act 570 Jail days (1-7 days)
- **Very high level violations** (i.e., new felony and violent misdemeanor arrest) are assessed 40 points. There are no sanctions for this level—probation is on hold until a decision is made though usually a petition for revocation is files for clients who commit new felony offences while on probation.

When a probation client accrues 40 OVG points, a petition for revocation is submitted to the probation officer's supervisor for further approval and finally to the prosecutor for a final decision.

¹⁷ Details of the OVG point system is included in Appendix 3

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OVG points are accumulated for violations; however, a person on probation can be revoked immediately for any felony offenses, such as drug, violent, or sexual felony offenses.

Revocation

Defendants arrested for probation violations are entitled to a preliminary hearing to determine reasonable cause “as soon as practicable” after arrest. Defendants have the right to waive this hearing. If the court finds reasonable cause, the defendant may be detained or returned to supervision pending a revocation hearing, which must be held within 60 days of the original arrest. At this revocation hearing, defendants have the right to hear and controvert evidence, present their own evidence, and to be represented by counsel.¹⁸ The evidentiary standard for probation revocation is a “preponderance of evidence” that the defendant has “inexcusably failed to comply” with the conditions of his or her probation.¹⁹ If the defendant is found guilty in the revocation hearing, the court may continue the period of probation, lengthen the probation period, increase probation fines, impose a period of confinement up to 90 days (for technical violations) or 120 days (for serious violations), or impose any conditions that could have been imposed for conviction of the original offense.¹⁹ Standard Parole Board Conditions of Release require probation clients to “maintain approved employment or be enrolled in an approved education program unless otherwise directed.”²⁰ However, AR Code § 16-93-308 notes that the court shall not revoke probation due to a person’s inability to achieve a high school diploma or gainful employment, unless the court determines that the person has failed to make a “good faith effort.”

Stakeholders involved in the revocation process

Probation officers

Probation officers and probation area managers use the OVG point system to assign point values to different types of probation violations. During our interviews, probation officers and managers explained that while most officers follow the OVG point system, some officers deviate from the point system when deciding if a person on probation will receive points for a violation. For decisions that are unclear, or “gray areas”, probation officers report seeking guidance from their supervisors before assigning or not assigning points. The officers’ perception is that the supervisors will most often agree with the probation officer and probation supervisors will pass along the decision to prosecutors.

Probation supervisors

Supervisors exercise some control on whether revocation petitions are moved along to prosecutors. During interviews, probation supervisors reported that their role is to oversee the petition process in order to assure probation officers are allowing persons on probation the opportunity to succeed and not simply try to reduce their caseload by being too quick to petition for revocation. To implement a fair probation system, probation supervisors will review revocation petitions and determine if the person on probation was dealing with extenuating circumstances or if they were given enough time to accommodate to probation expectations.

“I’ll look at the case and if I see that an officer has only worked maybe for a month on someone that needs to complete community services and they’re now telling me, “He just

¹⁸ AR Code § 16-93-307

¹⁹ AR Code § 16-93-308

²⁰ Arkansas Department of Community Correction. Annual Reports.

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"will not do community service and here is my petition for revocation." I would kick that back and I would say, "Let's give this offender a little bit more time to—let's work with him for a second. It's only been a month. Let's give him a little bit more time before we file based solely on this." -Probation Supervisor A

Prosecutors

During our qualitative interviews, prosecutors were consistently identified across stakeholders as holding the most deciding power when it comes to revocation petitions. Revocation petitions are forwarded to prosecutors, and prosecutors decide whether they will move forward (filing of the revocation petition). Although petitions for revocations sent by probation officers are rarely declined by prosecutors, the prosecutors report taking into consideration a person's previous criminal history, their previous revocations, and use their own judgment, along with the judgment of probation employees, to decide which petitions to formally submit. Prosecutors often consider an individual's external circumstances and the types of probation violations when making their decisions.

Judges

Once a prosecutor decides whether or not to continue with a revocation petition, the case proceeds in one of two ways. Most commonly, the prosecutor and defending attorney negotiate the terms of the case outside of a hearing through a plea agreement, the defending attorney has to agree with these terms, and then the agreement is confirmed or denied by a judge. In most cases, the judge is likely to agree with the plea decision, but in some instances the judge might disagree and change the sentencing from the plea agreement. A plea agreement determines what the new or revised sentence for the individual on probation will be upon pleading guilty; there are more options than simply going to prison. The individual can be re-sentenced to probation, be sentenced to a community corrections facility, be sentenced to community service, or other stipulations such as drug treatment and mental health services might be required. If an individual is re-sentenced to probation, or placed back on probation, their probation sentence can start over or be lengthened by a judge's decision. In a majority of cases, it is likely the individual will not be sent to prison, but the judge determines this. Under current policy, new felony offenses trigger automatic probation revocation proceedings and do not require an accumulation of OVG points. If an individual has a history of violent offenses, or if the new offense is a violent or sexual felony charge, individuals may not have alternative sentencing options and will likely go to prison every time they are revoked.

A second, less common, option for revocation petitions is for the case to proceed to a hearing and a judge deciding the individual's sentencing. This can happen if the prosecuting attorney and defending attorney cannot decide on a plea agreement. Judges are given the information of the case and can request a pre-sentencing report, which includes recommended sentencing guidelines for the offenses for which the individual is being revoked. However, judges sometimes do not request pre-sentencing reports and are allowed to use individual judgment on the sentencing for each individual probation client.

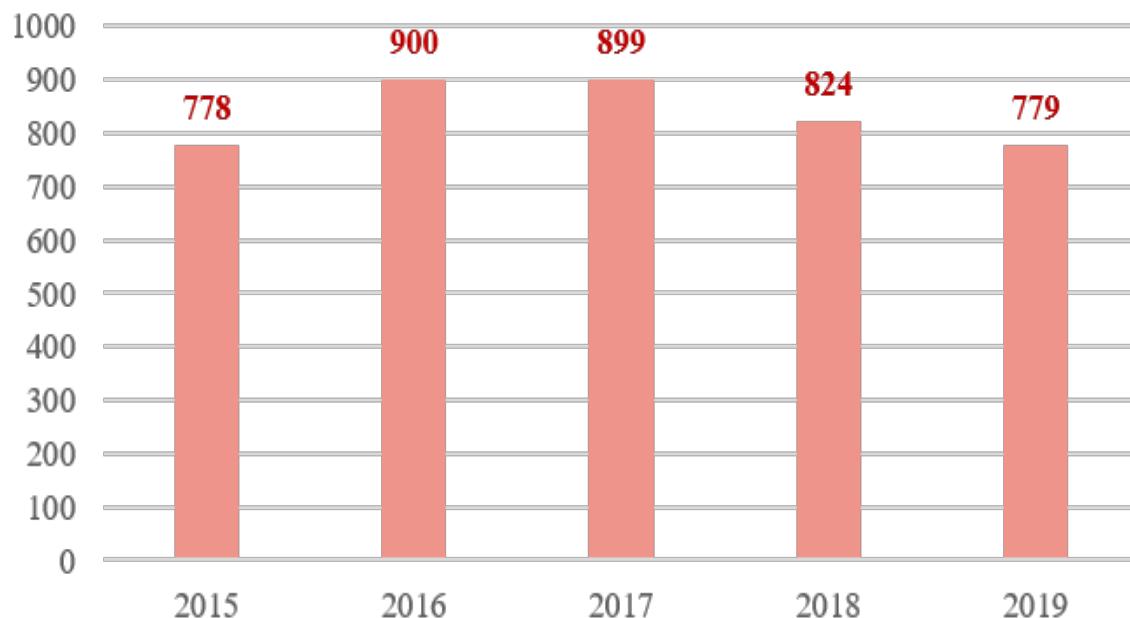
POPULATIONS AT HIGHER RISK OF REVOCATION

The following sections describe subpopulations that are at higher risk of being revoked: clients who are assessed as “higher risk” (higher ARORA score, prior felonies, prior violations), clients with certain individual characteristics (substance use, mental health disorder, financial hardship), and clients with certain demographic characteristics (race, gender, age, low level of education).

Key Findings: Context

- Clients assessed as high-risk and medium-risk are more likely (10x and 4x, respectively) to be revoked than low-risk clients
- Revocation rates are higher among clients with histories of felonies and probation violations
- Clients with certain individual characteristics were more likely to be revoked
 - Clients with positive drug tests are 3 times as likely to be revoked
 - Clients with mental health disorders (current or within last 5 years) were 1.4 times as likely to be revoked
 - Unemployed individuals are twice as likely to be revoked
- Revocation rate is disproportionately higher among certain demographic groups: Black race, male gender, younger age, and lower education (those without high school diploma or equivalent)

Figure 1 Revoked individuals in Pulaski County, AR (2015-2019)



Among the 10,260 individuals on probation between 2015 and 2019 in Pulaski County, a total of 3,209 experienced one or more revocations. The number of individuals revoked each year between 2015 and 2019 is shown in Figure 1.

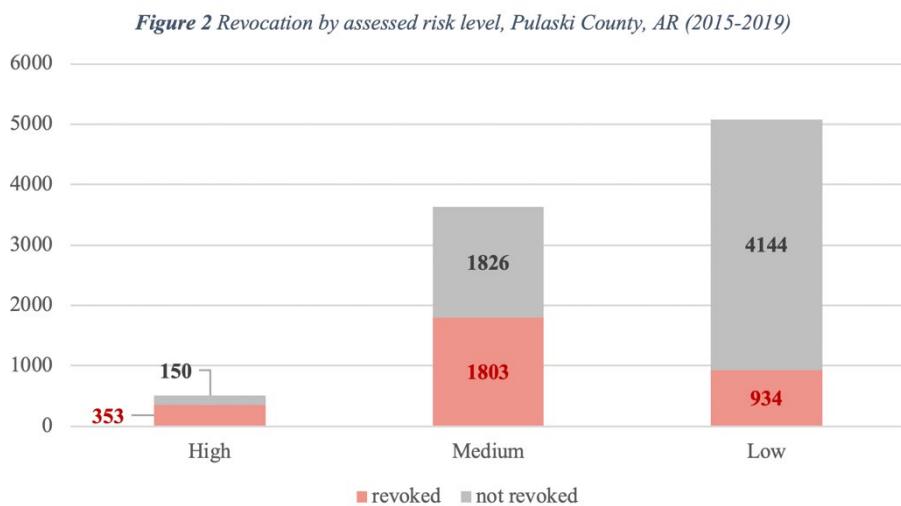
Table 4 Revocations by Demographic and Case Characteristic

Characteristic	Population on Probation (n=10,260)	Revoked	Revocation rate
Gender			
• Male	6332	2275	36%
• Female	2860	814	28%
Race			
• Black	5958	1972	33%
• White	4017	1199	30%
• Others*	285	38	13%
Education			
• No high school degree	2241	862	38%
• Has high school degree	7942	2341	29%
Substance use			
• Has positive drug test	5220	2193	42%
• No positive drug test	5040	1016	20%
Employment			
• Unemployed	1355	691	51%
• Employed	7835	2396	31%
Risk Level			
• High	503	353	70%
• Medium	3629	1803	50%
• Low	5078	934	18%

*Others (<3% of total study sample) include Asian, Pacific Islander, Hispanic, Native American, and other races.

