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Assessment of the Impact of Swift, Certain, and Proportionate Sanctions for Probation and Parole Violators in Shelby County Tennessee*

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MESSAGE FROM THE EXECUTIVE DIRECTOR

The Public Safety Act of 2016 enacted by the Tennessee General Assembly authorized the Tennessee Department of Correction (TDOC) to implement a system of administrative sanctions of probationers and parolees for many of what had been termed technical violations of supervision conditions.

From a policy standpoint, the system is designed to (1) insure swift, certain, and proportionate sanctions rather than facing delays through the court system and (2) reduce the level of our state's prison population made up of individuals re-incarcerated for technical violations of supervision rather than more serious violations, including the commission of new crimes.

In 2017, the Memphis Shelby Crime Commission spearheaded development of a local five-year Safe Community Plan. One of the objectives under the plan is effective implementation of TDOC's administrative sanctions system in Shelby County. Through an anonymous gift to the University of Memphis Foundation, the Public Safety Institute assessed the system's impact on probationers and parolees in Shelby County.

The assessment reveals certain apparent disparate impacts of the system depending on the type of supervision. After implementation of the system in Shelby County, the percentage of probationers with revoked supervisions was significantly lower. For parolees, though, the percentage with revoked supervisions resulting in re-incarceration was slightly higher after implementation of the system. At the same time, the percentage of probationers who were successfully discharged from supervision but who subsequently returned to probation supervision was much higher after the system's implementation. That was not the case for discharged parolees, though.

Under the sanctions system, it took more time for probationers to be either successfully discharged or revoked from supervision. A system with step-by step sanctions may have the impact of keeping individuals under supervision for longer periods of time without reducing the likelihood that they return to probation supervision once discharged.

This year, the General Assembly enacted legislation which makes significant changes in both probation and parole. These changes include:

1. Reducing probation sentences from 10 years to 8 years;
2. Restricting the amount of time a judge may temporarily revoke and incarcerate a person for technical violations of probation or parole;

3. Establishing a presumption of parole release at a person's parole eligibility date or upon a subsequent parole hearing for those serving time for a Class E or D felony, or a non-violent offense; and
4. Establishing a mandatory re-entry supervision period beginning one year prior to sentence expiration for parole-eligible individuals.

Given the apparent increase in the percentage of parolees with revoked supervision and re-incarceration, at least in Shelby County, it may be important for TDOC to focus on more intensive parole supervision since the percentage of incarcerated inmates placed on parole is likely to increase under the changes in state law. Likewise, more intensive efforts to assist probationers in moving in the right direction would appear warranted given the significant increase in the percentage of those successfully discharged who end up being placed on probation supervision again.

Almost 300 surveys of justice system employees and supervisees were conducted as part of the assessment. From the results it appears that both employees and those being supervised need to have a better understanding of the sanctions system.

Now that the administrative sanctions system has been in effect for approximately five years and with the significant legislative changes that have occurred, a statewide assessment of the sanctions system would be beneficial to both TDOC and the General Assembly.



Bill Gibbons, Executive Director
Public Safety Institute

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Introduction

In 2016, 33% of state prison admissions nationwide were individuals who were revoked due to violations of their probation or parole supervision (Carson, 2018). Probation and parole violations include technical violations (e.g., failure to report as ordered, failing drug tests, failure to attend programming) and more serious criminal violations, where an offender commits a new criminal offense while on supervision. Prior research indicates that 26-37% of probation and parole revocations nationwide are for technical violations (Grattet, Petersilia, Lin, & Beckham, 2009; Gray, Fields, & Maxwell, 2001; Olson & Lurigio, 2000; Sims & Jones, 1997). The Tennessee Department of Correction (TDOC) estimates that approximately 40% of probation and parole violations in the state during 2016 were for violations that did not involve commission of a new criminal offense.

When a probationer or parolee (“supervisee”) commits a technical violation, his or her supervision officer generally uses discretion to impose either an “in-house” administrative sanction or to formally notify the court or parole board that a violation has occurred, which may result in a revocation of supervision followed by incarceration (Chapman, 2005). Research has shown that the use of discretion by supervisors in choosing which sanction to impose yields different results for different offenders who commit the same kinds of violations (Kerbs, Jones, & Jolley, 2009). Increasing numbers of prison admissions for technical violations accompanied by inconsistent sanctioning due to officer discretion resulted in many states implementing swift, certain, and proportionate sanctioning systems (Alm, 2013; Hawken & Kleiman, 2009). Several evaluations have found that the use of graduated, administrative sanctions not only reduces revocations, but also reduces recidivism related to the commission of new offenses in community correction populations (Harrell & Roman, 2001; Hawken & Kleiman, 2009).

In September 2015, Governor Bill Haslam's *Task Force on Sentencing and Recidivism* issued a final report that included a key recommendation to develop “swift, certain, and proportionate” alternatives to revocation when non-compliance is not a new crime or absconding. The Task Force report noted that "decades of research on human behavior indicates that an immediate response is always more effective than a delayed response," and stated that:

- Community-based sanctions are the preferred response when offenders violate noncriminal terms of their supervision;
- Any response that requires secure confinement can have negative consequences on positive supports an offender has in the community;
- Even a short period of incarceration can cause offenders to lose jobs, housing, or custody of their children; and
- Only when community-based responses are ineffective with an individual should incarceration be the response.

As a result of the final Task Force report, Governor Haslam proposed, and the General Assembly enacted, *The Public Safety Act of 2016* (PSA) to retool community supervision to reduce the number of people entering prison for probation or parole violations when the noncompliance does not rise to the level of a new criminal offense. It includes a provision for instituting "swift, certain, and proportionate sanctions." More specifically, Section 14 of the PSA provides:

The department [TDOC] shall adopt a single system of graduated sanctions for violations of the conditions of community supervision. The system shall set forth a menu of presumptive sanctions for the most common types of supervision violations, including, but not limited to: failure to report; failure to pay fines and fees; failure to participate in a required program or service; failure to complete community service; and failure to refrain from the use of alcohol or controlled substances. The system of sanctions shall take into account factors such as the severity of the current violation, the supervised individual's previous criminal record, the number and severity of any previous supervision violations, the supervised individual's assessed risk level, and the extent to which graduated sanctions were imposed for previous violations. The system shall also define positive reinforcements that supervised individuals will receive for compliance with conditions of supervision.

The goal of the PSA regarding supervisees is to reduce their incarceration rate for technical violations through a system of swift, certain, and proportionate administrative sanctions.

In 2016, the Memphis Shelby Crime Commission spearheaded development of a five-year “Safe Community Plan” designed to reduce crime in the Memphis area. Approximately 400 citizens participated in development of the plan, which was subsequently approved by the 50-member Crime Commission Board of Directors. A key objective in the plan is to "effectively implement [in Memphis/Shelby County] the state's new system of 'swift, certain, and fair' administrative sanctions in lieu of incarceration for violating certain conditions of probation or parole." As part of the plan, TDOC agreed to take the lead in effective implementation of the objective, and to an independent evaluation of the new system in Memphis/Shelby County.

By agreement between the Crime Commission and the University of Memphis, the Public Safety Institute (PSI) conducted the evaluation. The PSI is an interdisciplinary part of the university community committed to rigorous engaged research to identify and advance best practices in the field of public safety.

Methods

This research used a quasi-experimental pre-post design to determine the impact of a state-level legislative policy change (i.e., enactment of administrative sanctions) on one county’s community supervision outcomes. The pre-policy period is the 36 months from January 1, 2014 through December 31, 2016, and the post-policy period is the 36 months from January 1, 2017 through December 31, 2019. Outcomes during the pre-policy period were statistically compared to outcomes during the post-policy period to determine whether the policy was effective in reducing revocations for violations other than new crime and reducing returns to supervision after successful discharge. Other variables, such as time under supervision, also were examined. Additionally, pre-post comparisons were examined for all supervisees, and by type of

supervision (i.e., probation or parole). This examination by type of supervision is important because the effectiveness of the policy may vary by type of supervision.

To supplement the quantitative data, individuals under community supervision and criminal justice professionals were surveyed about their perceptions of and experiences with the sanctions system. Even a well-designed strategy is likely to fail if it is not implemented properly, and the success of any correctional reform may depend on its acceptance by line personnel who must implement it (Latessa, 2004). An Ohio study of that state's shift to graduated sanctions, for example, found parole officers generally dissatisfied with the new guidelines, but administrators, who helped draft the guidelines, more supportive (Steiner, et al., 2011).

Research Questions

This research addressed three broad research questions (RQs) related to the impact of the sanctions system on revocations, time on supervision, and return to supervision after discharge or revocation. A fourth broad question addressed the understanding of and perceptions about the system among TDOC staff and administrators (including probation and parole officers), prosecutors, judges, and individuals on probation or parole. To address the first RQ, we used macro-level quantitative data on all pre- and post-policy movements, but to address RQs 2 and 3 required micro-level (i.e., individual) quantitative analyses using only individuals with at least one entry to and subsequent exit from supervision in either the pre-policy period, the post-policy period, or with entry/exit pairs in both periods.

These four broad questions, along with more specific questions to be answered, follow:

1. Does the sanctions system impact revocations?

- a. Did the percentage of total supervisions ending in revocation significantly change after the policy?
- b. Did the percentage of probation supervisions ending in revocation significantly change after the policy?

- c. Did the percentage of parole supervisions ending in revocation significantly change after the policy?
 - d. Within which population (probationers or parolees) did the percentage of supervisions ending in revocation change the most after the policy?
- 2. *Does the sanctions system impact time on supervision?***
- a. Did the time for supervisees to succeed on supervision (i.e., be discharged) significantly change after the policy?
 - i. Did the time for probationers to succeed on supervision significantly change after the policy?
 - ii. Did the time for parolees to succeed on supervision significantly change after the policy?
 - b. Did the time for supervisees to fail on supervision (i.e., have supervision revoked) significantly change after the policy?
 - i. Did the time for probationers to fail on supervision significantly change after the policy?
 - ii. Did the time for parolees to fail on supervision significantly change after the policy?
- 3. *Does the policy impact subsequent reentry to supervision after a prior exit?***
- a. Did the percentage of successfully discharged supervisees who subsequently entered supervision again change after the policy?
 - b. Did the percentage of successfully discharged probationers who subsequently entered supervision again change after the policy?
 - c. Did the percentage of successfully discharged parolees who subsequently entered supervision again change after the policy?
- 4. *Do individuals who work with or are subject to the sanctions system understand it and how do they feel about it?***
- a. Do criminal justice professionals understand the sanctions system?
 - b. Are criminal justice professionals generally supportive of the sanctions system?
 - c. Do supervisees understand the sanctions system?
 - d. Are supervisees generally supportive of the sanctions system?
 - e. Does understanding or support differ by role (professional or supervisee)?
 - f. How do professionals perceive the impact of the system on their discretion?

Data Collection

To answer the research questions, we collected quantitative and qualitative data to assess the impact of the sanctions system, as well as to provide insight about perceptions of and experiences with the system among justice professionals and supervisees who are impacted daily

by the system. We used five sets of quantitative secondary data provided by the TDOC to assess the impact of the sanctions system:

1. Dataset 1: 41,333 movements to and from supervision between January 1, 2014, and December 31, 2019, in Shelby County, along with the dates and types of each movement, and reasons for each movement;
2. Dataset 2: 728 pre-policy (January 2014-December 2016) revocations for technical violation by offender and type of supervision revoked (probation or parole). This information was consolidated into the first dataset (i.e., researchers noted whether an individual in Dataset 1 had a revocation);
3. Dataset 3: Aggregate monthly numbers of post-policy sanctions (January 2017-June 2019) by Level (1-4) and type of supervision (probation or parole);
4. Dataset 4: Aggregate quarterly numbers of post-policy sanctions and the numbers completed “successful” or “unsuccessful,” numbers of “active sanctions,” and numbers with “warrants issued;”
5. Dataset 5: Aggregate quarterly numbers of post-policy Level 4 (“zero-tolerance”) sanctions by type of supervision (probation or parole) and whether the “zero-tolerance” sanction was due to failure on the sanctions system or a “zero-tolerance” offense (e.g., new crime).

Dataset 1: Supervisee-level movement data. In this largest dataset, each row of data represented one *movement* by an offender, identified with an “Offender ID” number linked to an individual whose name is known only to the TDOC. Movements were one of the following nine “types”: 1) court to probation; 2) court to diversion; 3) other jurisdiction to probation; 4) facility to probation; 5) facility to parole; 6) parole to discharge; 7) parole to facility; 8) probation to discharge; and 9) probation to facility. For purposes of this research, movement types were recoded as “entries” (court to probation, court to diversion, other jurisdiction to probation, facility to probation, facility to parole) or “exits” (probation to discharge, parole to discharge, probation to facility, parole to facility).

Movements also were categorized by “reason” for each type of supervision. For probationers, movement types were: 1) determinate release; 2) determinate release/detainer; 3)

judicial release; 4) judicial release/detainer; 5) return split confinement; 6) split confinement; 7) split confinement/detainer; 8) weekend return; 9) sentence; 10) diversion; 11) interstate compact (ISC); and 12) lifetime supervision (for sex offenders). Movement types for parolees were: 1) mandatory parole; 2) regular/parole; 3) regular/detainer; 4) release eligibility; 5) release eligibility/detainer; 6) “safety valve”; and 7) lifetime supervision (for sex offenders).

Reinstatement also was a movement type for both probationers and parolees. Movement reasons also were recoded to facilitate analyses: 1) determinate (probation); 2) judicial release (probation); 3) split confinement/weekend return (probation); 4) regular/mandatory (parole); 5) release eligibility (parole); 6) lifetime supervision (parole); 7) reinstatement; 8) sentence (probation); 9) diversion (probation); and 10) ISC (probation).

Of specific interest to this research was whether an exit from community supervision was due to discharge (released from community supervision back to the community) or revocation (released from community supervision to facility custody). Discharges were considered successes, and revocations were not. Therefore, each set of exit data was followed by a column to indicate whether the exit was successful or not (i.e., discharge or revocation).

For purposes of this research, only the first four entries and exits were examined for each offender. This restriction impacted only a few supervisees but impacted hundreds of movements because each of them may have had dozens of movements due to weekend returns and split confinement movements. For these individuals, only the first date of entry/exit and the last date of entry/exit are included, unless some other type of movement happened (i.e., additional entry/exit, revocation). In total, 83 variables were captured or calculated for each Offender ID, with additional variables created or calculated as analysis proceeded.

Since rows represented movements and not individual supervisees, a good deal of manual work was necessary to transform the dataset so that each row represented one supervisee. This required associating each of the **41,333 movements** with their respective supervisees. This task was complicated by trying to determine the dates of movements and whether the offender's first movement was an entry or an exit because many entries and exits were on the same day (i.e., an exit from supervision by revocation with a reinstatement of supervision the same day). As a result of transforming the spreadsheet to capture information for unique individuals rather than movements, data were collected, managed, and analyzed for **25,391 individuals** who entered and/or exited community supervision in Shelby County between January 1, 2014, and December 31, 2019.

Dataset 2: Supervisee-level pre-policy revocations for technical violations (TVRs). The offender IDs associated with the 728 technical violations in this database were cross-referenced with the 25,391 offender IDs in the database described above to determine which of the supervisees had TVRs. Columns were added to capture whether the supervisee had any TVRs (yes/no), the number of TVRs, and the date(s) of the TVR(s). These data were only relevant for the pre-policy period since the policy changed the way technical violations are handled.

Datasets 3-5: Aggregate monthly and quarterly post-policy data: Datasets 3-5 provided monthly and quarterly aggregate data on sanctions imposed and outcomes by type of supervision. These data were analyzed separately to illustrate how the sanctions system has been working since its implementation. Although the intent of the policy was to reduce aggregate numbers of TVRs, the concept of a "technical violation" does not exist in the post-policy period. As a result, pre- and post-policy comparisons of aggregate numbers of TVRs was not possible. The most valid comparison would likely be pre-policy aggregate numbers of TVRs to post-policy numbers

of all entries to Level 1-3 sanctions. Entries to Level 4 sanctions should be excluded because they are more analogous to “new crime” than to “technical violations,” and as such, represent recidivism, not TVRs.

Qualitative data from justice professionals and supervisees: To collect information from justice professionals, interviews initially were planned with key Shelby County criminal justice administrators and personnel impacted by the transition to administrative sanctions. Originally, these interviews were to be conducted with the following: 1) judges; 2) probation and parole officers; 3) TDOC administrators; 4) prosecutors; and 5) public defenders.¹ However, due to staff changes at the University of Memphis and TDOC, as well as budgetary constraints, surveys were conducted instead. We also surveyed supervisees to determine their attitudes toward and perceptions of the new system under which they were being supervised.

Using online and paper questionnaires, we collected original quantitative and qualitative data about participants’ perceptions of, and experiences with, the sanctions system. (See Appendix A for the main justice professional questionnaire and Appendix B for the supervisee questionnaire.) The first section of each questionnaire contained 10 statements about respondents’ “understanding of the system” and the second section contained 10 or 11 statements about respondents’ “perceptions of the policy.” Responses were measured from “strongly agree” to “strongly disagree” on a 5-level Likert-type scale with a neutral option in the middle and an option for “does not apply.” We also measured respondent demographics and asked questions to determine experience administering, working with, and being supervised on the sanctions system. Finally, we provided space for respondents to clarify or expand upon their responses.

¹ Despite repeated attempts via email and telephone to solicit the participation of Shelby County public defenders, no one ever responded so this population is not represented in this evaluation.

We sent links to online questionnaires to criminal justice professionals (prosecutors, TDOC administrators and staff, and probation and parole officers), and distributed paper questionnaires to criminal court judges and supervisees. A total of 271 completed responses were collected: 100 from justice system respondents (125 were started but 25 individuals did not answer any questions), 7 from judges, and 164 from supervisees.

Analyses and Results

Using the IBM “Statistical Package for the Social Sciences” (SPSS), we imported quantitative data on 41,333 movements and outcomes for 25,391 supervisees² who entered and/or exited supervision between January 1, 2014, and December 31, 2019. We examined these data from two perspectives: 1) macro-level (all movements and outcomes) to identify systemic patterns and trends across the study periods and to answer RQ 1; and 2) micro-level (movements and outcomes for individuals with entry/exit pairs in one or both study periods) to determine policy impact on outcomes of interest (i.e., revocations) to answer RQs 2 and 3. In addition, we considered the type of supervision (probation or parole) in both the macro- and micro-level analyses.

Macro-Level: All Movements by Type and Time

Table 1 describes movements and outcomes by study period and type of supervision. The total number of movements dropped by 13.2% from the pre- to the post-period (from 21,902 to 19,013) driven by a 19% decrease in exits. Entries also decreased to a lesser extent (7.7%).

² Some people had multiple movements within and across study periods.

| | Movements | Entries | Exits | Discharges (%) | Revocations (%) |
|--------------------|---------------------------|---------------|---------------|------------------------|-----------------------|
| Pre-Policy | 21,902 | 11,199 | 10,703 | 7,024 (65.63%) | 3,679 (34.37%) |
| Probation | 17,471 | 9,268 | 8,203 | 5,371 (65.48%) | 2,832 (34.52%) |
| Parole | 4,431 | 1,931 | 2,500 | 1,653 (66.12%) | 847 (33.88%) |
| Post-Policy | 19,013 | 10,339 | 8,674 | 6,830 (78.74%) | 1,844 (21.26%) |
| Probation | 16,302 | 9,112 | 7,190 | 5,764 (80.17%) | 1,426 (19.83%) |
| Parole | 2,711 | 1,227 | 1,484 | 1,066 (71.83%) | 418 (28.17%) |
| TOTAL | 40,915³ | 21,538 | 19,377 | 13,854 (71.50%) | 5,523 (28.50%) |

Table 1: Movements and outcomes by study period and type of supervision

Examining movements by quarter across both study periods reveals that both entries and exits were declining prior to implementation of the policy (Figure 1). The vertical red line separates the pre-period and the post-period. During the pre-policy period (left of the red line), both entry and exit movements were tracking closely together and generally declining.

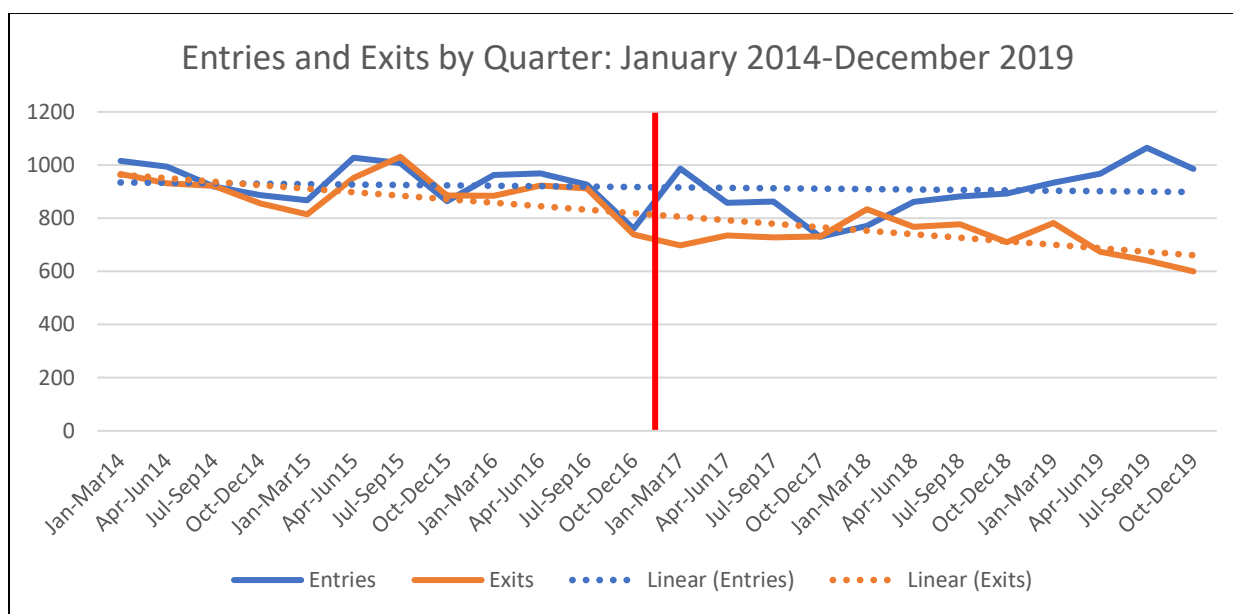


Figure 1: Entries and exits by quarter

During the post-policy period (right of the red line), the policy's implementation likely led to a spike in the number of entry movements during the first quarter of 2017. After that, entries continued to decline through the last quarter of 2017, reaching a six-year low of 730. During 2018 and 2019, entries once again increased, peaking at 1,065 during the 3rd quarter of

³ Type of movement (probation or parole) was missing for 418 movements, so those are excluded from the total.

2019 before slightly dropping again during the 4th quarter. The blue dotted trendline, a linear depiction of average change across time, shows a very slight decline in entries across time. Despite a few quarters of upward fluctuation, exit movements sustained a general decline across time, as illustrated by the orange dotted trendline.

Change over time varied by supervision type. While probation entries to supervision were stable (Figure 2), entries to parole supervision dropped 36.5% (Figure 3). Significantly fewer people entered parole after the administrative sanctions system was implemented. Significantly fewer people exited supervision, as well. Although the number of exits from probation decreased 12.3%, the number of exits from parole dropped almost 41%.