1. Assessed “higher” risk

Higher risk score



We found that clients who were assessed as “higher risk” in the ARORA were more likely to be revoked.

Quantitative analyses showed that among all individuals who had a probation revocation between 2015 and 2019, revocation rates increased with risk level (Figure 2). The

revocation rate was 70% for those categorized as “high-risk”, 50% for those categorized as “medium-risk”, and 18% for those categorized as “low-risk”. Based on regression analysis, high-risk and medium-risk clients were more likely (ten times and four times, respectively) to be

revoked than low-risk clients.²¹ One important note is that the ARORA seeks to estimate the risk of committing a new crime; however, it is possible that clients in higher risk categories are more likely to be caught, or punished, for violations (especially for those in the “gray areas”).²²

History of felonies

Felony history was a scoring item in the ARORA risk assessment tool, and we observed a higher revocation rate among clients who committed prior felony offenses than those without a felony record. Among all individuals on probation between 2015 and 2019 in Pulaski County, 46% who had a record of violent crimes or rape within the previous 5 years had a revocation (as compared to 30% among those without such records). Clients with recent records of violent crimes or rape were twice as likely to be revoked as those without recent records of violent crimes or rape. Case file data supported this observation. When we reviewed 69 revoked case files from court documents, almost all (97%) cases listed a felony as the original offense, about one-third of which were classified as a “D offense” (least serious felony offense in Arkansas).²³ The most common original offenses were theft of property (13%), closely followed by forgery in the first or second degree (11%), theft by receiving (9%), and residential burglary (6%).

Interviews with stakeholders also suggested that the previous or original offenses influenced revocation outcome. Stakeholders suggested that if a client had a history of violent offenses, or if the new offense was a violent or a sexual felony charge, they were more likely to be incarcerated every time they were revoked, instead of alternative sentencing options (i.e., community service, resentencing to probation). However, the judge determines sentencing. One judge expressed particular concern regarding domestic violence charges, because of the risk of escalation to intimate partner homicide. Interviews also revealed an initial felony charge can have an additional effect in that a felony charge(s) can restrict probation clients from accessing certain services (i.e., housing and employment) that may support successful completion of their probation term.

“I have restrictions, places I can and cannot go, I cannot stay, and I had already previously been lookin’ around the city for somewhere I can stay that falls within my guidelines.” - Client F

History of probation violations

Findings from the quantitative analysis showed that prior violation of probation terms also increased the risk of revocation. Among all individuals who had a probation episode between 2015 and 2019, the odds of revocation among those with prior technical violations were almost eight times higher than those without prior violations. It is possible that when a client has a history of repeated technical violations, actors within the criminal justice system are less likely to give them additional opportunities. One judge said in an interview that repeated violations/revocations, especially within a short period of time, will very likely lead to re-incarceration.

“For me, personally, if someone has been revoked three times for just not showing up and reporting to their probation officer, I don’t believe that they’re ever doing to show up. It can be that [...] they’re scared, or any other reason [...] If there are multiple revocations

²¹ Appendix 4: Table A4

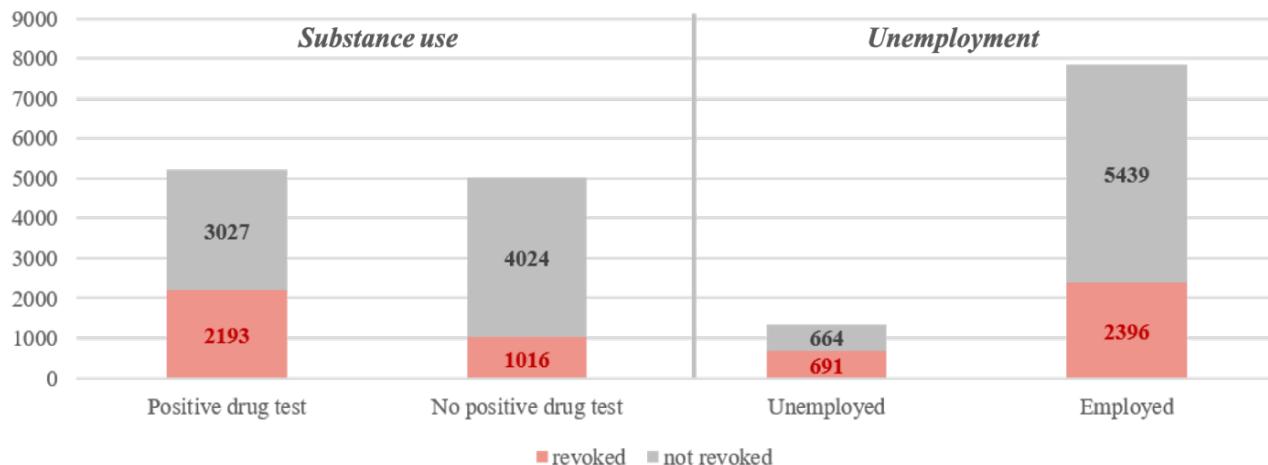
²² The flexibility in filing violations are discussed in later sections (systematic drivers: risk avoidance)

²³ Among 79 case file we reviewed, 69 cases had original offense and trial information

within a short period of time, that's a quick ticket to incarceration." -Judge A, Circuit Court

2. Individual characteristics

Figure 3 Revocation by individual characteristics, Pulaski County AR (2015-2019)



Substance use

Clients with evidence of substance use were more likely to be revoked when compared to those with no substance use. Substance use was a scoring item in the ARORA. Among all probation clients between 2015 and 2019, the revocation rate was twice as high among those with positive drug tests (Table 4; Figure 3). Clients with positive drug tests were 3 times as likely to be revoked as those without a positive drug test. We also analyzed the odds ratios for specific drug types (Table 5), including cannabis (THC/marijuana), hallucinogens (LSD, PCP etc.), opioids (heroin, opiates, hydrocodone, fentanyl etc.), stimulants (methamphetamines, cocaine, crack etc.), and synthetic drugs (K2, fentanyl). Each drug type increased risk of revocation (from twice to six times).

In the case file review, we also observed many individuals with repeated drug test failures. Among the fifteen clients who tested positive for cannabis, eight tested positive more than once; and among six clients who tested positive for amphetamine, three tested positive more than once. The case reviews also suggested that many of the new charges implicated in revocation filings were drug-related charges, which included offenses other than possession of illicit substances. This was also supported in the interviews where both probation and court stakeholders, as well as people with experience on probation, identified substance use as a major factor in new offenses involved in revocations.

Table 5 Odds ratio of revocation for specific drug types (n=10,260)

Odds ratio	
All drugs	2.9
Cannabis	2.4
Hallucinogen	2.9
Opioids	1.9
Stimulants	2.8
Synthetic	6.6

Our qualitative interviews further described important dynamics with respect to continued drug use among some probation clients. Often substance use recovery involves periods of relapse, but these relapses may result in revocation. Often there is a tension between the science of addiction and the policies of probation supervision, which when combined with restrictions on people with certain drug offense records from accessing employment, housing, and others resources, can potentially “prevent people from succeeding based on all the collateral consequences... of addiction.”²⁴ This is despite the fact that probation officers are often willing to work with clients to access treatment instead of revoking them immediately.²⁵ According to some stakeholders, current drug programs in Pulaski County are “extremely limited or non-existent”. Five of the twelve stakeholders (a prosecuting attorney, a judge, a probation officer, and both probation supervisors) indicated a need for more substance use treatment. It is possible that although there are many providers, they do not have the capacity to handle the number of probation clients who need their services. One probation officer stated that although substance use counselors exists on-site at community corrections offices, counselors are often at capacity. If the client is referred to community-based treatment, the client will need to pay for the treatment, which may be a barrier if the client is uninsured and/or has an insurance plan such as Medicaid which some providers do not accept. It appears that although there are options for substance use treatment in the community, there is not enough of the right type of treatment that is needed (i.e., evidenced based, residential or affordable).

Mental health disorders

Our findings demonstrate that clients with mental health disorders are more likely to be revoked. Among all probation clients between 2015 and 2019, individuals with mental health disorders (current or within last 5 years) were 1.4 times as likely to be revoked as those without mental health disorders. In the 79 case files we reviewed, only 13 individuals were referred for a mental health examination at some point during their court involvement. When these 13 cases were analyzed by race and gender, no specific referral patterns emerged. There was an equal dispersion of referrals across these two demographics. During the qualitative interviews, seven of the twelve stakeholders, (including one judge and one prosecutor) suggested that there is a significant need for more mental health treatment. Both prosecutors interviewed indicated the need for more mental health services as well. We further discuss which specific mental health services are needed in the “recommendations” section. One prosecutor we interviewed commented the need for:

“more places for someone to go that has mental health needs. There are very, very few of those for people that have no income and no ability to have any type of insurance that would pay for such a thing.” -Prosecutor A

Financial hardship

Financial hardship was commonly observed among clients who experienced revocations. Although financial hardship cannot be directly measured, it can often be reflected in a client’s struggle to find/maintain employment, housing, and transportation. Among all probation clients between 2015 and 2019, unemployed individuals are twice as likely to be revoked as employed individuals (Table 4; Figure 3). The effect was even stronger when we compared unemployment to regular employment. A recurring theme in our qualitative interviews was that individuals on

²⁴ Quote one prosecutor from our interview

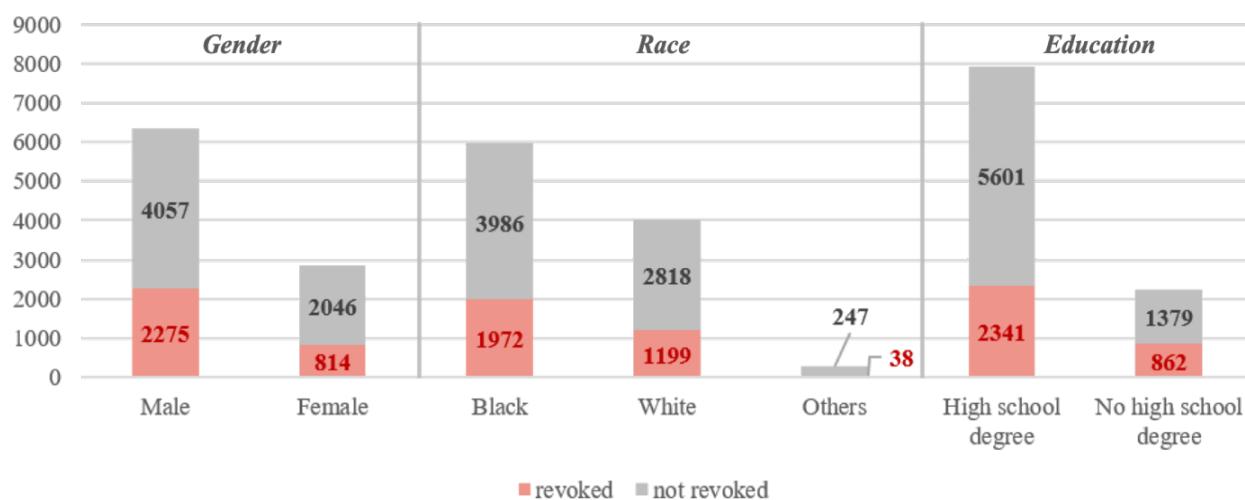
²⁵ Quote probation officers from our interview

probation struggled to find consistent employment, and were therefore either unemployed or underemployed during their probation period. Much of the lack of employment stems from poor access to jobs for individuals convicted of felony offenses but also from individuals' lacking the requisite credentials and/or job skills necessary to obtain jobs that pay livable wages.