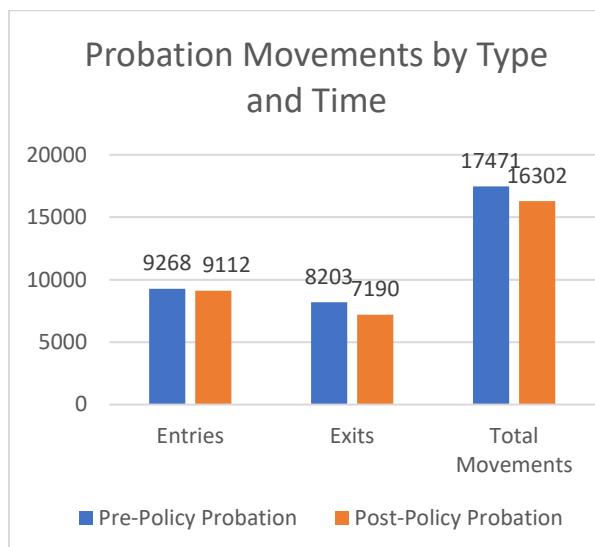


Figure 2: Probation movements by type

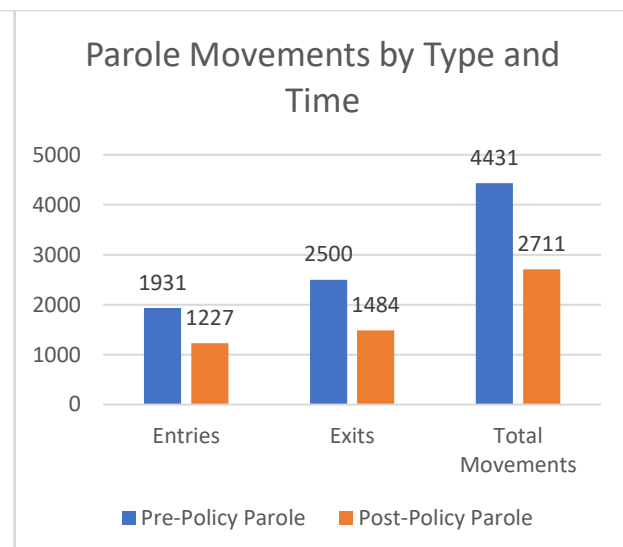


Figure 3: Parole movements by type

To accurately interpret these findings, we examined entries and exits by supervision type during both study periods (Figure 4). Before the sanctions policy, 53% of probation movements were entries to supervision, but comprised 56% of post-policy probation movements. This is a 5.5% increase⁴ in the percentage of entries and a 6.2% decrease in the percentage of exits.

⁴ Percentage change is calculated by subtracting the most current figure from the first figure, then dividing by the first figure, e.g., $(57.5\% - 54.5\%) / 57.5\% = 5.2\%$

For pre-policy parole movements, about 44% were entries, compared to about 45% of post-policy movements. Among parolees, pre- to post-policy entries increased about 4% and exits decreased about 3%. Although movements were more likely to be entries and less likely to be exits after the policy, this was more significant for probation movements than for parole movements.

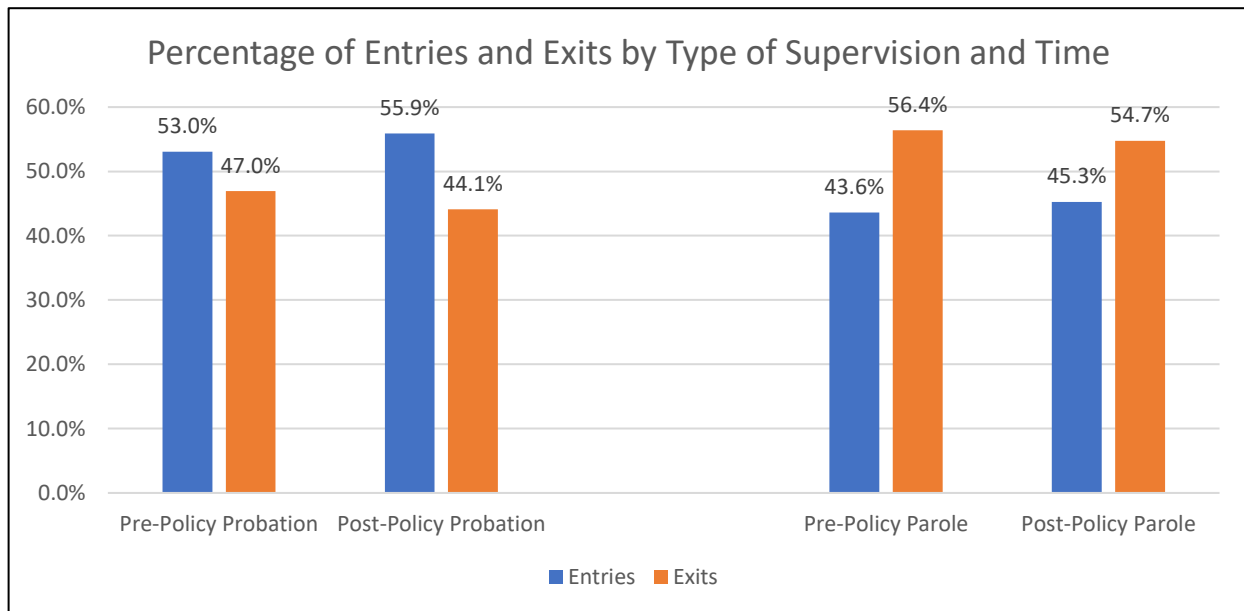


Figure 4: Percentage of entries and exits by type of supervision and time

Simply examining numbers and percentages of entries and exits may mask important differences in types of exits. A discharge is a successful exit, and a revocation is not. Community supervision can be revoked if the supervisee does not adhere to the conditions of supervision or commits new crime. Within types of supervision, the number of successful discharges among probation exits increased about 7.3%, and the number of revocations decreased nearly 50% after the sanctions policy was implemented (Figure 5). Among parole exits, although 35.5% fewer exits were successful discharges, the number of exits due to revocation declined by more than 50% (Figure 6).

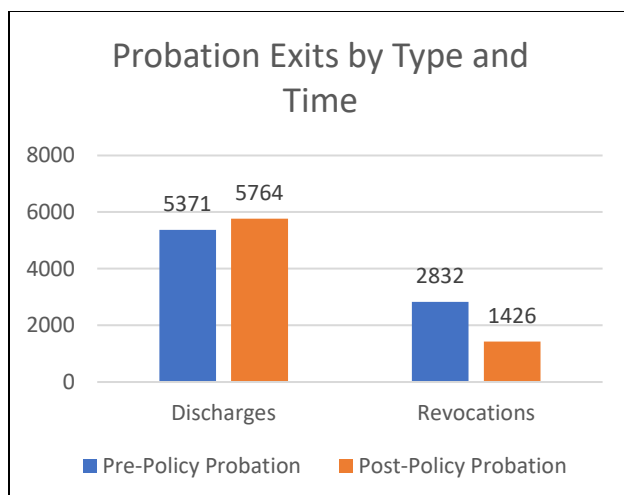


Figure 5: Probation exits by type and time

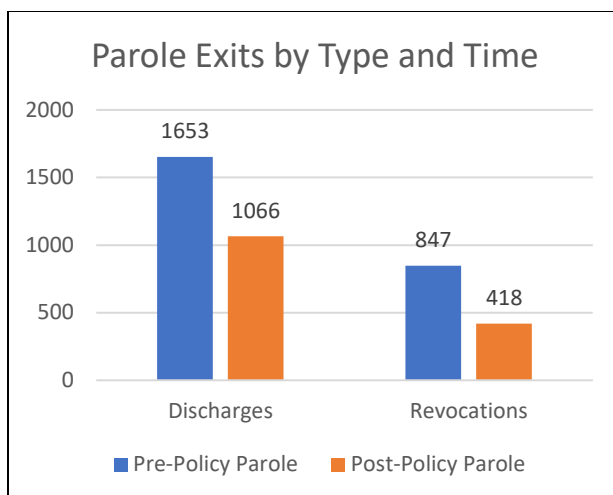


Figure 6: Parole exits by type and time

As exits declined over time from 2014 through 2019, so did the percentage of exits that was revocations (Figure 7). During the pre-policy period (left of the vertical red line), 34.37% of all exits was due to revocation. In the post-policy period (right of the vertical red line), 21.26% of exits was revocations, a statistically significant 38% decrease.⁵

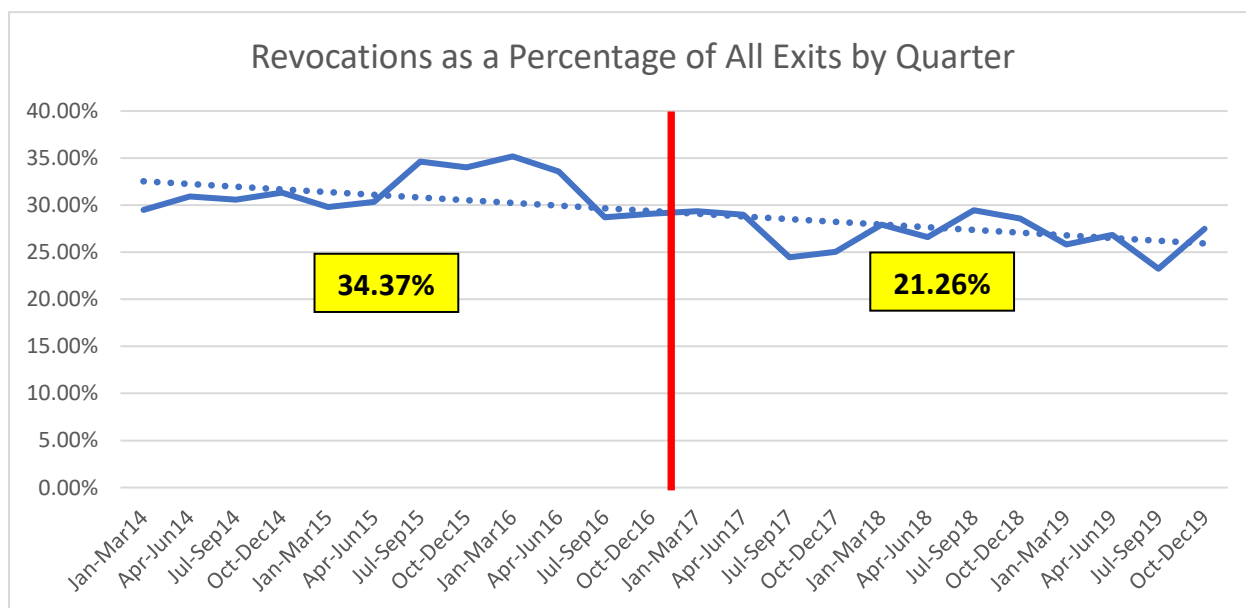


Figure 7: Revocations as a percentage of all exits

⁵ Statistical significance indicates a change or difference that, 95% of the time or more, is too large to have been by chance. It is determined by statistical testing omitted from this narrative, but details are available upon request.

Although a decrease in revocations across study periods is a positive outcome, it may be that supervision type played a role in that change. Looking at revocations as a percentage of exits by type of supervision provides a more detailed picture (Figure 8). Before the sanctions system, 34.5% of probation exits were due to revocation. After the policy, only 19.8% was due to revocation. This represents a statistically significant swing in outcomes from less to more successful (about 22% more exits were successful and about 43% fewer exits were failures). Among parole movements, 33.9% were revocations prior to the policy, but 28.2% after the policy, a statistically significant turnaround from less to more successful (Nearly 9% more exits were successful, and nearly 17% fewer exits were failures.)

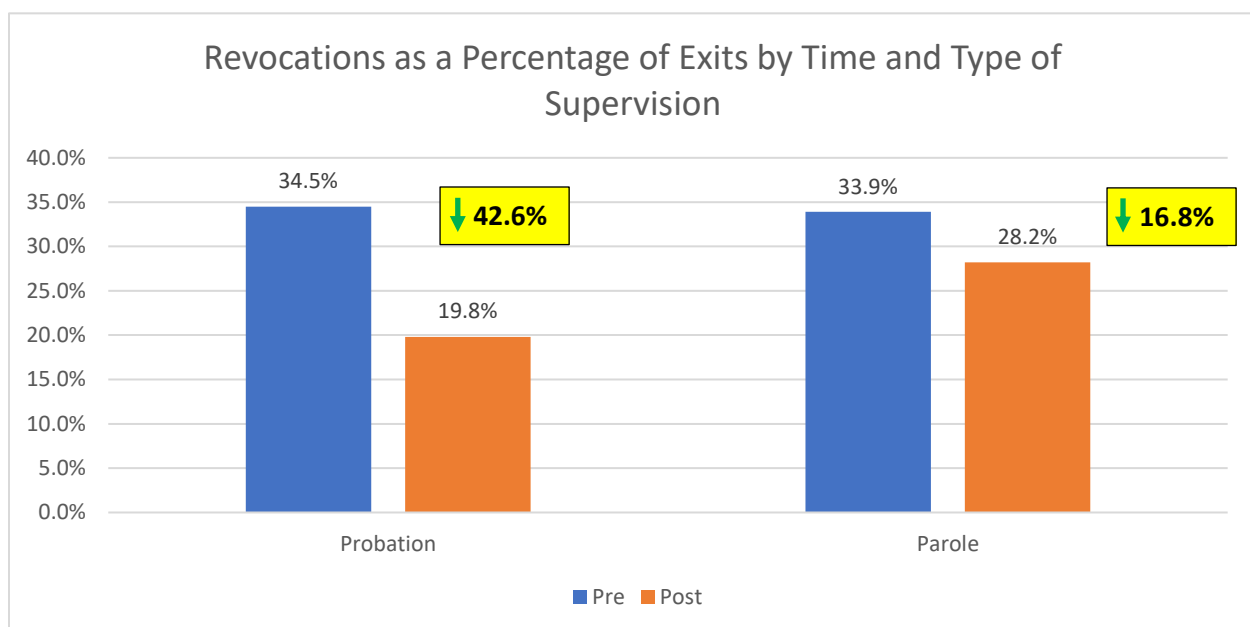


Figure 8: Revocations by time and supervision

As depicted in Figures 7 and 8 above, declining numbers of revocations across time and significant reductions in the probability that an exit from supervision will be a revocation are positive outcomes. However, if we examine how supervisions are likely to end by period and type of supervision, it becomes apparent that outcomes may not be so positive for parolees (Figure 9).