3. Demographic profile

Quantitative and case file data showed differences in revocation rates by demographics. Among all probation clients between 2015 and 2019, we observed higher revocation rates among Black clients, males, clients who were sentenced at a younger age, and clients without a high school diploma or equivalent (Figure 4).

Figure 4 Revocation by demographic characteristics, Pulaski County, AR (2015-2019)



Race

Black clients were 1.3 more likely to be revoked than Whites. The revocation rate among Black clients was 33%, as compared to 30% among Whites, and 13% among other races (Table 4; Figure 4). Therefore, the revocation rate is disproportionately high among the Blacks, as compared to other races.

Gender

Gender is a scoring item the ARORA—male gender is assigned a higher score (higher risk) than female gender. Among all probation clients between 2015 and 2019, the revocation rate was 36% for males, and 28% for females (Table 4; Figure 4). Male clients were 1.4 times more likely to be revoked than female clients, based on regression models.

Age

Age at intake and arrests under 18 were both scoring items in the ARORA. Being arrested/sentenced at a younger age indicates “higher risk” and younger age was associated with a higher risk of being revoked. Revoked clients are generally younger; those with arrests under the age of 18 were 1.7 times more likely to be revoked. This indicates that those entering the criminal justice system at a younger age tend to have a higher risk of revocation.

Education

We observed differences based on educational attainment as well. Among clients on probation between 2015 and 2019, the revocation rate was 38% for clients without high school diploma or equivalent, as compared to 29% among clients with high school diploma or equivalent (Table 3 4; Figure 4). Clients with lower educational levels were 1.5 times as likely to be revoked as clients with higher educational levels.

DRIVERS OF REVOCATION

In the following section, we discuss potential drivers of revocation that were identified in this study. We focus on both **client needs** (financial instability, substance use, and mental health disorders) and **officer discretion** (risk avoidance and officer-client relationships) as these are the two primary thematic areas that emerged across all our analyses.

Key Findings: Drivers of Revocation

- Drivers can be individual- and system-level.
- Individual-level drivers reflect unmet needs of clients, including revocation types (technical violation, absconding, and new offense) and financial instability (struggles to find employment, housing, and transportation).
- System-level drivers include high caseloads, stakeholder risk avoidance, and lack of accessible resources/services.

Individual-level Drivers

Individual-level drivers for revocations are typically the unmet needs of clients. Using the OVG system, an individual on probation could be revoked for either new offenses or an accumulation of technical violations. These new offenses and technical violations typically reflect unmet needs of a client, including financial instability, substance use, and mental health disorders. Often clients struggle to find/access resources and services that could help them succeed in completing probation.

1. Revocation types

(1) Reasons for revocation

In the revocation case file review, reasons for revocation were mined from the revocation petition. In 47 of the 79 cases, failing to report to probation offers was listed as a reason for revocation (60%). This was the most frequently mentioned reason followed by committing a new offense (49%). It is important to note that probation clients could be revoked for more than one reason and that it was impossible to know the exact cause of revocation from our case file review. The specific reasons for revocation in the 79 case files are shown in Table 6.

*Table 6 Reason for revocation, as detailed in the revocation petition**

Revocation reason (N=79)	N	%
Failed to report to probation officer		
• Once	47	59.5
• More than once	15	19
Committed new offense	39	49.4
Failed drug test	20	25.3
Failed to complete community service	14	17.7
Failed to provide contact information	13	16.5
Failed to report to drug treatment	12	15.2

* Information was taken from the Revocation Petition document. Probationers could be revoked for more than one reason

(2) Technical violation vs. new offense

When we examined all 4,467 revocation records between 2015 and 2019 in eOMIS, 94% were due to technical violations, 5% were due to new felony offenses, and 1% were due to new

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misdemeanors. Despite being a small proportion of all revocations, new felony charges were cited by all judges, both prosecutors and the public defense attorney in our qualitative interviews as a key factor in revocation. New felony offenses prompt automatic probation revocation proceedings and do not require an accumulation of OVG points. If an individual has a history of violent offenses, or if the new offense is a violent or a sexual felony charge, that individual will likely be incarcerated every time they are revoked. As discussed, felony history potentially increases the risk of revocation, as it increases a client's risk level assessed by probation officers. Both new offense and technical violation could reflect unmet needs of a probation client. For example, lack of stable housing limits one's ability to report to certain meetings. This is discussed in detail in the next section.

(3) Absconding

Absconding is a special type of technical violation and is defined as a probation client not reporting as required by conditions of probation. Absconding was not separated from other technical violations in eOMIS; thus, a quantitative analysis of absconding was not possible. However, in our review of 79 court revocation case files, more than half showed that the client's revocation was due in part, or fully, to absconding. Of the criminal justice professionals interviewed, the majority explicitly mentioned failure to report or absconding as a major driver of probation revocations. Intentional failure to report was not mentioned as often by people with probation experience, but *fear of being accused of absconding and the stress of getting to all appointments* was mentioned in relation to employment and transportation challenges (discussed later in this report). It is important to acknowledge that absconding is associated with many other factors. When referencing absconding as a driver of probation revocation, stakeholders (i.e.i.e., probation officers and supervisors) typically linked it to other violations like ongoing substance use and expected positive drug tests, and commission of new offenses. According to our interviews, one missed appointment might increase the likelihood absconding, which is hard for probation officers and/or judges to ignore. One judge stated that he would not typically revoke probation for a positive drug test or nonpayment, but that a record of absconding left him little choice. He summarized this as follows:

"For me, personally, if someone has been revoked three times for just not showing up and reporting to their probation officer, I don't believe that they're ever doing to show up. It can be [...] they're scared, or any other reason [...] If there are multiple revocations within a short period of time, that's a quick ticket to incarceration." - Judge A

2. Financial instability

Financial instability is a main driver behind revocation in Pulaski County. It can be reflected in several aspects, including unemployment, lack of housing/transportation, and many other factors which influence one another, and increase the client's risk of violating probation terms and being revoked. Clients who experience financial hardship frequently struggle to meet probation requirements, and sometimes even commit new crimes.

(1) Unemployment

Employment is often a requirement of probation, yet it is not easy for people on probation to find/keep jobs. Probation clients are required to "maintain approved employment or be enrolled in an approved education program unless otherwise directed".²⁶ We observed that unemployed

²⁶ Arkansas Department of Community Correction. Annual Reports.

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clients were twice as likely to be revoked as compared to employed clients (especially regularly employed ones), despite the fact that “the court shall not revoke probation due to a person’s inability to achieve a high school diploma or gainful employment, unless the court determines that the person has failed to make a “good faith effort.”²⁷ Stakeholders suspected that lack of employment exacerbates poverty and can in turn contribute to continued criminal offending as a means to make ends or for survival. One stakeholder remarked:

“We require ‘em to go get a job, but there’s no jobs here for them.” - Judge C

The requirements of community supervision can impact individuals’ ability to secure and to maintain a job. While having a job may be a requirement of probation, meeting other requirements of probation might put the client at risk of losing their job due to missed time and absences. This is especially difficult for those with a history of substance use, since random drug tests are typically required during probation. Drug tests often cannot be delayed or rescheduled without risk of sanction. Other factors such as unreliable transportation to a job site, inadequate childcare, a lack of the proper tools or materials for a specific job, and a lack of personal identification (i.e., a driver’s license) can also make keeping and maintaining steady employment difficult for people who are on probation and who lack economic resources.

(2) Housing

Housing is related to programming and treatment engagement, employment and financial well-being, health, and successful completion of probation. While we were not able to explicitly analyze quantitative data related to housing insecurity because these data are not collected as part of the administrative dataset we obtained, housing insecurity came up in our stakeholder interviews. In our qualitative interviews, multiple individuals on probation noted that finding affordable housing was a challenge. One of the primary issues is the lack of affordable housing available for individuals with convicted felonies. Some crimes, such as sex offenses and drug offenses, limit where someone on probation may live and those not following the guidelines risk revocation. Even for individuals who are housed, often they move frequently and struggle to maintain permanent housing. This can in turn adversely impact employment opportunities and/or individuals’ ability to comply with specific terms of their probation. The challenges of housing were expressed by one stakeholder as follows:

“I’ll ask them, ‘Where do you live?’ Their response’ll be, ‘Well, I stay at ‘blank.’’ If you were to ask them that same question four weeks later, that where are they stay at would change. It’d be a new address, and the same would be true but another month later.” - Public Defender A

(3) Transportation

Transportation limits a client’s ability to meet probation requirements (i.e., attending meetings on time). People under community supervision have to attend regular appointments with their probation officer, attorneys and judges, and any other court-ordered programs (such as substance use or mental health treatment programs) that are required. While probation officers may make allowances for individuals to reschedule appointments, for many people on probation, getting to and from various appointments can be difficult given transportation challenges and employment responsibilities. Multiple the interviewees mentioned transportation when speaking

²⁷ AR Code § 16-93-308

about barriers to success on probation. One stakeholder nicely summarized the transportation challenges faced by many probation clients as follows:

"When I first workin' in the courthouse back in 1990, I lived up at Mississippi and Cantrell, and I caught the bus into work. It was 15, 20 minutes, no big deal, and it's cheap enough. Well, I now live in North Little Rock [...] In order to get from the Lakewood area in North Little Rock to the courthouse now, it's 45 minutes each way on a bus. By the time someone has to get on a bus and get from say Little Rock to North Little Rock to go to their probation officer, and then the probation officer sends 'em to someone else's office across town, their day is shot, and they haven't done anything. They've gotten no services, and all they've done is ride around on a bus." - Judge A.