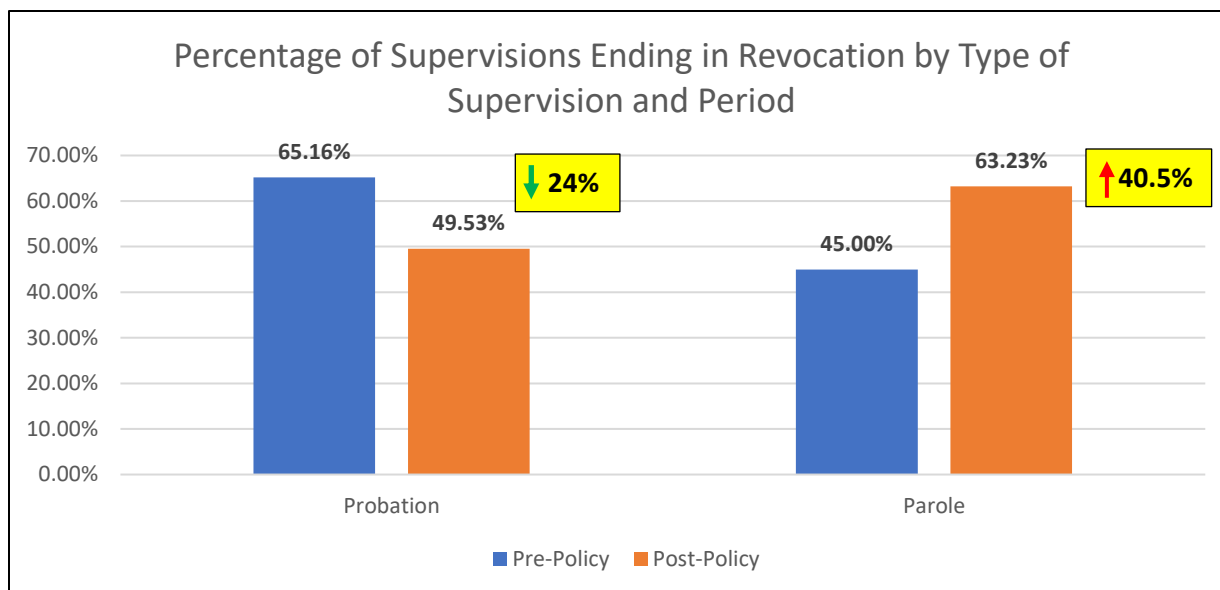


Figure 9: Percentage of supervisions ending in revocation by type of supervision and period

Prior to the policy, nearly 2 in every 3 probation supervisions ended in revocation. This proportion dropped 24% after the policy, however, with about half of probation supervisions ending in revocation. For pre-policy parole supervisions, fewer than half (45%) ended in revocation. After the policy, however, more than 63% of parole supervisions ended in revocation, a 41% increase. Not only did fewer people on parole supervision exit supervision after the policy (see Figure 3), but those exits were also significantly more likely to be revocations than successful discharges.

Revocations for Technical Violations (TVRs)

In the pre-policy period, supervision could be revoked for new crime or for “technical violations,” behaviors that the conditions of supervision prohibit (i.e., drug use) or require (i.e., payment of fines). Technical violations did not always result in revocation, a decision which relied initially on officer discretion, and ultimately on judicial discretion. During this period, TVRs were 21.3% of all revocations (728/3,411) and 6.7% of all exits (728/10,815).

In the post-policy period, TVRs were effectively eliminated and replaced with a system of graduated administrative sanctions in which attitudinal and behavioral infractions against

conditions of supervision fall into one of four levels, arranged from most minor to most severe on a sanctions matrix, varying by type of offender and type of supervision. For example, non-payment of financial obligations is a Level 1 violation for individuals under “standard” supervision, but a Level 2 violation for someone in the intermediate “Programmed Supervision Unit” (PSU), and a Level 3 violation for someone under more restrictive supervision.

As levels increase and supervision is more restrictive, sanctions that accompany the infraction become more punitive. Levels 1-3 attitudes and behaviors may have been considered technical violations in the pre-policy period, but infractions do not lead to revocation unless there is continued failure to complete the sanction or repeated infractions. Non-compliance with three or more Level 1 sanctions, two or more Level 2 sanctions, or any Level 3 sanction within one year, or having a third Level 2 sanction applied within six months on separate instances are Level 4, “zero-tolerance” violations (ZTVR). These are sanction “failures.” “Direct” placement into Level 4 sanctions occurs with possession of a firearm, a positive drug screen for methamphetamine, or refusal to submit to a residence search. Finally, a new criminal Class A misdemeanor or felony arrest/conviction (or any arrest/charge for sex offenders) will invoke direct Level 4 placement.

The impact of the policy on revocations of supervision is one of the most important outcomes of interest given that reducing revocations for minor infractions (i.e., “technical violations”) is a primary goal of the PSA and the graduated sanctions system. A direct “apples to apples” comparison, however, is not possible since TVRs were effectively eliminated. That is, while we have pre-policy data on TVR, there are no directly equivalent post-policy data. In the pre-period, supervision could be revoked for "technical violations" and for "new crime." In the post-period, failure to comply with Level 1-3 sanctions (the functional equivalent of “technical

violations”) do not result in revocation (unless non-compliance is chronic), but Level 4/ZTVR violations do result in revocation. The problem is that ZTVR encompasses some things that would have been considered technical violations prior to the policy change, failures from lower level sanctions, and “new crime.” If we simply compare TVRs in the pre-period to ZTVRs in the post-period, revocations for “new crime” would be included in the post-period numbers but not in the pre-period numbers. Moreover, the post-policy numbers of ZTVR placements do not distinguish among “new crime” revocations and revocations for other reasons except for failures from lower level sanctions, which are reported separately. As a result, we chose to compare the number of pre-policy revocations for reasons *other than* technical violations⁶ to post-policy ZTVRs with the understanding that ZTVRs include more behaviors than just new crime (Figure 10).

As indicated by the dotted blue trendline, the total number of revocations during each quarter (blue bars) declined steadily across the pre- and post-policy periods. During the pre-policy period (left of the vertical red line), the number of revocations that were for reasons other than technical violations (i.e., new crime) (orange line) increased through mid-2015 then declined through 2016. During the post-policy period (right of the vertical red line), the number of ZTVRs (gray line) increased steadily through June 2018 before rapidly declining through the end of 2019. The vertical red line indicates implementation of the sanctions system.

Caution should be used with these data given that a direct pre- to post- comparison of TVRs was not possible. Also, TDOC data reported more ZTVRs than total revocations from April to September 2018, which is not possible. Concerns about the validity of these data, along

⁶ TDOC provided data on “total revocations” during the pre-period and identified revocations for technical violations. It is assumed that the difference between the number of revocations for technical violations and the total number of revocations is revocations for new crime.

with the inability to make direct pre- to post-comparisons, make it difficult to interpret how the policy may have impacted revocations.

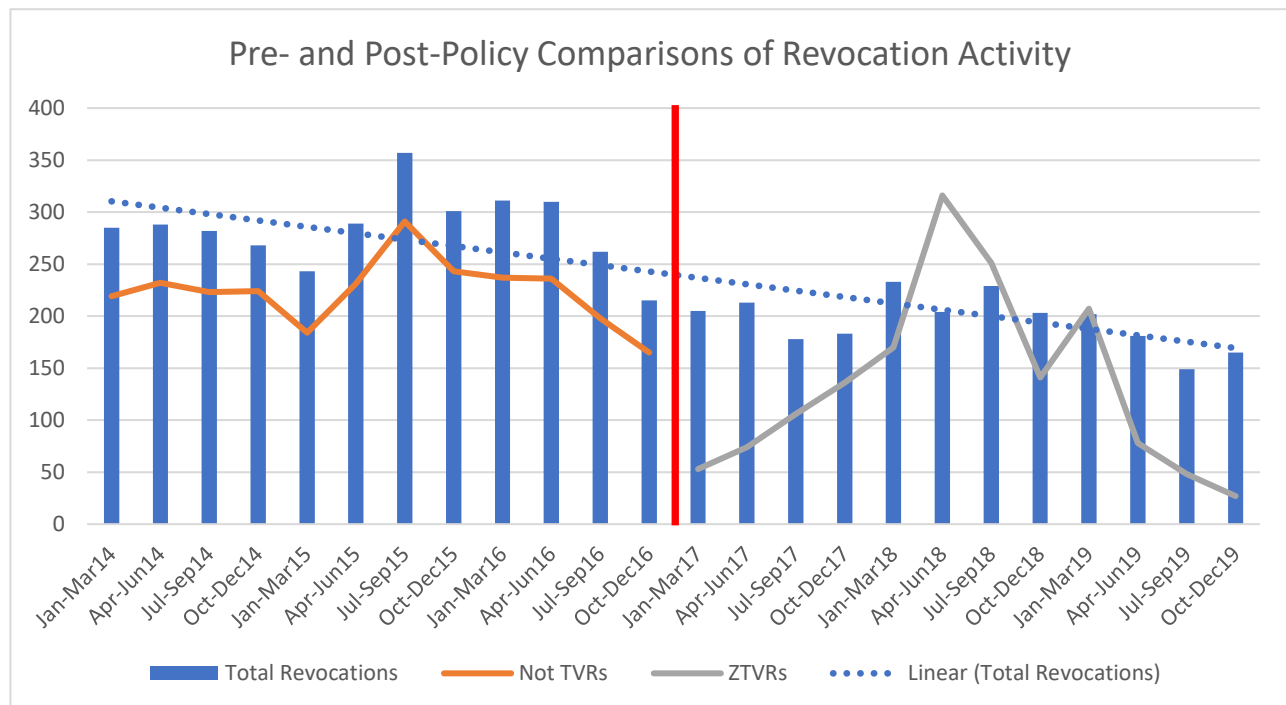


Figure 10: Pre- and post-policy comparisons of revocations for “other than TVRs” and ZTVRs

Macro-Level Results: Research Question 1

The data used to develop Table 1 and Figures 1-10 are macro-level data that describe all movements across both study periods. These data were used to assess the policy’s impact on revocations, in general and by type of supervision.

1. Did the sanctions system impact revocations?

- a. Did the percentage of **total supervisions** ending in revocation significantly change after the policy?
 - i. **Yes (Table 1 and Figure 7).** The percentage of supervisions ending in revocation during the post-policy period was 38% lower than during the pre-policy period.
- b. Did the percentage of **probation supervisions** ending in revocation significantly change after the policy?
 - i. **Yes (Figures 8 & 9).** Revocations as a percentage of probation exits dropped 42.6%, and the percentage of probation supervisions ending in revocation dropped 24%.

- c. Did the percentage of **parole supervisions** ending in revocation significantly change after the policy?
 - i. **Yes (Figures 8 & 9).** Revocations as a percentage of parole exits dropped 16.8%, but the percentage of parole supervisions ending in revocation increased 40.5%.
- d. Within which population (probation or parole) did the percentage of supervisions ending in revocation change the most after the policy?
 - i. **Parolees.** The percent of supervisions ending in revocation changed the most for parole from the pre-policy period to the post-policy period. Parole supervisions were **41% more likely to end in revocation** during the post-policy period, whereas probation supervisions were **24% less likely to end in revocation**.