3. Substance use

Substance use may lead to absconding and new offenses. Substance use was another key driver for revocation. Arkansas, like many states in the south, has not followed the growing national trend of relaxing drug possession laws, which in Arkansas are often enforced rigorously during community supervision. In addition to possession charges, one of the most common ways in which individuals are identified as actively using drugs is through urinalysis screening. Clients with a failed urinalysis drug test during the study period were 2.9 times as likely to be revoked, as compared to those without a positive drug test. In regard to the types of offenses involved in revocations, both probation and court stakeholders as well as people with experience on probation identified substance use as a major factor in new offenses. Many revocation cases we reviewed involved drug-related crimes. In addition, substance use may lead to absconding because clients feared revocation and/or mandated treatment regimens. For example, one stakeholder explained that a person on probation:

"may have a job, may be working, following all other directives, but because they know they're gonna fail a drug test, they refuse to come in. They're not coming in, so that's another violation." -Sherriff A.

4. Mental health disorders

Mental health disorders may be associated with substance use, homelessness, and many other factors. Clients with current or prior mental health needs were 1.4 times as likely to be revoked, as compared to their peers who had no known mental health disorder. Clients with mental illness often face challenges in meeting probation requirements, including attending/ completing treatments. Mental health issues are frequently associated with substance use, homelessness, and many other factors that further prevent the client from successfully completing the probation terms.²⁸ Additionally, many individuals with mental illness also struggle with co-occurring substance use and other issues. One stakeholder described this as follows:

"I can think of one specific case, where there's a defendant that has some mental-health issues but also severe drug issues. He's violent to his family... I'm faced with, we can either put 'em on probation or we can send 'em to prison. There's not a middle ground. Are there cases, where there should be some type of middle ground there? Yes." -Prosecutor A.

²⁸ <https://www.ojp.gov/pdffiles1/nij/235637.pdf>

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In addition, many stakeholders pointed out that often community services that probation clients can be referred to are not sufficient for their needs. For example, there is a Crisis Stabilization Unit that is a good referral source, but it only keeps clients for three days.

System-level Drivers

At the system-level, stakeholder risk avoidance, officer caseload, and lack of accessible services/resources are three potential drivers for revocation.

1. Stakeholder risk avoidance

Probation officers are more likely to revoke probation if clients are assessed as “higher risk”, for fear of facing negative consequences of not revoking a person on probation who commits a serious crime. We observed that clients assessed to be at higher risk (higher risk level, history of felony, and prior revocations) were more likely to be revoked. When a new felony is committed, the officers are mandated to file a petition with no flexibility, regardless of the client’s OVG points. If someone on probation commits a news-making new offense, no one in the probation revocation decision-making chain wants the blame to come back to a decision they made to be lenient toward the probation client. Three probation officers, a prosecutor, and a judge explicitly invoked this concern. A District Court Judge referenced a DCC community supervision client with a lengthy history of violating the terms of his parole who was convicted in 2013 of the murder of an 18-year old victim.²⁹ This client had absconded from parole and served time in Pulaski County jail before being released on May 8. The victim was killed on May 11. The incident triggered backlash against DCC, including negative media attention, investigations, and staff firings. In response, the Arkansas Board of Corrections strengthened probation and parole rules²⁴, which in turn drove an increase in parole revocations, a decrease in the use of probation, and steep inflation of the state’s incarcerated population. In 2015-2016, corrections officials aimed to roll back these reforms.²⁴⁻²⁵ However, perhaps regardless of specific policy changes, this case and subsequent backlash appear fresh in stakeholders’ minds.

It is important to note that probation officers (and other stakeholders) might be more flexible with technical violations, especially those violations that may fall into a “gray area”. A probation officer uses their own intuition/discretion to determine if a person on probation should receive points towards revocation. Deviation from the OVG point system has potential benefits and disadvantages for people on probation. It is easy to see where determinations of whether a client is “making an effort” may introduce significant bias into the revocation decision. Probation officers report deviations from OVG as a form of leniency, but multiple people on probation interviewed reported experiencing some officers as looking for the smallest reasons to submit revocation petitions. It is possible that such decisions are influenced by risk assessment—stakeholders are extremely cautious when clients exhibit signs of potentially committing new felonies. When cases fall into a “grey area” where the indication to revoke might not be as clear, probation officers might discuss the case with their supervisors, but, as one officer explained:

“[The supervisor] would probably say to go ahead and file a petition, and we’ll forward it over to the prosecutor. If the prosecutor does not want to move forward, then that’ll be their decision. [...] If I’m unclear about it, I’m gonna go ahead and file a petition and then let that be up to the prosecutor because my thoughts would be, I want to cover myself. I don’t want to not file a petition and then later it come back—it come back on me and that

²⁹ <https://arktimes.com/arkansas-blog/2013/06/19/finger-pointing-continues-on-parolee-murder-suspect>

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“they go out and pick up a very serious charge and then I didn’t follow up with it.” - Probation Officer B

Other stakeholders want to establish a “tough-on-crime” with the general public. In addition to probation officers, other stakeholders indicated that harsh and more punitive methods seemed more appealing or more in line with a risk-avoiding ‘tough on crime’ image. The parole incident in 2013 significantly increased the fear of negative consequences of being seen as lenient and as such was a watershed moment for parole and probation revocation in Arkansas. The public seems to be more rewarding for being tough on crime in Arkansas, similar to many states in the south. This speaks to the broader societal problem of fear of crime and intolerance of risk.³⁰ Decisions to move forward with petitions to revoke were driven by concern that if an individual client were to commit a new offense and end up on the evening news, the blame would fall back onto DCC staff and/or other justice system level actors. The decision to keep advancing the revocation process was driven by a desire to not be left ‘holding the bag,’ so to speak, in the event of a catastrophic probation failure. Probation officers shifted the decision to probation supervisors; supervisors shifted the decision to prosecutors; prosecutors may make specific plea offers but leave the decision up to the judge. Although they may differ in their approaches, judges typically sign off on agreements made between prosecutors and defense attorneys, which are made in the majority of cases. However, the judges we interviewed remarked that often recommendations around revocation are made between defense and prosecuting attorneys.

“You gotta look and see how many of those revocations are based on agreements between the prosecutor and the defense attorney that have nothing to do with the judge. ... Those aren’t judge sentences. The prosecutor and the defense attorney made an agreement. The judge said “Okay” -Judge B.

2. Officer caseload

Some officers reported high caseloads. The average caseload for officers in Pulaski County is 110; however, the number varies by officer. One probation officer in our interview reported a caseload of 200 clients. The majority of stakeholders in our interview believed that the caseloads of the probation officers were too high. Almost all stakeholders agreed that increasing the number of probation staff would increase the quality of the supervision between probation officers and clients in probation.

High caseloads may prevent officers from investing time in officer-client relationships, and lead to poor communication and higher risk of revocation. Stakeholders expressed concerns on how heavy caseloads and quick turnovers potentially influence revocation outcomes. Some probation clients we interviewed had had multiple probation officers during their time on probation, with the highest turnover or reassignment happening in their first months on supervision. This high rate of change in the crucial early months of probation seems damaging to the probation officer/client relationship (if any relationship develops at all) and also provides grounds for potential miscommunication or misunderstanding of probation rules. This rapid reshuffling of clients among probation officers may be related to another problem identified by probation clients, which is the inadequate number of officers and their high caseloads. This is a problem that was identified by almost all stakeholders interview for this project, but it is important to examine it

³⁰ <https://www.owu.edu/news-media/from-our-perspective/tough-questions-for-tough-on-crime-policies/>
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from different perspectives. The two quotes from stakeholder interviews illustrate these different perspectives.

“I would say a lot of officers are overwhelmed with how many cases they have and how much work they’re asking to be done. They’re getting paid very little...” Probation officer B

“The more probation officers that we have and the fewer probation clients they supervise, the quality of that supervision would be greater.” -Prosecutor A

For the probation clients, the high probation caseloads meant that it was hard to get someone “on the phone” to ask a question about their probation terms. It also led to long wait times for appointments, which two clients complained interfered with their ability to maintain employment. It is more difficult for these clients to get assistance in accessing services/resources, and in navigating the criminal justice system in general. In addition, some clients cited probation officers’ overwhelming caseloads for their sometimes-poor attitudes and/or inability to give any one client the attention they needed. Multiple probation clients interviewed shared difficulties they had with their probation officers including miscommunication of probation requirements such as the OVG point system. These negative experiences potentially increase the likelihood of technical violations and risk of revocation. One client on probation summarized this as follows:

“I guess they’d be overwhelmed with a lot of people ... They sometimes can’t give you their undivided attention.” - Probation Client E

Investing time in client-officer relationships may be rewarding in the long term. A positive relationship between clients and probation officers may lead to better understanding of circumstances and more flexibility in the so-called “gray areas”, if the client shows that they’re making an effort to comply with the terms of their probation. Probation supervisors interviewed in our study emphasized the importance of building strong client-officer relationships to avoid revocation. Most stakeholders indicated a desire to see probation clients succeed; revocations may lead to re-incarceration and resentencing to longer lengths of probation, and increasing the workload in the long term. There was a general attitude expressed by several stakeholders that it is important to work with clients wherever they are at from the very beginning of their probation period.

3. Lack of accessible resources and services

Lack of access to services increases the risk of revocation. As discussed, unmet client needs increases the risk of revocation. These unmet needs could potentially be exacerbated by the lack of accessible services and resources (i.e., mental health services, substance use treatment programs, affordable housing). Furthermore, many probation officers may not be familiar with what services exist. One stakeholder remarked during her interview that probation officers “*don’t have time to start studying where there are some new treatment programs or stuff like that*” (Judge C).

Services could be inaccessible because they don’t exist, or have low capacities. As described in our qualitative interviews, often mental health services are lacking and lengthy wait times to get an appointment with a mental health provider can lead to clients having significant unmet treatment needs which could lead to further offences and/or noncompliance with specific probation parameters. The majority of stakeholders, including one judge and one prosecutor, suggested that there is a significant need for more mental health treatment. Both prosecutors interviewed University of Arkansas for Medical Sciences (UAMS)

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indicated the need for more mental health services as well. We further discuss which specific mental health services are needed in the “recommendations” section.

Services could be inaccessible because they are hard to navigate or coordinate. Although some treatment and social services exist, scheduling and transportation issues and affordability are barriers to accessing services among many probation clients. For example, as noted in prior sections, probation clients may lack transportation. A bus system exists in Pulaski County but is not always helpful in assisting clients to reach their appointments in a timely fashion. Centralizing services in an easy to reach location (i.e., near a bus stop) to reduce the number of places and appointments is one recommendation that would help to ease transportation difficulties. In the meantime, support with transportation costs (like providing bus passes) and efforts to consolidate or streamline appointment scheduling may significantly alleviate scheduling and transportation related burdens. Additionally, there is further need for various treatment and social service agencies to communicate with each other as they may be working with the same probation client to provide multiple services. A general lack of information or data across the justice and health systems makes coordination of care difficult. One officer said in the interview that the real need is for more accessible services—high caseload might be more manageable if there are more easily accessible services for clients. One Public Defender we interviewed agreed that resources were scattered and stated that a “one stop shop” is needed.

RECOMMENDATIONS

1. Better utilization of the ARORA risk assessment tool

ARORA could potentially be a powerful tool to guide supervision. To date, DCC has not validated the ARORA tool. Therefore, it is unclear to what extent the ARORA is accurately assigning individuals into specific risk categories. In addition, we do not know how the ARORA risk levels impact probation revocations. We know that more supervision is recommended for clients with a higher risk level. However, it is unclear whether risk levels influence an officer's "flexibility" when it comes to "gray areas". To explore the full potential of ARORA, it needs to be validated and there needs to be standardized procedures for data collection, data entry, and interpretation of data at the system-level. This allows probation officers to better utilize the tool and may lead to more informed decisions when it comes to revocations.

2. Reducing officer caseload

One solution to reduce officer caseload is to assign and/or recruit more officers. Increasing the number of probation officers could reduce caseload, and this would increase the quality of the supervision between probation officers and clients. Reducing the numbers of individuals under supervision can be accomplished by reducing the "touches" officers have with lower risk clients; that is, clients that are deemed minimum-risk may not require probation supervision.

Another option to reduce officer-client caseloads is to expand the use of remote monitoring (i.e., via smartphone apps), especially for those categorized as "minimum-risk". During the COVID-19 pandemic, DCC instituted some remote monitoring of individuals deemed to be at lower risk. However, use of remote monitoring could be significantly expanded even after COVID-19 restrictions have been lifted. Remote monitoring has the potential to allow probation officers to better manage larger caseloads by conducting virtual "check-ins" with lower risk individuals thereby reserving more time for higher needs individuals. This may lead to reductions in new crimes and/or violations among higher risk individuals since they will receive more individualized attention and support from their probation officer. Considering 60% of probation clients were assessed as "low-risk", we see significant potential to expand remote monitoring, especially among lower risk probation clients in Pulaski County.

3. Training officers in client needs (i.e., services for both mental illness and addiction)

In Arkansas, written policies and procedures governing the supervision of probationers are created by the DCC, with the advice of the Board of Corrections.³¹ Arkansas specifies that probation officers shall "receive annual training on evidence-based practices and criminal risk factors, as well as instruction on how to target these factors to reduce recidivism". However, the wording does not go so far as to specify educational requirements including hours of coursework or areas of study. Arkansas also specifies that supervision of probationers shall be based on evidence-based practices, including a "validated risk-needs assessment".

Findings in this study suggests the need for probation officers who understand client needs, in particular treatment needs related to mental illness and substance use disorders. More training for existing officers needs to be created/provided, and there is a need to create new positions that

³¹ AR Code § 16-93-306

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specialize in behavioral health. These specialty trained officers could conduct more thorough assessments, better explain existing services and programs, and refer clients to more appropriate and evidence-based services. One suggestion that arose from our stakeholder interviews as the need to create a new position, a specialized mental health probation officer. The mental health probation officer would be skilled in mental health needs, unlike the average probation officer who received limited, if any, training specific to mental illness. One probation officer explained:

A mental health officer because, if they have mental health needs, and we're not trained to be — we take basic mental health, first-aid, is what we do. It's the basics, but we don't have anyone that specializes in mental health treatment, somebody that can potentially even—if you know they have mental health issues to this degree, they're not gonna come in and report or their court order stipulations, drug treatment or whatever. Probation Officer B

4. Treatment as an alternative to punishment

Relapse is often part of recovery. As discussed, substance use may lead to absconding because clients fear revocation and/or mandated treatment regimens. It would be beneficial to allow for a whole-health model of addiction that includes periods of relapse.³² People with addictions should not be punished for relapse to substance use but provided with more intensive treatment services instead. However, some stakeholders disagree—they believe the fear of being revoked and going back to jail is an important driver of compliance with rules and/or conditions of probation, including abstaining from substance use. Yet most stakeholders agreed with the sentiment expressed by a prosecutor we interviewed that “I know for a fact we could have more drug-treatment programs than we do” (Prosecutor A).

5. Increase accessibility to services/resources

There are many ways to increase accessibility to services/programs like substance use treatment, mental health services, transportation, employment skills training, GED, as well as other services. These efforts require new partnerships with different stakeholders, and community involvement.

(1) Increasing awareness of existing services

Before investing in new services and programs, it is important to ensure that currently available services are being fully utilized. There is a need to increase the awareness of services offered, among both clients and stakeholders. Increased awareness and better communication may promote improved access to services which may in turn prevent violations and/or new crimes, and reduce revocations. One stakeholder we interviewed specifically pointed to a need for increased awareness about service availability to probation clients across justice system actors.

“There probably should be some type of, I guess, in-service for judges, defense attorneys and prosecutors” where they’re told “Here are some additional conditions and additional things that you can do based on what’s available in the community.” -Prosecutor A.

(2) Increasing accessibility to services

Although treatment and social services exist, scheduling and transportation issues and affordability are barriers to accessing services among many probation clients. Additionally, there is further need

³² https://mfpcc.samhsa.gov/ENewsArticles/Article12b_2017.aspx

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for various treatment and social service agencies to communicate with each other as they may be working with the same probation client. A general lack of information or data across the justice and health systems makes coordination of care difficult. Thus, more investment is needed for a more robust data integrated across justice and health systems such that available services and capacity can be better tracked and evaluated on an ongoing basis.

It is important to improve the capacity of existing services and/or create new services. For example, with respect to housing, the county could invest in more transitional housing facilities and affordable apartments for probationers. Other examples include hiring more teachers in the GED program so clients can have access to different classes on different days, or building stronger partnerships with public defenders so clients can better utilize legal assistance when needed.

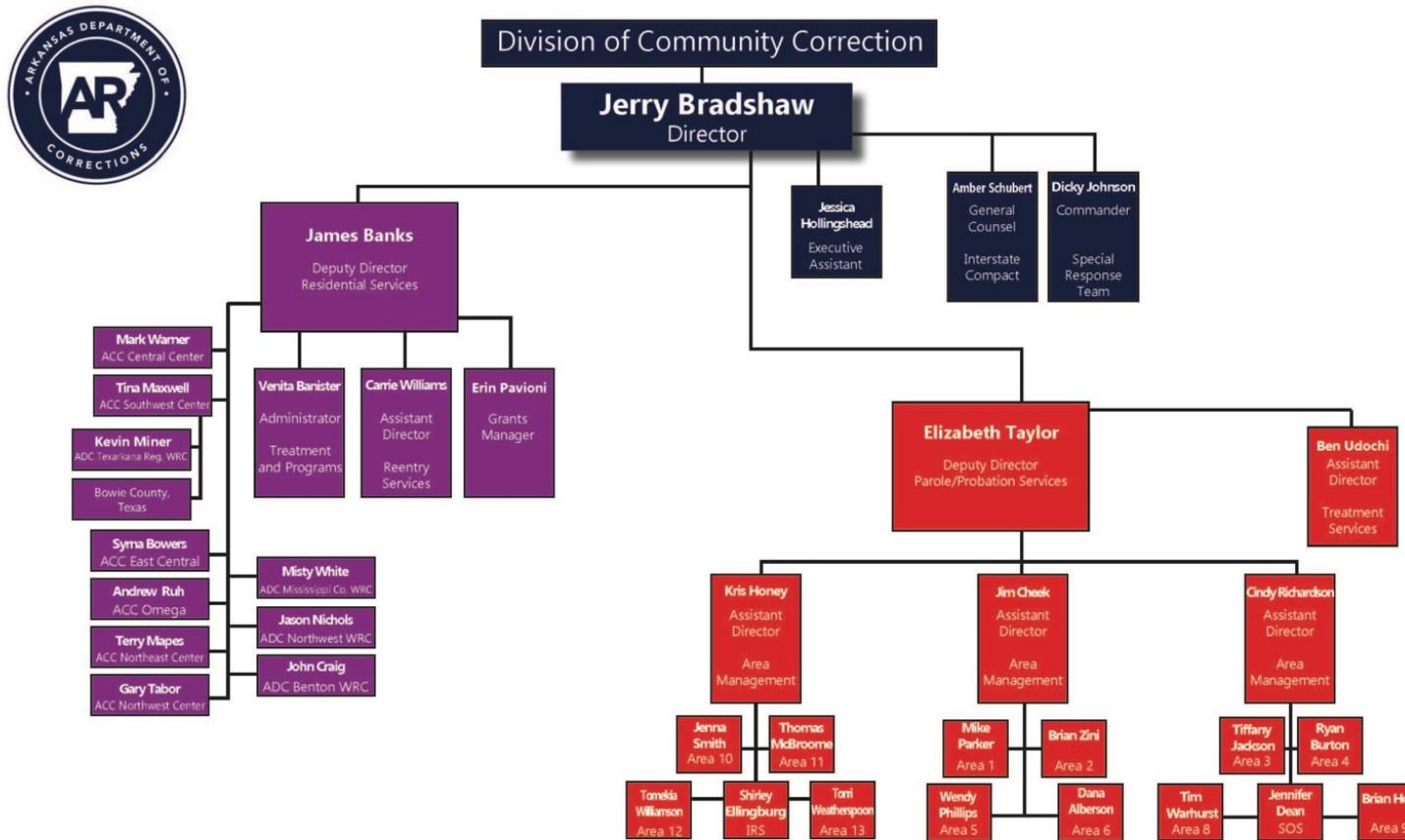
(3) Engaging the community

Based on our study, the demand for resources (in particular, substance use and mental health treatment) currently exceeds capacity. In meeting the capacity of existing services and/or in creating new services and programs, it is crucial to engage community residents, community leaders and organizers, and the likely service-users in the planning and preparation process. One way of doing this is through a community-engaged participatory approach which uses human-centered design techniques that could assess community need, bring multiple stakeholders to the decision-making table, and foster a sense of community ownership and investment to help sustain these programs and organizations into the future. For example, one important barrier that community engagement could address is the notion of Not In My BackYard, or NIMBY:

“Most communities, they say, “Not in my backyard.” They don’t want a transitional house. They don’t want a drug treatment near them. I think, instead of the response being, “Okay. We won’t provide one,” let’s look at the community’s concerns. Of course, their concern is safety, so what can we do to ensure the safety of the community, to provide those facilities” -Sheriff A

APPENDIX

APPENDIX 1. Arkansas Division of Community Correction (DCC) Team Organizational Chart³³



³³ <https://doc.arkansas.gov/community-correction/about-us/organizational-chart/>

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APPENDIX 2. Full Methodology

QUANTITATIVE ANALYSIS

To identify populations at higher risk of revocation and potential drivers for revocation, we analyzed administrative data for probation revocations in Pulaski County over a 5-year period (2015-2019).