Individual-Level Analyses and Results (Entry & Exit Pairs)

To measure any impact of the sanctions system most accurately, all analyses compared outcomes among individuals who entered and exited supervision during the 36 months before implementation of the sanctions system (pre-policy) to outcomes among those who entered and exited supervision during the 36 months after implementation of the sanctions system (post-policy). This was done for several important reasons. First, individuals who were under supervision prior to January 1, 2014, could have exited supervision before or after the sanctions system was put into place, may already have been on probation/parole for a very long time, and may have been more likely to be successful than people who entered the system later. Specifically, comparing these “left-censored” individuals to individuals in the post-policy period could skew the results so that people in the pre-policy period appear more successful.

Second, we could not use cases where someone entered in the pre-policy period and exited during the post-policy period because there is no way to measure how the sanctions system might have impacted them after it was instituted. These are cases where a supervisee is exposed to the sanctions system, but only after some amount of time of being supervised without the sanctions system (which would vary by supervisee), and the effect of the intervention cannot

be isolated. Finally, “right-censored” individuals who entered at any time but never exited also were excluded because the study period ended before the outcome of interest (success/failure) could be measured.

Although the sample was originally 41,333 movements of 25,391 individuals, the need to isolate the effects of entry/exit before and after the introduction of the sanctions system meant that the actual analytical sample was much smaller. Of the 25,391 people whose movements were captured in these data, 4,300 had at least one pre-policy entry and exit pair and 3,042 had at least one post-policy entry and exit pair.

Therefore, analyses focused solely on entering and exiting pairs during the 3 years before ($n = 4,300$ pairs) and the 3 years after ($n = 3,042$ pairs) implementation of the sanctions system.⁷ Many entering and exiting pairs represent individuals who entered and exited the system more than once during either or both pre- and post-policy periods, which allowed us to also examine the likelihood of subsequent entrances. That is, many of the 4,300 individuals who had entry/exit pairs during the pre-period may have had multiple pairs during the pre-period, as well as entry/exit pairs during the post-period (i.e., some of the 3,042 individuals with post-period entry/exit pairs were among the 4,300 individuals with pre-period entry/exit pairs).

Finally, we examine both “within-group” and “between-group” changes/differences. “Within-group” compares metrics of interest within each group of pre-policy and post-policy pairs to determine whether significant differences existed prior to and after the intervention. For example, a within-group comparison would compare the pre-policy percentage of probation revocations to the pre-policy percentage of parole revocations (all within the pre-policy period). Within-group comparisons tell us whether two subgroups (i.e., probationers and parolees) were

⁷ Although 4,300 individuals had pre-policy entry/exit pairs and 3,042 individuals had post-policy entry/exit pairs, missing data significantly reduced the numbers available for analyses.

statistically similar or different prior to and after the intervention (i.e., the policy). If the two groups were very dissimilar prior to the policy, the impact of the policy on each subgroup will be more difficult to interpret. “Between-group” is the typical pre-/post- comparison. In this case, comparing pre-policy pairs to post-policy pairs. For example, a between-group comparison would compare the percentage of revocations during the pre-policy period to the percentage of revocations during the post-policy period (comparing between periods).

1. *Did the sanctions system impact revocations?*

- a. Did the percentage of **total supervisions** (among entry/exit pairs) ending in revocation significantly change after the policy?
 - i. **Within-Group: Yes.** Within the group of pre-policy entry/exit pairs, the percentage of supervisions that ended in revocation (50.74%) was statistically the same as the percentage that ended in discharge (49.26%). This means that *before the policy, supervisions were equally likely to end in discharge or revocation*. Within the group of post-policy entry/exit pairs, however, a significantly lower percentage of supervisions ended in revocation (30.13%) than in discharge (69.87%). This means that *after the policy, supervisions were less likely to end in revocation* (Figure 11).
 - ii. **Between-Group: Yes.** During the pre-policy period, 50.74% of all supervisions among entry/exit pairs ended in revocation. During the post-policy period, 30.13% of all supervisions among entry/exit pairs ended in revocation. This means that the percentage of supervisions among entry/exit pairs ending in *revocation was significantly lower during the post-policy period than during the pre-policy period* (Figure 11).

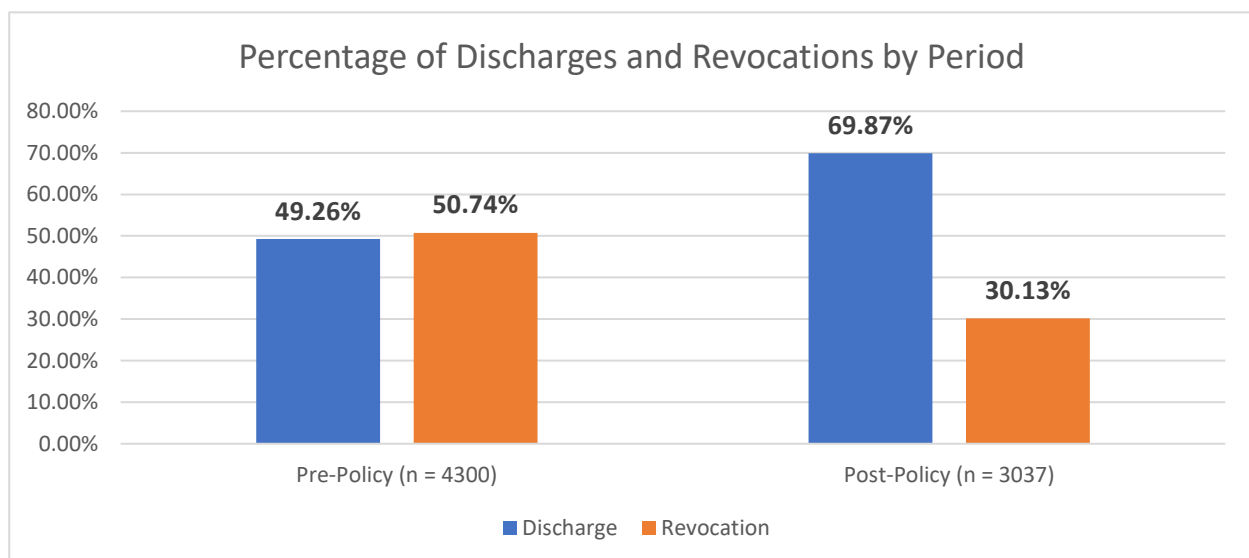


Figure 11. Discharges & revocations by period (entry/exit pairs)

- b. Did the *percentage of supervisions ending in revocation* significantly change from pre-policy to post-policy (between group) and were any changes associated with type of supervision (within-group: probation or parole)?
- Within-Group: Yes.** Within the group of pre-policy entry/exit pairs, the percentage of probation supervisions that ended in revocation (46%) was statistically the same as the percentage of parole supervisions that ended in revocation (43.5%). This means that *before the policy, probation supervisions and parole supervisions were equally likely to end in revocation*. Within the group of post-policy entry/exit pairs, however, *probation supervisions were much less likely than parole supervisions to end in revocation (25.2% compared to 45.1%)* (Figure 12).
 - Between-Group: Yes for probationers, but no for parolees:** During the pre-policy period, 46% of probation supervisions ended in revocation. During the post-policy period, only 25.2% of probation supervisions were revoked. For parolees, 43.5% of supervisions ended in revocation before the policy and 45.1% ended in revocation after the policy (Figure 12).

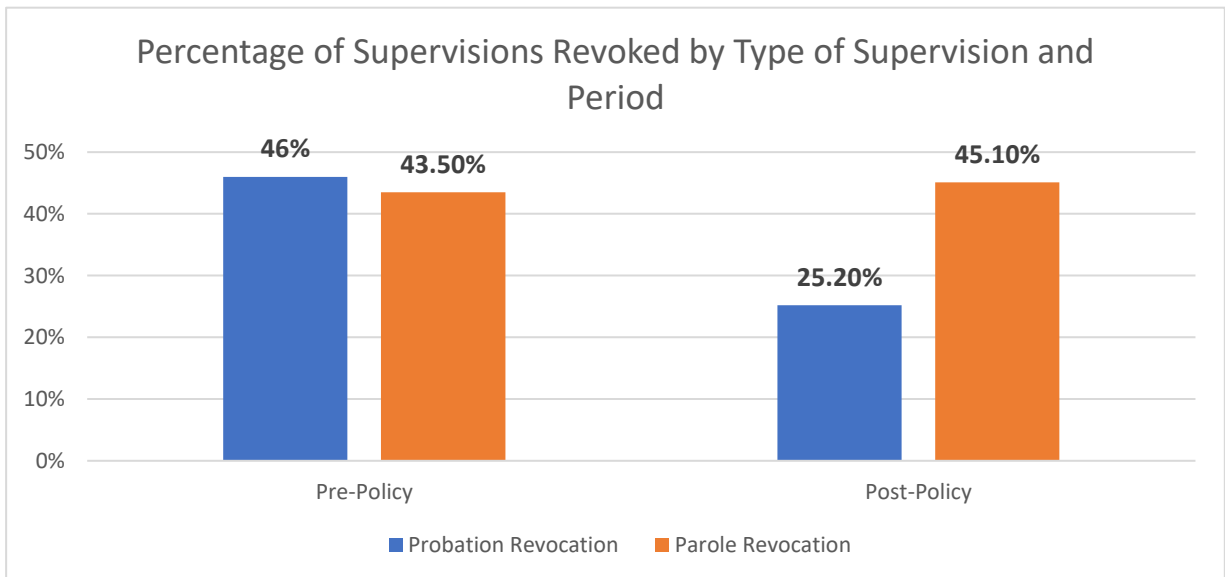


Figure 12. Revocations by type of supervision and period (entry/exit pairs)

2. Did the sanctions system impact time on supervision?

- Did the time on supervision significantly change after the policy?
 - No.** During the pre-policy period, entry/exit pairs were supervised about 338 days from 1st entry to 1st exit. After the policy, the average was about 314 days (not a statistically significant difference).
- Did the time for **supervisees to succeed** on supervision (i.e., be discharged) significantly change after the policy?
 - Yes.** After the policy, it took significantly longer for supervisees to be discharged. It took about 287 days from 1st entry to discharge before the policy and about 359 days after the policy. The same was true for pairs who had a 2nd entry and 2nd discharge. It took about 225 days from 2nd

entry to 2nd discharge prior to the policy and about 305 days after the policy. It took *significantly longer for supervisees to be successfully discharged after the policy, both for their first and second entries.*

- c. Did the time for **probationers** to succeed on supervision significantly change after the policy?
 - i. **Yes.** It took *significantly longer for probationers to succeed on supervision after the policy* (about 360 days after the policy compared to about 259 days before the policy). This also held true for 2nd entry/exit pairs that ended in discharge.
- d. Did the time for **parolees** to succeed on supervision significantly change after the policy?
 - i. **No.** The number of days to discharge remained about the same for parolees after the policy.
- e. Did the time for **supervisees to fail** on supervision (i.e., have supervision revoked) significantly change after the policy?
 - i. **Yes.** After the policy, it took *significantly longer for revocations.* During the pre-policy period, it took about 334 days for revocation whereas it took about 364 days during the post-policy period. This was true only for 1st entry and exit pairs and not for those with a 2nd entry and revocation.
- f. Did the time for **probationers** to fail on supervision significantly change after the policy?
 - i. **Yes.** For 1st entry/exit probationer pairs, it *took significantly longer to fail on supervision after the policy* (about 353 days after the policy compared to about 319 days before the policy). There was no difference among 2nd entry/exit probationer pairs.
- g. Did the time for **parolees** to fail on supervision significantly change after the policy?
 - i. **No.** The time to revocation was about the same for parolees before and after the policy.

3. Did the policy impact subsequent reentry to supervision after a prior exit?⁸

- a. Did the percentage of successfully discharged supervisees who subsequently entered supervision again change after the policy?

⁸ Entry and discharge followed by a subsequent reentry to supervision within the same pre- or post-policy period. This was done because if pre-policy entrants were tracked into the post-policy period, the pre-policy entrants could have had up to 6 years to subsequently reenter whereas post-policy entrants would only have had up to 3 years to subsequently reenter, negatively skewing the percentages for pre-policy reentrants.

- i. **Yes (Figure 13).** The percentage of successfully discharged supervisees subsequently entering supervision again was **significantly higher** after the policy. Prior to the policy, slightly more than 3% of supervisees who successfully exited supervision with a discharge subsequently reentered supervision (71/2,228). After the policy, about 22% did so (489/2,224).