Data Source: eOMIS (electronic Offender Management Information System) is a user-based relational database used to track individuals through Arkansas' correctional system. Probation/Parole Officers, Correction Officers, clinical staff and others use eOMIS to manage day-to-day offender-related activities such as intake interviews, case plan development/tracking, and supervision events such as visits with the supervising officer, compliance with the terms of supervision, and enforcement actions taken in cases of violations. We received a final data set from Arkansas Division of Community Corrections (DCC) of more than 50,000 probation records (both convictions and revocations) during a 5-year period (2015-2019). This represents more than 10,000 unique individuals who had probation (for any amount of time) in Pulaski County, at any time during the study period (**Table A1**).

Table A1. eOMIS Data Elements Used in Quantitative Analyses

Data elements	Description	Variables (used)	Year(s)
All convictions	All sentence records for Pulaski County	ID sentence begin date; county of conviction	2015-2019
Revocation	All revocation records with revocation outcomes	Revocation status; revocation type; revocation date	2015-2019
ARORA assessment	ARORA assessment (metrics, scores, and risk category) for each individual on probation in Pulaski County. Both intake assessment and reassessment are extracted.	Assessment date; gender; scores (risk/need); suggested supervision level; prior conviction; arrest under 18; prior prison misconduct; prior school suspension; prior crime (sexual offense, violent crimes, rape); drinking start age; drinking history; longest abstinence; employment; known gang association; received treatment for substance abuse; mental diseases	2015-2019
Demographics	Demographic variables for each individual on probation in Pulaski County	Input date; citizenship; residence; language; marital status; dependents; skin color; body build; education; prior substance use (type, frequency, crime under influence); religion	2020 (current)
Drug tests	Records of positive drug tests (including opioids, cannabis, hallucinogens, stimulants, depressants, etc.) for each individual on probation in Pulaski County	Opioids; depressant; benzodiazepine; stimulant; hallucinogen; cannabis; synthetic	2015-2019
Current status	Current supervision status for individuals who were on probation in the years of 2015, 2016, 2017, 2018, and 2019	Current/last supervision status	2020 (current)

Data cleaning and preparation: Each element was extracted into one or more data files. After receiving the files, we organized the data and linked datasets with unique IDs. Some data linkage required additional keys. For example, when linking revocation data, we matched sentence beginning date (in addition to ID) to revocation outcomes to probation records. All files were merged into one final dataset, with each row being a unique individual. Then we checked each potential predictor for missing values and outliers, and recoded when necessary. **Figure A1** represents the final data set.

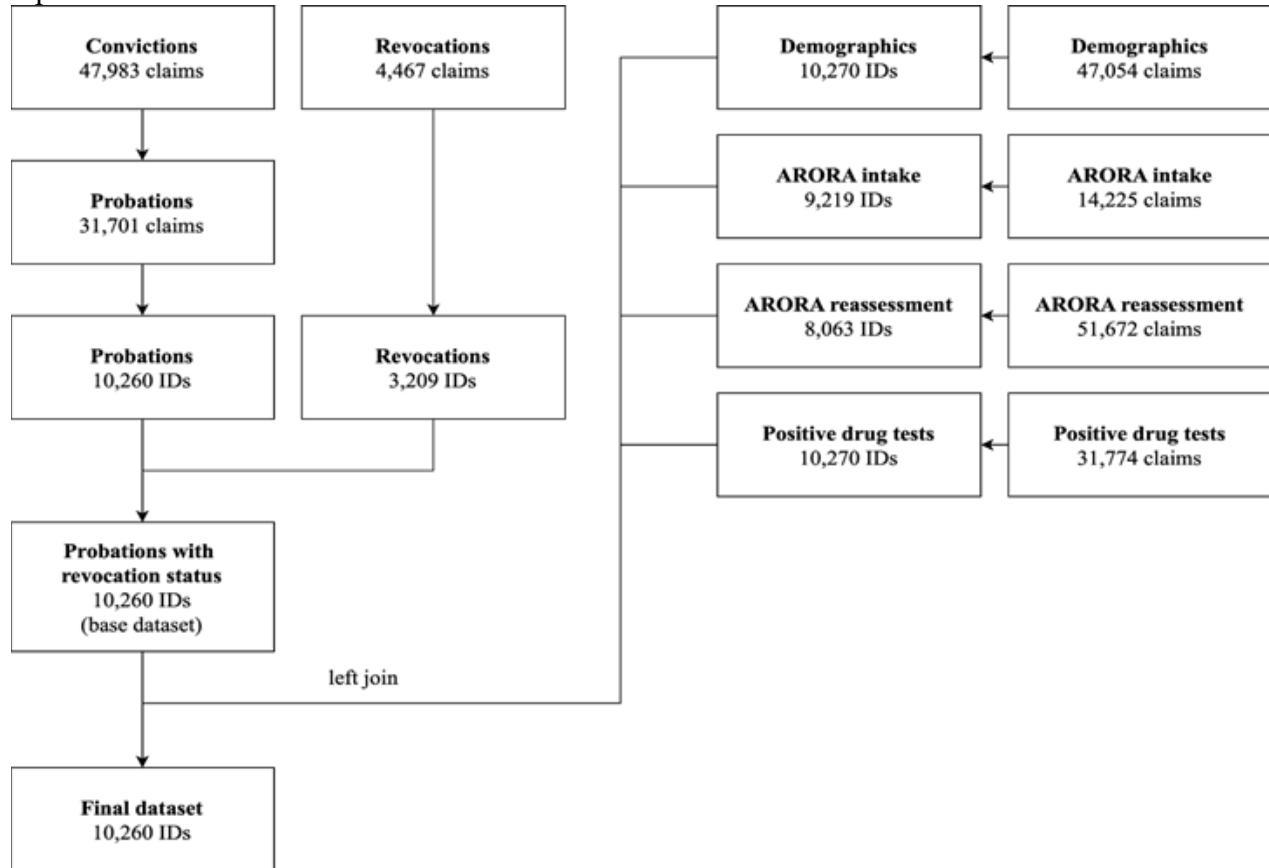


Figure A1. Quantitative data analysis flowchart

Outcomes and risk factors: The outcome of interest is probation revocation (binary variable with “1” indicating the individual has had one or more probations revoked between 2015 and 2019). Since we received probation data and revocation data separately, individuals not in the revocation dataset were assumed to not have revocations during the study period. Risk factors included variables that are potentially predictive of revocation status, readily available in the dataset we received, and had less than 10% missing values.

Descriptive analysis and regression modeling: For each risk factor, we used cross tabulation to examine revocation rates within each category. For example, for race, we tabled revocation rates within each race (Black, White, Others). Then we used logistic regression to obtain the odds ratios and 95% confidence intervals.

CASE FILE REVIEW

The case file review used data from the Pulaski County courts system. The sample consisted of 79 probation revocation court cases that occurred in Pulaski County, AR, in 2018. The sample size ($n=79$) was chosen because it represents approximately 10% of the total estimated number of revocation court cases that occurred during a year (2018) occurring within the study's time period (2015-2019) and location (Pulaski County). The 79 probation revocation court cases are a subset of the quantitative sample, meaning these people are represented in the larger dataset from eOMIS. Each court case had a case ID number, after the removal of repeated case numbers, all case numbers were put into SPSS, and the SPSS function for random sampling was used to select the included cases for file review. The case ID numbers are different from the identifiers in the quantitative dataset and for this reason the two datasets were not linked.

The unit of analysis was the most recent probation revocation and decision rules were developed to identify the focus revocation in each case. If the court case file only contained one probation revocation, it became the focus case. However, in some cases, an individual had more than one probation revocation and in these instances, the most recent revocation was chosen for examination. In addition, some court cases included multiple people being charged and, in some instances, more than one of these people experienced a probation revocation, for reasons unique to their individual probation experiences. Among these cases with multiple defendants, the most recent probation revocation (and the corresponding individual) was identified as the focus case. This decision rule was applied in less than 5% of the selected cases.

The methodology for the case review entailed reviewing the associated forms and case documents for each focal revocation case; entering the information into a custom SPSS database; and analyzing the data to provide a better picture of probation revocations in Pulaski County, AR. The analytic dataset for the case file review was created by mining quantitative and qualitative information from docket reports and entering it into SPSS. Information from the docket report's case description, listing of case parties, violations, and sentencing sections were reviewed and entered into the database. Other mined documents included clerk notes, the sentencing order(s), the probation revocation petition, "speed letters" (handwritten notes from the judge to correctional facilities), order of public defender user fee, affidavit of indigency, prosecutors reports, mental health evaluation and/or hospital documentation.

As each case and corresponding set of court records were unique, missing data was present in the case file review. There were markers that human error was present, to include errors on the forms themselves (ex: in four separate cases, we found inconsistent use of pronouns for the probationer within the revocation petition) and errors in court system data entry (ex: mismatch of dates or typos). In other cases, the documentation consisted of scanned handwritten notes or other scanned documentation that were low in quality. As such, missing information, a lack of documentation, unclear or inconsistent documentation was present in the case file data and posed a limitation. Although imputation for some of the missing data was possible, missing data were largely attributed to inconsistencies across documents and this made imputation challenging. Where necessary, the denominator for percentages was based on the total n for a particular condition or variable, and not the total sample n of 79.

The SPSS database contained demographic information on the offender (i.e., gender, age, race, and ethnicity), information on the original charge(s) (i.e., type of offense, sentence terms, whether the person had a public defender), and information on the revocation case itself (i.e., terms/conditions of probation, infractions, number of times an infraction occurred). Where possible, variables were constructed to allow for detailed analysis of infractions. For example, the database contains a series of dummy variables related to failing drug tests. These variables were

developed by substance (i.e., tested positive for cocaine, tested positive for heroin) and by number of failures (i.e., tested positive for cocaine one time, tested positive for cocaine more than one time), which allowed for a more nuanced assessment of probation revocation causes. For example, this approach made it possible to assess the number of people violated for using a particular substance, in addition to an aggregate variable of how many were violated for failing a drug test of any type. This is important in an analysis of probation revocations because discretion is often used to determine when a probationer should be revoked, and if so, for what reason(s)? In other words, what was the final straw? Some probation officers may be more willing to give several chances or warnings before revoking a person. The use of discretion and subjectivity of POs and Judges in the revocation process was also revealed in the interviews. The reasons for *why* such discretion is used and how and why such subjectivity manifests in probation cases are challenging to pinpoint, even with robust data. Reasons could include, but are not limited to, the particulars of the case and the probationer, the disposition or mood of the PO on a given day or period, implicit biases, explicit biases, a supervision style or approach, PO participation in a training program, or any combination of these and other factors that are rarely included in datasets or documents.