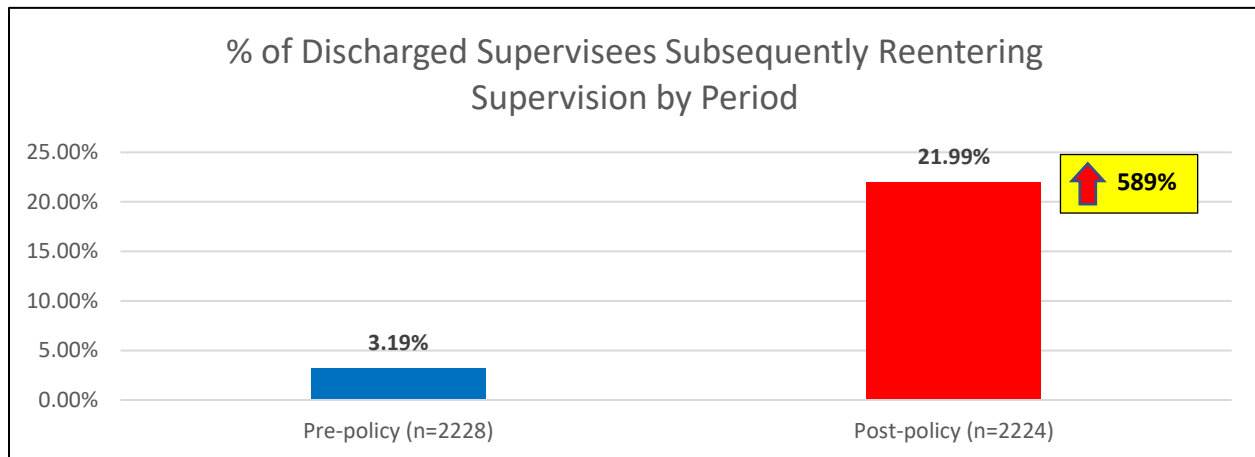


Figure 13: Discharged supervisees reentering supervision by period (entry/exit pairs)

- b. Was any change more pronounced by type of supervision (probation or parole)?
- i. **Yes (Figure 14).** The percentage of probationers subsequently reentering supervision after successful discharge was significantly higher than the percentage of parolees. During the pre-policy period, 1.1% of discharged supervisees who subsequently reentered were probationers, while 0.13% were parolees. During the post-period, 12.23% of discharged supervisees who subsequently reentered supervision were probationers, while 0.18% were parolees. Not only was the percentage of probationers higher than the percentage of parolees in both periods, but the percentage of probationers subsequently reentering after a successful discharge significantly increased.

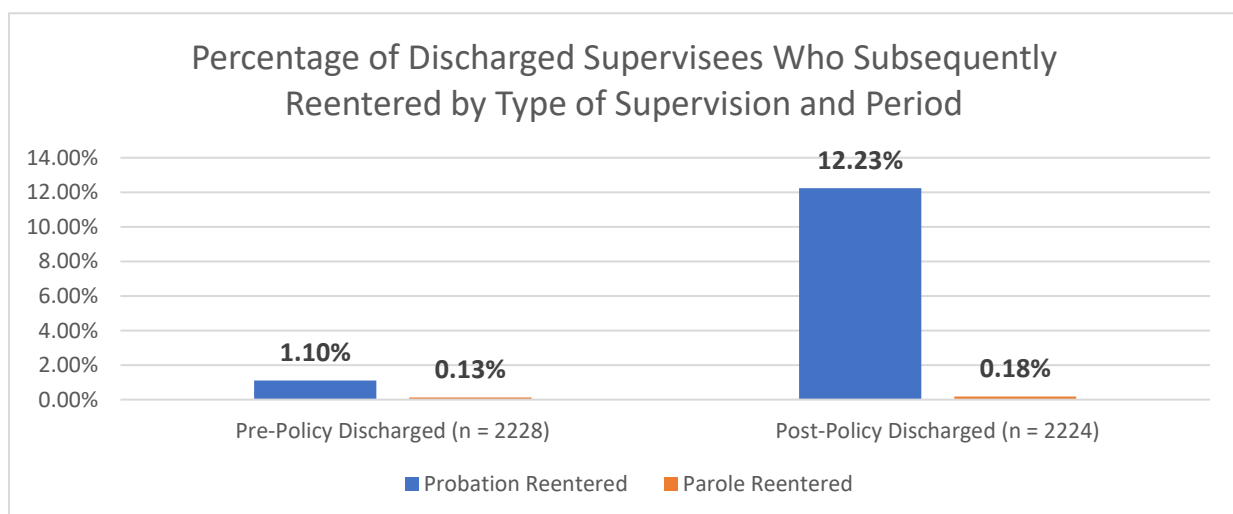


Figure 14. Reentrants after discharge by supervision & period (entry/exit pairs)

Qualitative Analyses and Results

For the qualitative analyses, we examined surveys from criminal justice professionals and probationers and parolees (“supervisees”). Both groups are described in Table 2. Professional respondents were primarily female and Black, non-Hispanic with about 18 years of education. Most worked for the TDOC as probation officers. Supervisees were primarily male and Black, non-Hispanic, with about 12 years of education. More than 6 in 10 of them were employed, and nearly 8 in 10 were probationers.

| | CJ Professionals | Supervisees |
|------------------------------|------------------|-------------|
| Sex | | |
| Male | 34 (37%) | 124 (81%) |
| Female | 58 (63%) | 29 (19%) |
| Race | | |
| Black, non-Hispanic | 57 (63%) | 125 (81%) |
| Other | 33 (37%) | 29 (19%) |
| Age (Median) | 39 years | 31.5 years |
| Employed | 95 (100%) | 94 (62.3%) |
| Position | | |
| TDOC | 72 (76%) | N/A |
| Administrators (13) | | |
| Probation (47) | | |
| Parole (10) | | |
| Prosecutor | 17 (18%) | |
| Courts | 7 (6%) | |
| Probationer | N/A | 130 (79%) |
| Parolee | N/A | 21 (13%) |
| Unknown Supervisee | N/A | 12 (18%) |
| Education (Median) | 18 years | 12 years |
| Years on Job (Median) | 6 years | N/A |

Table 2: Descriptive characteristics of survey respondents

About 6 in 10 professionals responded that they worked with the sanctions system “often” or “very often” (Figure 15). Probation and parole officers who responded estimated that they have worked with an average of about 34 supervisees who have been sanctioned under the system with an average of about 12 ending up with Level 4 (“zero-tolerance”) violations. Judges reported very rarely revoking supervision under the sanctions system.

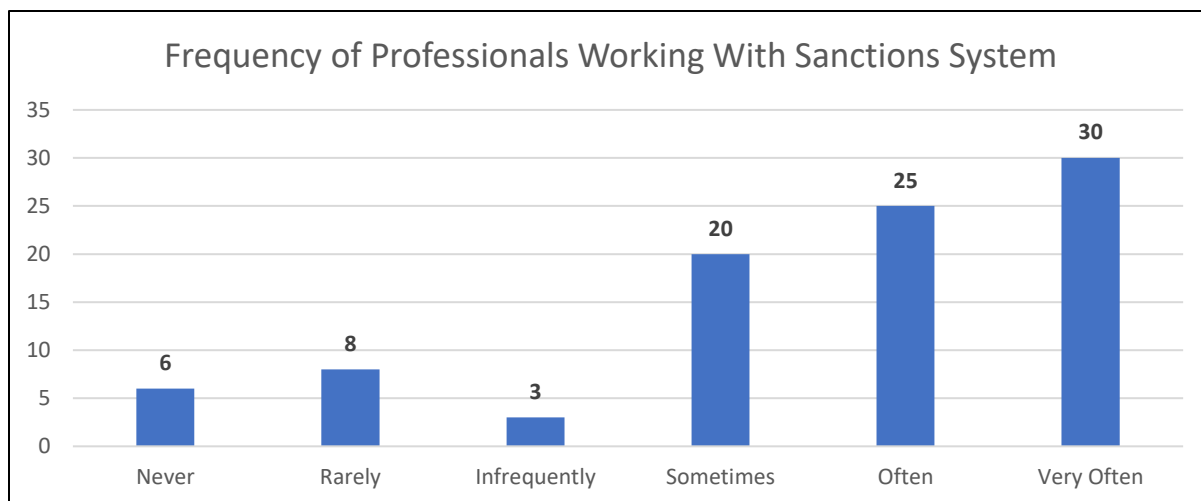


Figure 15: Frequency of professionals working with the sanctions system

We analyzed survey results from 107 criminal justice professionals and 164 individuals on TDOC probation or parole (supervisees) to answer Research Question 4:

4. *How do individuals who work with or are subject to the sanctions system feel about it?*

- a. Do criminal justice professionals generally understand the sanctions system?
 - i. **Yes (Figure 16).** Among 107 professional respondents, despite just more than half reporting they received adequate training on the system, between 74% to 80%⁹ reported they are very familiar with the system, understand how the system works, their role in the system, the sanction levels, and how people enter zero sanctions. Fewer understood the sanction options at each level and how the administrative review process works. Only about 40% would feel comfortable training others on the system. Finally, more than 3 in 4 respondents say they know someone who could help them if they had questions.
- b. Do criminal justice professionals generally support the sanctions system?
 - i. **No (Figure 16).** While more than one-third of respondents believe that the system helps supervisees avoid violations and incarcerations, only about 20% believe the system helps supervisees avoid new crime. Fewer than one-quarter think that the system works well for both probationers and parolees, and even fewer believe that supervisees appreciate the system. The fewest respondents (15%) reported that the system made their jobs easier, but nearly 1 in 3 prefer the sanctions system to the prior system.
- c. Do supervisees generally understand the sanctions system?
 - i. **No (Figure 16).** Of 164 respondents, fewer than 4 in 10 agreed that they were “very familiar” with the sanctions system, with slightly more

⁹ Reported percentages include those who “strongly agreed” and “agreed” with the statement.

understanding the how the system works, the sanction levels, and the sanctions available at each level. On the other hand, more than half agreed that they understood “zero tolerance” and their own role in the system. Interestingly, the same percentage of supervisees as professionals reported that they understood the administrative review process (47.3%). While slightly more than 4 in 10 agreed that they received adequate training on the system, fewer indicated that they would be comfortable training others. However, nearly two-thirds reported knowing someone they could ask for help.

- d. Do supervisees generally support the sanctions system?
 - i. **Yes (Figure 16).** In stark contrast to the opinions of the professionals, about two-thirds of responding supervisees believe the sanctions system helps them avoid violations, new crime, and incarceration. About 56% agree that the system works equally well for probationers and parolees, with more than half agreeing that the sanctions system is easier and that supervisees appreciate the system. Finally, more than half (54.2%) prefer the sanctions system to the way violations were previously handled.
- e. Does understanding or support differ by role (professional or supervisee)?
 - i. **Yes (Figure 16).** On 13 of 17 statements (indicated by the ✓), professionals and supervisees reported significantly different levels of agreement. On 6 of the 10 items measuring understanding of the system (Items 1-10), professionals reported significantly higher percentages of agreement than supervisees. Conversely, on all 7 of the items measuring support for the sanctions system (Items 11-17), significantly higher percentages of supervisees reported agreement. That is, significantly greater percentages of professionals understand the system, but significantly greater percentages of supervisees believe the system to be effective. Similar low percentages of professionals and supervisees understand the administrative review process, believe they have been adequately trained, and would feel comfortable of training others. Similar high percentages of professionals and supervisees know someone they could ask for help, if necessary.
- f. How do professionals perceive the impact of the sanctions system on their discretion?
 - i. Four questions were asked of criminal justice professionals to assess their perceptions about the impact of the sanctions system on their discretion. On each question, more than one-third expressed a neutral stance, neither agreeing nor disagreeing with the statement (**Figure 17**). While fewer than 20% believed the system had reduced their discretionary ability, more than 27% believed the system had *eliminated* their discretionary ability.

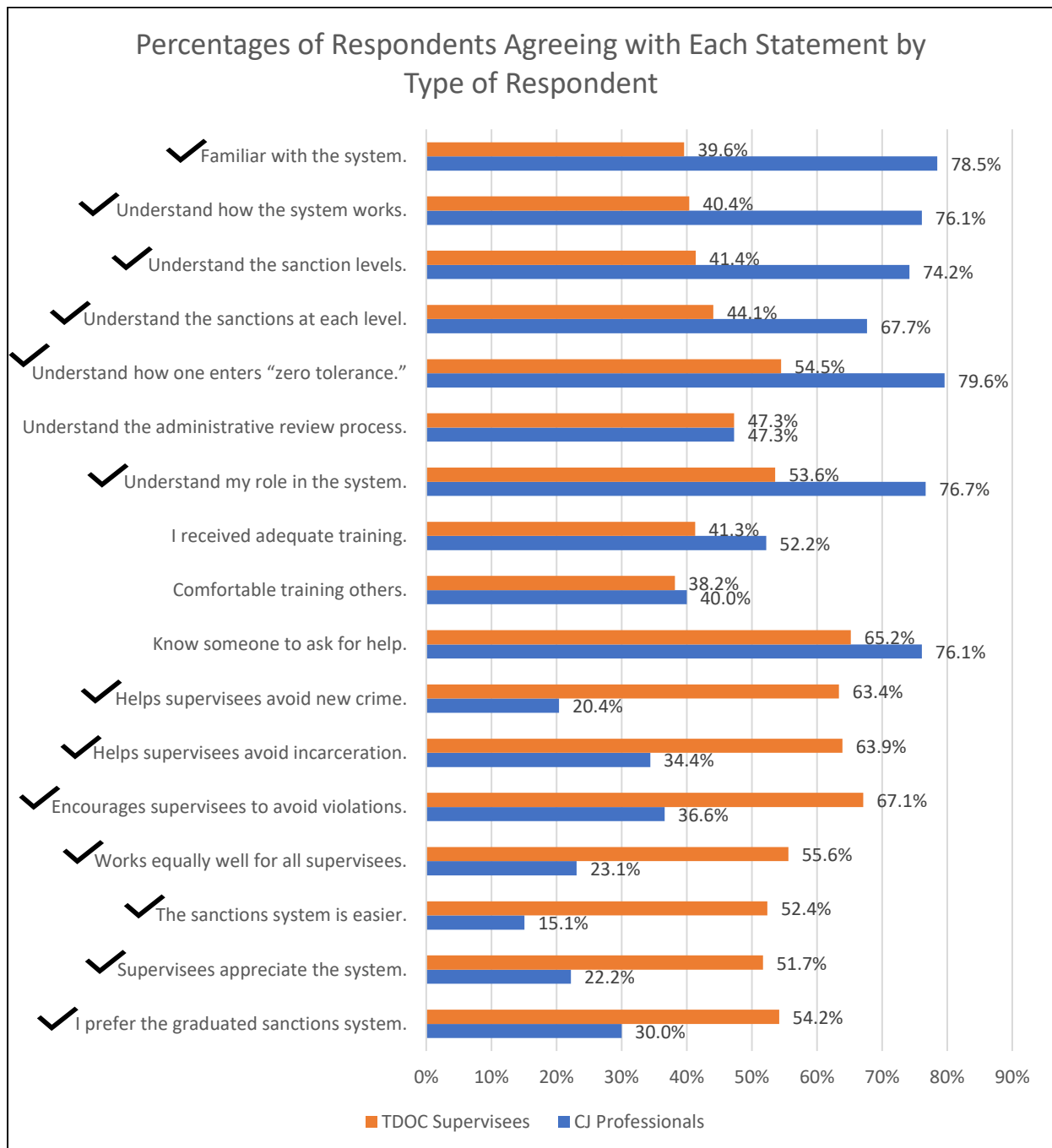


Figure 16: Percentage of respondents agreeing with statements

- ii. Reduced or eliminated discretion, however, is a desirable outcome for more than 38% of respondents. In fact, when asked whether the reduction of discretion was an *undesirable* outcome, fewer than 17% of respondents agreed. With more than one-third of respondents expressing no opinion, it may be that they are unclear as to the impact of the sanctions system on their discretionary abilities. Otherwise, while many believe the sanctions system has reduced or eliminated their discretionary power, most with an

opinion seem to agree that reduced discretion is not necessarily undesirable.

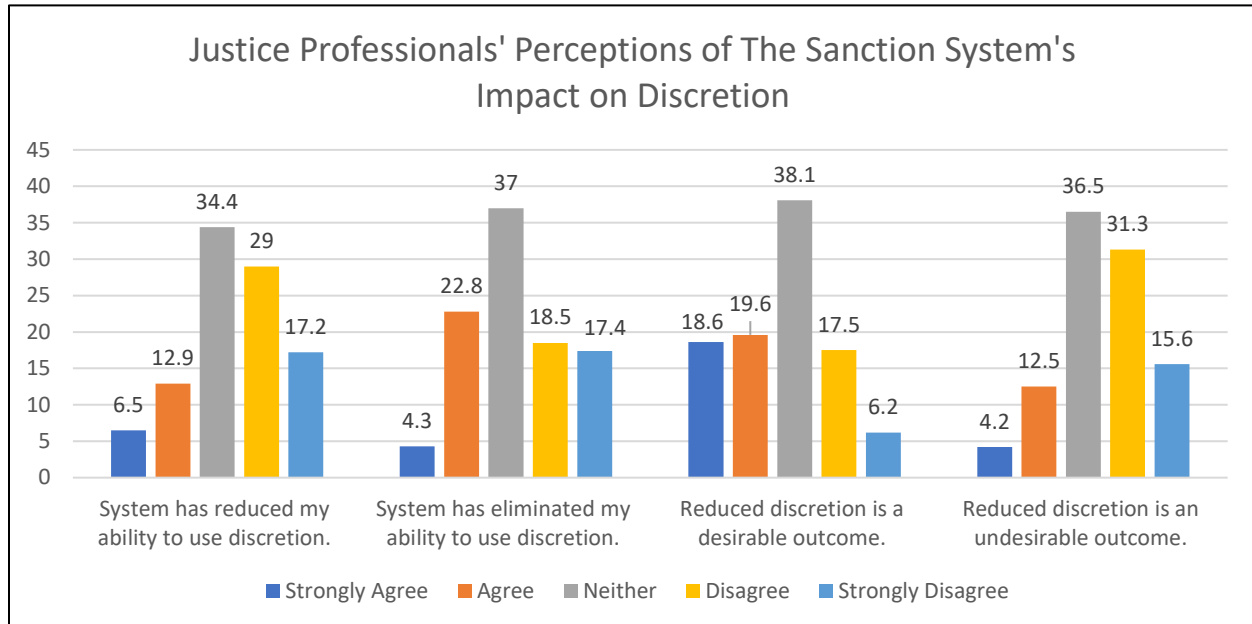


Figure 17: CJ professionals' perceptions of the system's impact on discretion

Qualitative Narrative Statements

Respondents also were asked to provide narrative comments about the sanctions system. These were provided by 43 respondents (2 judges, 7 prosecutors, 4 TDOC administrators, 2 parole officers, 13 probation officers, 4 parolees, and 11 probationers). To summarize the narrative comments, “word clouds” were developed using an online word cloud generator (www.wordart.com). One word cloud was developed for judges, prosecutors, and TDOC administrators (Figure 18), one for probation and parole officers (Figure 19), and one for probationers and parolees (Figure 20). Word clouds are visual summaries of the frequency with which words are mentioned by a specific group of people in a specific context. In this case, each word cloud represents a visual summary of the comments made by each group of respondents and the size of each word is relative to its frequency of mention.

Comments by Judges, TDOC Administrators, and Prosecutors. These 13 respondents primarily spoke of how the system takes away discretion from judges to violate individuals on

probation in a way that impacts supervisee behavior. Several commented that the system seems to allow supervisees to continue bad behavior and that the supervisees understand that they have several chances to offend with little or no consequence. One prosecutor expressed a common opinion among this group:

Graduated system only encourages probationers/parolees to continue behavior that violates a court order. These minor violations ultimately lead up to a zero tolerance offense. We are just enabling bad behavior when the court has lost its discretion to exact some punishment (not sanction) for violating court order. It makes the court seem laughable.

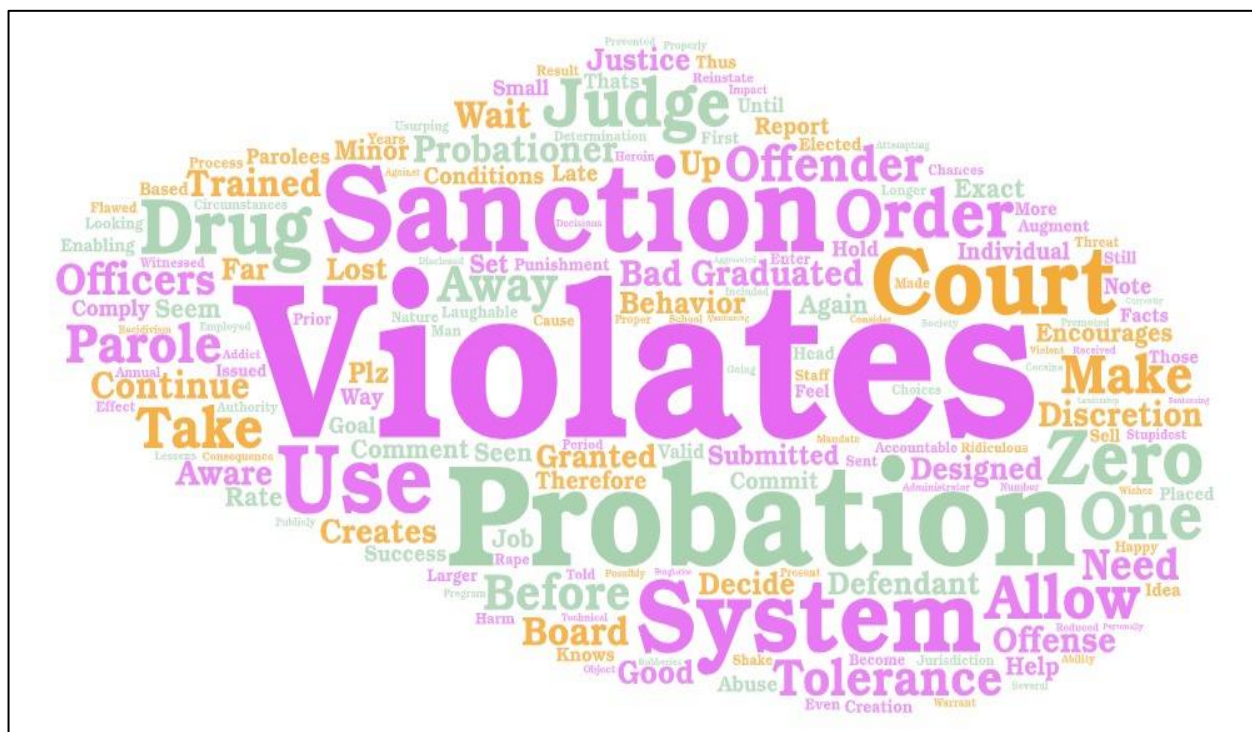


Figure 18: Word cloud of narrative comments of judges, prosecutors, and TDOC administrators

Comments by Probation and Parole Officers. These 15 respondents echoed many of the same complaints from the other types of professionals but were more focused on the difficulty in working directly with individuals being sanctioned on the system (i.e., procedural issues). One officer stated that, “It is difficult to explain sanctions to offenders and society (victims, family of offenders, etc.). While on supervision an offender could have multiple sanctions and still “successfully” complete probation or parole. The actual system used to document sanctions is not



supervision would likely decrease simply due to shorter sentences to probation for less serious crimes. This research accounted neither for any changes in criminal offending nor any other policy changes that might have impacted revocations, discharges, recidivism, or days on supervision (i.e., a local diversion program sending minor offenders to an alternative program rather than supervision by TDOC).

The way in which data were collected and managed also impacted our ability to make conclusions about the policy's impact. Data were not collected with evaluation in mind but were collected for internal TDOC purposes. Therefore, major restructuring and integration was required which undoubtedly introduced a measure of error. Data by movement, rather than by supervisee, required some assumptions about orders of movements on the same day (an offender with a revocation on the same day as an entry to probation). Movements of individuals on weekend supervision required truncation (i.e., maximum of 4 entries and 4 exits were counted per supervisee). Finally, thousands of probation movements were inadvertently omitted from the original data provided by TDOC to the researchers which required extensive restructuring of the data files, the construction of another SPSS file, and re-running all quantitative analyses.