The same judge, Hon. Herbert Wright – 4th Division, 6th Circuit court, heard all of the cases in the case review sample. The decision was made because Arkansas closed its courts to the public during the COVID-19 pandemic and this greatly impaired access to any case file data. As such, the research team was unable to access any court data without an inside connection. Judge Wright is member of the Pulaski County Criminal Justice Coordinating Committee and supportive of the research and as such, he agreed to provide files from his court's database for the case file review. It is important to note that there are only 3 Circuit Court judges who use DCC for probation supervision (the other two Circuit Courts that also review revocation cases use private supervision companies). As noted above, DCC provided all of quantitative data used in the analyses described in this report so we chose to only include case files for individuals supervised by DCC staff. The access Judge Wright provided us with enabled us to implement and complete the case file review within the project's timeframe. Judge Wright met with the research team and provided an overview of how to use and interpret the data. Data from one judge and court is a data limitation because it was not possible to assess incidents of revocation or characteristics of revocation cases across different judges or courts. However, as we note in the report, Judge Wright provided us with a total of 788 revocation case files which represents 96% of the total number of revocations contained within eOMIS for 2018 (N=824)

QUALITATIVE INTERVIEW

We also conducted qualitative interviews (of both probation clients and stakeholders) to better understand potential causes of revocations, and to capture any information not captured in eOMIS. Stakeholders include judges, prosecutors, public defenders, probation supervisors, probation officers, and sheriffs.

Recruitment and enrollment: Between March and June 2020, we worked with DCC staff to recruit participants for this qualitative study focused on identifying barriers to successful probation. The lead researcher utilized contacts within the state of Arkansas. More specifically, the lead researcher, Dr. Zaller, engaged members of the Pulaski County Criminal Justice Coordinating Committee Sub-Committee on Jail and Community Corrections, for which he serves as Chair. Dr. Zaller discussed the study in detail at a meeting of the subcommittee and followed up with all sub-committee members to solicit participation from members themselves or for appropriate referrals

in cases where members were unable or unwilling to participate. All sub-committee members approached agreed to participate in interviews and in addition, provided referrals to additional key stakeholders. Probationers and probation officers were recruited with the help of an area manager at DCC. The area manager, also a member of the Jail and Community Corrections sub-committee, worked with individual probation staff to identify potential participants. Probation staff contacted individuals directly, asking them if they were interested in participating in a voluntary interview. If the individual affirmed that they were willing to participate, the probation staff person referred the name and contact information to a member of the study team for follow up.

Data collection: Data were collected through semi-structured, in-depth interviews. Interviews ranged from 30 minutes to approximately one hour. Two PhD researchers and two PhD students, with qualitative methods training, conducted the interviews. The interviews covered diverse topics of interest related to the probation experience, including: relationships between probation officers and probation clients; awareness and access to services offered; weaknesses and strengths within the probation system related to policies, procedures and services; and suggestions for potential policy changes. In total, we conducted 8 interviews among probation clients and 12 stakeholders (specific demographics and other information is provided in the qualitative findings section below). Our sample size was determined by feasibility and also our hypothesis that 20 interviews would be sufficient for thematic saturation (which we confirmed at the completion of the 20 interviews). It is important to note that generalizability or representativeness cannot be guaranteed for any qualitative study. As such, we sought to recruit as diverse of a sample as possible, with respect to gender, race, history of revocation and involvement in the criminal justice system.

Two separate interview topic guides were implemented for probationers and stakeholders, respectively (both guides are included as Appendices to this report). Probation client interviews covered topics such as: the relationship with their probation officer; knowledge and awareness of current services; and recommended policy changes. Example questions from the interview topic guide included: *how would you describe your relationship with your probation officer; what services, i.e., healthcare, housing, employment, etc., are available for individuals on probation; and are there specific legal or policy changes which could reduce the number of probation revocations?* Stakeholder interviews covered topics relating to specific job details, knowledge of community-based services available, perceived challenges to probationers accessing community services, and recommendations for policy changes. These interviews included questions such as: *tell me about your job and how you fit within the criminal justice system; what services do you think need to be offered to individuals on probation that are not currently available; and what do you perceive as the biggest barrier or source of struggle for your probation clients?* All interviews were digitally recorded and transcribed verbatim. As an incentive, participants received a \$40 check mailed to them upon completion of the interview. This was the preferred method of payment expressed by probation clients.

Analysis: Transcripts of the interviews were coded using MAXQDA. A thematic analysis was utilized in which recurring themes from the participants' interview answers were generated. Coders analyzed the transcribed data from probation clients and stakeholders to identify patterns. A codebook was developed for both separate data pools, probation client and stakeholder, based on the general themes of the interview questions and coinciding participant responses. A probation client codebook was developed by both PhD students and refined by researchers. Stakeholder

codes were developed by two PhD researchers and refined by PhD students. Additionally, 25% of the interviews underwent quality checks which consisted of the coding being evaluated by two people on the research team that did not code it. The theme books also underwent refinement through the quality checks. The final versions of both the probation client and stakeholder codebooks were approved by all coders. All transcriptions were coded independently in an iterative manner, with discrepancies being discussed until a consensus decision was made. After all probation client and stakeholder interviews were transcribed and coded, themes were developed by observing the interview questions and most salient responses. Codes were organized into themes which were analyzed by all team members and approved. In addition to initial coding and thematic mapping, analyses were done to focus on the drivers of revocation, process of revocation, areas for improvement and policy change, and barriers to change. The initial codes and themes developed from the interviews were discussed throughout this process of preparing this revised report. All sections were read through carefully by at least one other reader to ensure quality.

Appendix 3. Qualitative Interview Guide

PROBATION CLIENT INTERVIEW GUIDE

Life After Incarceration:

Walk me through the probation process in Pulaski County.

Probe: *How often do you interact with your probation officer?*

Probe: *What is your relationship like with your probation officer?*

Probe: *What are your priorities right now?*

Thanks for sharing that. Now you said, x, y and z (*please re-state/paraphrase participate priorities briefly*) were priorities for you. Which of those is the most important?

Access to Community Services

Now I'd like to talk to you a little bit about any community-based services you may have used or may need.

What services, i.e., healthcare, housing, employment, etc., have you been able to access while on probation?

Probe: *What sorts of challenges have you had accessing any of these services?*

Probe: *Has your probation officer been helpful in assisting you in getting any specific services? If yes, which ones?*

Are there any services that your probation officer has told you that you need to have as part of your probation?

Probe: *For example, have you been told that you need to be in a drug treatment program as part of your probation?*

Can you tell us a bit about your health?

Probe: *Do you have any specific healthcare issues?*

Probe: *Is it easy for you to go to a doctor/clinic? Why or why not?*

Probe: *Do you take any medications?*

Experiences being on probation:

Knowing that I am interviewing people who are already on probation or who have completed probation, I may start with asking: When I say "Probation" what comes to mind? (May suggest: Give me 3 words.)

Are you concerned about getting sent back to jail or prison?

Probe: What's that based on?

In your opinion, what are the main reasons why people get into trouble while they are on probation?

Probe: *Have you or someone you know ever had a probation violation? If yes, what was the violation? Did you or the person you know get sent back to jail or prison?*

Whose decision is it to determine that you have violated your probation?

Probe: *What's that based on?*

Probe: *How much influence do you think your probation officer has over what happens to people with probation violations and if they are sent to jail or prison?*

How important is it for probation officers to have regular communication with you?

Probe: *Do you think you are required to "see" your probation officer enough, too much or not enough right now?*

Do you think that the judge who sentenced you to probation was fair? Why or why not?

Probe: *Do you think judges in Pulaski County are generally fair or unfair in their sentencing?*

Probe: *Do you agree or disagree with the amount of time you were placed on probation? Why or why not?*

What are some of the biggest issues that you think we need to address to help people avoid violating the terms of their probation?

Probe: *Do we need more probation officers?*

Probe: *Do we need more community services to help people on probation?*

Probe: *Do we need to shorten probation sentences?*

KEY STAKEHOLDER INTERVIEW GUIDE

Job Details:

Tell me about your job and how you fit within the criminal justice system.

Probe: *If they indicate that they have regular contact with people on probation then ask them:* Please describe a typical interaction with a detainee.

What is your role in working with CJ-involved individuals?

Knowledge of Probation Revocation in Pulaski County:

Can you tell me about your knowledge or awareness of how common probation violations are in Pulaski County?

Probe: *How often do you think people have their probation revoked?*

Probe: *How often are people incarcerated because of a probation violation? Do you think this is too often, not often enough or about right?*

In your opinion, what are the biggest causes of probation revocation in Pulaski County?

Probe: *What's that based on?*

How is the decision made to revoke someone's probation?

Probe: *Who are the individuals responsible for making the decision?*

Probe: *What is the level and type of communication among people involved in this decision, i.e., communication between probation officers and judges?*

Probe: *What is the role of probation officers in the decision?*

Probe: *How are sanctions or punishment for violating probation determined?*

Access to Community Services:

What services, i.e., healthcare, housing, employment, etc., are available for individuals on probation?

Probe: *Do you think people on probation have enough access to specific kinds of services—specifically behavioral health and/or other medical care, housing, employment, education, etc.?*

Probe: *What do you see as the biggest challenges for individuals on probation to accessing community services?*

What services do you think need to be offered to individuals on probation that are not currently available?

Probes: *What new services should be added and why?*

Recommendations and Policies:

Are there specific legal or policy changes which could reduce the number of probation revocations? If yes, can you please describe some or give an example or two?

Do you think we have enough probation officers to appropriately monitor all of the individuals on probation in Pulaski County? Why or why not (*if no, ask if increasing the number of probation officers is one policy change, they would suggest?*)

If probation is revoked, what sanctions, other than incarceration, are available for probation violators?

Probe: *Do you think we need more alternatives to incarceration for people who violate the terms of their probation? Why or why not?*

Appendix 4. Offender Violation Guide (OVG) for Probation and Parole in Pulaski, AR

Low Level Violations <i>5 points</i>	Low Level Sanctions	Interventions
<ul style="list-style-type: none"> • Association with Others Engaged in Criminal Activity • Failure to Participate in Community Service • Failure to Cooperate with Officer • Failure to Maintain Employment or Education • Failure to Pay Restitution - 60 Days Delinquent • Failure to Pay Fines/Costs - 60 Days Delinquent • Failure to Report • Change Residence without Permission • Failure to Abide by Special Conditions • Positive Drug or Alcohol UA • Failure to Pay Supervision Fees - 60 Days Delinquent • Failure to pay supervision fees - 90 Days or More Delinquent • Travel Violations In-State • Travel Violation Out of State • Failure to Report for Assessment • Failure to Participate in Treatment 	<ul style="list-style-type: none"> • Verbal Warning • Written Warning • Increased Reporting • Increased Drug Testing • 30 Days GPS • 10-20 hours Community Service • Travel Restrictions for 30 days (not including for employment) • Curfew 	<ul style="list-style-type: none"> • AA/NA • Referral for Assessment • SAPL Consultation • Cognitive Behavior • Anger Management • Out Patient Treatment • Residential Treatment • Mental Health Evaluation • Mental Health Treatment • GED Referral • Employment Referral • Written Essay • Recovery Coach
Medium Level Violations <i>15 points</i>	Medium Level Sanctions	
<ul style="list-style-type: none"> • Evading 1st offense up to 6 days (Sex Offender) • Evading 2nd offense up to 6 days (Sex Offender) • Evading up to 179 days 1st offense • Failure to Pay Restitution - 90 Days or More Delinquent • Failure to Pay Fines/Costs - 90 Days or More Delinquent • OVG Sanction GPS Violation • Special Condition or Court Ordered GPS Violation • New Misdemeanor 1st and 2nd • DWI 1st Offense • Failure to Participate in Treatment – Dropped/Terminated for Unsuccessful Completion 	<ul style="list-style-type: none"> • 10-40 hours Community Service • Increased Reporting • Increased Drug testing • Travel Restrictions for 30-90 days (not including for employment) • Curfew • House Arrest • 30 days GPS • More restrictive GPS • One Day ADC Visit (for probationers) • AM/AAM Conference (may recommend • Act 570 Jail 1-7 days) 	

<ul style="list-style-type: none"> Possession of a Prohibited Weapon (No Charges Filed) 		
High Level Violations 40 points	High Level Sanctions	
<ul style="list-style-type: none"> Evading Up to 89 days (Offender with 1029 or Sex Related Misdemeanor in History) Evading up to 179 days 1st and 2nd Offense – Extradited from Out of State Evading up to 179 days 2nd and 3rd offense Evading 3rd offense up to 6 days (Sex Offender) GPS Violation – Offender Removed Device New Misdemeanor Arrest 3rd DWI 2nd Offense Discharge from Transitional Housing ISC Mandatory Retake from Out of State Absconding >= 180 days Violation Disclosed and Deception Indicated – Polygraph or Voice Stress Analysis (Sex Offender) Failure to Complete MAT Reentry Program 	<ul style="list-style-type: none"> Act 570 Jail days (1-7 days) County Work Project SSP 90 days SSP 180 days 	
Very High Level Violations 40 points	Very High Level Sanctions	Interventions
<ul style="list-style-type: none"> Evading 90 days or More (Offender with 1029 or Sex Related Misdemeanor in History) Evading 7 days or more (Sex Offender) New Felony Arrest New Felony Arrest – Violent or Sexual or 1029 New Misdemeanor Arrest – Violent or Sexual New Misdemeanor Arrest – In the same class as the underlying active felony, except for those in the Controlled Substance Act DWI (While on Supervision for Felony DWI, Negligent Homicide or Manslaughter - involving Alcohol or Drugs) Change Residence without permission (Sex Offender) Trespassing on Correctional Institution Property 	<ul style="list-style-type: none"> Hold using White Warrant until the Parole Board has reviewed the violation report and made a decision on hold. 	<ul style="list-style-type: none"> Parole Hold GPS (if parole hold not available and bond is made)

Appendix 5. Additional Tables

Table A2. Revocations by Year (Pulaski County, AR, 2015-2019)

Year	Revocation		Revocation type					
	Records	Individuals	Other		Sent to ADC*		Sent to CCC**	
2015	833	778	596	565	218	218	19	18
2016	954	900	680	654	263	263	11	11
2017	960	899	659	636	283	283	18	18
2018	895	824	541	521	312	312	42	42
2019	825	779	503	492	247	247	75	75

*ADC = Incarceration in a Department of Correction facility

**CCC = Incarceration in a Department of Community Correction Center via judicial transfer

Table A3. Quantitative Analysis: Sample Characteristics

Characteristic	Revoked	Not revoked	All
N	3,209 (31.3%)	7,051 (68.7%)	1,0260
Gender (male)	2,275 (73.7%)	4,057 (66.5%)	6,332 (68.9%)
Age (current)	37.1	39.6	38.8
Age (first sentence)	27.3	31.2	30.0
Race (White)	1,199 (37.4%)	2,818 (40.0%)	4,017 (39.2%)
Race (Black)	1,972 (61.5%)	3,986 (56.5%)	5,958 (58.1%)
Race (Hispanic)	28 (0.9%)	201 (2.9%)	229 (2.2%)
Race (Other)	10 (0.3%)	46 (0.7%)	56 (0.6%)
ARORA risk score (mean)	10.3	8.2	8.9
ARORA need score (mean)	5.3	3.1	3.8
ARORA suggested supervision level (maximum)	348 (11.3%)	138 (2.3%)	486 (5.28%)
ARORA suggested supervision level (medium)	1,680 (54.4%)	1,495 (24.4%)	3,175 (34.47%)
ARORA suggested supervision level (minimum)	1,062 (34.4%)	4,488 (73.3%)	5,550 (60.25%)
Positive drug test	2,193 (68.3%)	3,027 (42.9%)	5,220 (50.9%)
Recreational drug – positive test	2,159 (67.3%)	2,932 (41.6%)	
Positive opioids test	528 (16.7%)	678 (9.62%)	1,206 (11.8%)
Positive cannabis test	1,571 (49.0%)	2,013 (28.6%)	3,584 (34.9%)
Positive stimulant test	1,308 (40.8%)	1,389 (19.7%)	2,697 (26.3%)
Positive depressant test	369 (11.5%)	417 (5.9%)	786 (7.7%)
High school degree or equivalent	2,341 (73.1%)	5,604 (80.0%)	7,945 (78.0%)
Employed	1,614 (52.3%)	4,412 (72.3%)	6,026 (65.6%)
Violent crime / rape in the past 5 years	1,253 (33.8%)	1,045 (20.5%)	2,298 (25.0%)
Arrest under 18	878 (28.4%)	1,174 (19.2%)	2,052 (22.3%)

Table A4. Quantitative Analysis: Risk Factors and Odds Ratios

Comparison groups	Odds Ratio* (OR)	95% Wald Confidence Limits	
ARORA Risk Category			
• High vs. Low	10.4	8.5	12.8
• Medium vs. Low	4.4	4.0	4.8
Violent crime** / rape within the past 5 years	2.0	1.8	2.2
Prior technical violation	8.6	7.7	9.6
Failed drug test	2.9	2.6	3.1
• Cannabis	2.4	2.2	2.6
• Hallucinogen	2.9	2.3	3.8
• Opioids	1.9	1.6	2.1
• Stimulants	2.8	2.6	3.1
• Synthetic	6.6	1.8	24.2
Mental health illness within the past 5 years	1.4	1.2	1.5
Race			
• Black vs. White	1.3	1.1	1.4
Gender			
• Male vs. female	1.4	1.3	1.6
Arrest under 18	1.7	1.5	1.8
High school degree or equivalent	1.5	1.4	1.7
Unemployment			
• Unemployment vs. all employment***	2.4	2.1	2.7
• Unemployment vs. regular employment	2.8	2.5	3.2

*Odds of being revoked vs. not being revoked.

**violent crime: any offense that is an Act 1029, excluding Residential Burglary

***including irregular employment (temp/seasonal services)

Table A5. Case File Review: Sample Characteristics

Characteristic	N	%
Age (M±SD, N=79)	36.7±13.2	
Gender (N=79)		
• Male	62	78.5
• Female	17	21.5
Race/ethnicity (N=79)		
• White	27	34.2
• Black	52	65.8
Total number of original counts (N=79)		
• 1	24	30.4
• 2	30	38
• >2	25	31.7
Use of public defender (N=77)	69	89.6
Type of trial (N=69)		
• Jury Trial	24	30.4
• Non-Trial	30	38
• Plea/Stipulation	14	17.7
Type of offense (N=69)		
• Felony	67	84.8
• Misdemeanor	1	1.3
• Violation	1	1.3
Offense classification (N=68)		
• D	29	36.7
• C	19	24.1
• B	17	21.5
• Y	2	2.5
• A	1	1.3
Most frequent offense type		
• Theft of Property	10	12.7
• Forgery (2nd Degree)	7	8.9
• Theft by Receiving	6	7.6
• Residential Burglary	5	6.3
• Breaking or Entering	4	5.1
• Domestic Battery	4	5.1
Installment plan used (N=79)	75	94.9

Table A6. Case File Review: Drug Test Failure Revocations

Drug use* (n=79)	N	%
● Marijuana/THC		
○ Once	15	19
○ More than once	8	10.1
● Amphetamines		
○ Once	6	7.6
○ More than once	3	3.8
● Crack		
○ Once	2	2.5
○ More than once	2	2.5
● Benzodiazepines		
○ Once	2	2.5
○ More than once	1	1.3
● Cocaine		
○ Once	1	1.3
○ More than once	1	1.3
● Methamphetamine		
○ Once	1	1.3
○ More than once	1	1.3

*Individuals could test positive for more than one drug type

Table A7. Case File Review: Reasons for Revocation

Revocation Reason*	Yes (n=79)	%
Drug test failure (any)	20	25.3
Failed to complete community service	14	17.7
Failed to report to drug treatment	12	15.2
Committed new offense	39	49.4
Failed to report to mental health treatment	1	1.3
Failed to provide contact information	13	16.5
Failed to report to PO		
• Once	47	59.5
• Multiple times	15	19

*Probation could be revoked for more than one reason

Table A8. Qualitative Interview: Sample Characteristics

	Gender	Race	Age (Years)
Criminal Justice Professionals			
Judge A (Circuit Court)	M	White	>50
Judge B (District Court)	F	White	40-50
Judge C (Circuit Court)	M	White	>50
Prosecutor A	M	White	40-50
Prosecutor B	M	White	40-50
Public Defender	M	White	>50
Probation Supervisor A	F	White	30-40
Probation Supervisor B	F	White	40-50
Probation Officer (PO) A	F	Black	40-50
Probation Officer (PO) B	M	White	30-40
Probation Officer (PO) C	F	White	40-50
Sheriff	M	Black	>50
People with Experience of Probation			
Client A	M	Black	
Client B	M	Black	
Client C	M	Black	
Client D	F	White	
Client E	F	Black	
Client F	M	Black	
Client G	M	White	
Client H	F	Native American	