Additionally, sources of aggregate data on sanctions imposed and outcomes often were at odds. A lack of clarity on some terminology created some confusion, and data were not clear on how Level 4 ("zero tolerance") offenses were handled (i.e., does every supervisee who commits a Level 4 offense have supervision revoked?), and how aggregate revocation data were calculated. Several months, for example, reported 300 Level 4 violations, but many fewer revocations.

Finally, a stated purpose of the graduated sanctions system was to reduce revocations for technical violations. However, the policy effectively eliminated the concept of a technical

violation, so there was lack of clarity on the best post-policy proxy measure. Given that pre-policy revocations for technical violations cannot be directly compared to their post-policy counterparts, conclusions about the policy's effectiveness in this area are significantly tempered.

This research used a mixed-methods approach to answer several research questions related to the impact of a state-level legislative policy change (i.e., enactment of administrative sanctions) on community supervision outcomes in Shelby County, Tennessee. A quantitative quasi-experimental design compared pre-policy outcomes to post-policy outcomes to determine whether the policy was effective in reducing revocations for violations other than new crime, and/or in reducing recidivism (i.e., subsequent entry to supervision after a discharge from supervision). Surveys also collected quantitative and qualitative data from individuals under community supervision and criminal justice professionals about their understanding of and experiences with the sanctions system.

The research questions are reviewed below, along with summaries of findings:

1. *Does the sanctions system impact revocations?* At the **macro-level** (considering all exits across periods), revocations as a percentage of all exits declined from the pre-period to the post-period. The impact of the policy, however, seems to have been more positive for probationers than for parolees; the percentage of probation supervisions ending in revocation was **significantly lower** after the policy, but the percentage of parole supervisions ending in revocation was **significantly higher**. Considering only supervisees with at least one entry and one exit in either or both pre-policy and post-policy periods (entry/exit pairs), **supervisions were less likely to end in revocation** and the **percentage of supervisions ending in revocation was significantly lower** after the policy. Once again, probationers seemed to benefit more from the policy than parolees. After the policy, **probation supervisions were much less likely than parole supervisions to end in revocation** and the **percentage of probation supervisions ending in revocation significantly decreased whereas the percentage of parole supervisions ending in revocation did not change**.
2. *Does the sanctions system impact time on supervision?* Overall, post-policy entry/exit pairs spent about the same time on supervision as pre-policy entry/exit pairs. Examining time on supervision by type of exit (discharge or revocation) and by type of supervision (probation or parole) yields different results. Discharges (notwithstanding the type of supervision) took about 70 days longer after the policy, primarily because **discharges**

among probationers took more time (about 100 more days). Revocations (notwithstanding the type of supervision) took *significantly longer* after the policy (about 30 more days), primarily because *revocations among probationers took significantly longer* (about 34 more days). Discharges and revocations among parolees took about the same time in both periods.

3. *Does the policy impact reentry to supervision after prior discharge or revocation?* The percentage of successfully discharged supervisees subsequently entering supervision again was *significantly higher* after the policy. While the percentage of successfully discharged parolees who subsequently reentered supervision was about the same during both pre-policy and post-policy periods, the *percentage of successfully discharged probationers who subsequently reentered supervision was much higher than for parolees* during both periods and *significantly increased after the policy*.
4. *Do individuals who work with or are subject to the sanctions system understand it and how do they feel about it?* Professionals were more likely than supervisees to report that they understand the sanctions system, but less likely than supervisees to perceive it as useful. Although about 1 in 3 professionals prefer the sanctions system to the prior system, very few reported that it has made their job easier. Most supervisees, on the other hand, perceive the sanctions system as easier and prefer it over the prior system. When asked how the system had impacted their discretion, some professionals reported that the system had *reduced* their discretionary ability, with even more reporting that the system had *eliminated* their discretionary ability. Nearly 4 in 10 professionals, however, reported that reduced or eliminated discretion is a desirable outcome of the system, and few agreed that the reduction of discretion was an undesirable outcome. Finally, the narrative comments made by respondents reflected their roles and highlighted some potential areas of concern with the system (e.g., lack of understanding about the system, procedural concerns, due process concerns, unnecessarily prolonging supervision, encouraging or not discouraging continued negative behaviors).

Keeping in mind the limitations discussed above, the sanctions policy is benefitting probationers to a greater degree than parolees and may even be detrimental to parolees. While probation entries to supervision were stable across time, both entries to and exits from parole supervision fell after the policy. Probation exits were more likely to be discharges and less likely to be revocations after the policy, but parole supervisions were much more likely to end in revocation.

Because the entire aggregate dataset includes individuals who may have entered and not exited or may have exited and not entered during the pre- and post-policy periods (which skews

the data and artificially impacts outcomes), we examined outcomes among only those supervisees who had at least one entry to and one exit from supervision during one or both periods (entry/exit pairs). This is a much more valid approach and allows for more precise measurement of outcomes. Using this method, while supervisions were much less likely to end in revocation after the policy, this was primarily due to the policy's impact among probationers; parolees did not see this benefit. Although probation supervisions and parole supervisions were equally likely to end in revocation before the policy, parole supervisions were much more likely than probation supervisions to end in revocation after the policy. Moreover, while probationers saw a significant decrease in the percentage of supervisions revoked, parolees did not see a significant change.

For the aggregate group of supervisees, time on supervision did not change, but probationers were supervised longer after the policy, whether they were eventually discharged or revoked. Discharges and revocations among parolees took about the same time in both periods. It probably took longer for probationers to exit because to complete the various sanctions would require them to remain under supervision. It may be that parolees were not offered as many sanctions and, as a result, not kept under supervision any longer than they were during the pre-policy period.

Return to supervision after prior successful discharge, another metric of interest to the policy, was significantly higher after the policy. As a reminder, this measure was very restrictive and only examined discharge and subsequent reentry of supervisees within each respective observation period (pre-policy and post-policy). Therefore, it is likely that the subsequent reentry of successfully discharged supervisees was even higher. That is, had we counted supervisees who were discharged in the pre-period and reentered supervision in the post-period, the numbers

would have been higher. We did not count those individuals given that their periods of supervision would have been different and would have skewed the results (i.e., supervision lengths would have widely differed).

Finally, although one of the main purposes of the policy was to reduce revocations for technical violations, measuring change in revocations for technical violations was complicated by the lack of a post-policy proxy for “technical violation.” We compared pre-policy violations for things other than technical violations (i.e., new crime) to post-policy Level 4 “zero-tolerance” violations (although these also include some things that are not “new crime”). Revocation for “other than technical violation” was declining prior to the policy, and “zero-tolerance” violations continued to decline after the policy. Making a conclusive determination about the impact of the policy on revocations for technical violation was just not possible given the available data and lack of clarity about a post-policy proxy for technical violation.

It is recommended that this research be replicated in the future, after the policy has been in place for a longer time. From an evaluation perspective, it is desirable to have at least 60 months of pre- data and 60 months of post-data before making comparisons to allow for the policy to become widely accepted and fully implemented properly. From the qualitative data we gathered, both justice professionals (especially probation and parole officers) and supervisees clearly need more training on the sanctions system. Many of the supervisees were even unsure as to what “system” the survey was referring and were no better informed after asking their officers.

Although three years seems like sufficient time for a policy change to become systemically engrained, administrator, staff, and supervisee turnover means a longer period might be required. We did not look at the training provided to TDOC staff, nor the materials provided to supervisees, so cannot speak to its quality.

If this research is replicated in the future, it is recommended that a more efficient mechanism for measuring outcomes be developed and implemented. Streamlining the process for which data are collected and managed on movements and supervisees would facilitate both internal record-keeping and future evaluation. A supervisee-level system, rather than a movement-level system, would provide a more valid look at the impact of the policy on individuals.

An acceptable post-policy proxy for “technical violations” also should be agreed upon by TDOC. Similarly, some clarification of how supervisees progress through Levels 1-3 and into Level 4 (“zero-tolerance”), as well as how Level 4 violations result in revocation or not would be valuable for future research.

Finally, it is important to more comprehensively assess the differential impact the policy seems to have on parolees versus probationers. Probationers seem to benefit more from the policy, and parolees may have even been negatively impacted by the policy. And although probationers seem to be having more favorable outcomes, they also are being supervised longer, whether they get a discharge or a revocation. That is, the policy may be having the unintended consequence of keeping individuals in the criminal justice system longer for about the same outcomes as they would have had with a shorter stay. With each sanction level comes more opportunities to fail, which puts them in another sanction level for more time and more opportunities to fail. Given that we did not have access to individual data on outcomes by levels of supervision (i.e., no data on what sanctions each supervisee had been given), however, we cannot make any definitive statements about this possibility. Future research should examine outcomes by supervision levels and sanctions administered.

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APPENDIX A

Introduction

You are invited and encouraged to participate in this survey that measures your understanding and perceptions of the state's system of graduated sanctions for probation and parole violations ("the system"), defined by the Public Safety Act of 2016 and effective January 1, 2017. This survey is part of a project being conducted by the Public Safety Institute (PSI) at the University of Memphis on behalf of the Tennessee Department of Correction (TDOC). We are asking you, as a criminal justice professional, to complete the following questions because the TDOC believes it is important to understand how you feel about the system and to understand how it affects your daily work. Your responses will be anonymous, and all results will be reported in aggregate. You may refuse to answer any question and you may stop responding at any point. Results will be reported to TDOC and will be used to inform future state-level discussions on the system. If you have any questions or concerns, please contact Dr. Angela Madden at (901) 801-8500 or via email at angela.madden@memphis.edu.

Understanding of the System

Below are some statements that measure your understanding of the system. Please respond honestly. Check the box that corresponds to your level of agreement with the statements. If a statement does not apply to you, please check "Does Not Apply."

| | Strongly Agree | Agree | Neither Agree nor Disagree | Disagree | Strongly Disagree | Does Not Apply |
|---|-----------------------|--------------|-----------------------------------|-----------------|--------------------------|-----------------------|
| 1. I am very familiar with the graduated sanctions system. | | | | | | |
| 2. I understand how the system of graduated sanctions works. | | | | | | |
| 3. I understand the sanction levels. | | | | | | |
| 4. I understand the sanctions available at each level. | | | | | | |
| 5. I understand how a violator may end up in the "zero tolerance" category. | | | | | | |
| 6. I understand the administrative review process. | | | | | | |
| 7. I understand the role I play in the system. | | | | | | |
| 8. I received adequate training on the system. | | | | | | |
| 9. I would feel comfortable training others on the system. | | | | | | |
| 10. If I need help or have questions about the system, I know someone who can provide immediate assistance. | | | | | | |

Perceptions of the Policy

Below are some statements that measure your perceptions of the system. Please respond honestly. Check on the button that corresponds to your level of agreement with the statements. If a statement does not apply to you, please check "Does Not Apply."

| | Strongly Agree | Agree | Neither Agree nor Disagree | Disagree | Strongly Disagree | Does Not Apply |
|--|----------------|-------|----------------------------|----------|-------------------|----------------|
| 1. The graduated sanctions system helps probationers and parolees to complete their supervision without committing a new crime. | | | | | | |
| 2. The system helps probationers and parolees to avoid incarceration during their supervision. | | | | | | |
| 3. The system encourages probationers and parolees to avoid violating their supervision conditions. | | | | | | |
| 4. The system works equally well for probationers and parolees. | | | | | | |
| 5. The graduated sanctions system has made my job easier. | | | | | | |
| 6. Individuals under supervision appreciate the graduated sanctions system. | | | | | | |
| 7. The graduated sanctions system has <i>reduced</i> my ability to use my own discretion in doing my job. | | | | | | |
| 8. The graduated sanctions system has <i>eliminated</i> my ability to use my own discretion in doing my job. | | | | | | |
| 9. A <i>desirable</i> outcome of the system for criminal justice professionals is reduced individual discretion in working with probationers and parolees. | | | | | | |
| 10. An <i>undesirable</i> outcome of the system for criminal justice professionals is reduced individual discretion in working with probationers and parolees. | | | | | | |
| 11. I prefer the graduated sanctions system for probation and parole violators to the way violations were previously handled. | | | | | | |

Below are some questions about you that will help us understand how different populations might differ in terms of understanding and perceptions. Also included are questions about your personal experience with the graduated sanctions system. In answering these questions, it is fine to estimate numbers when asked “how many.”

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10. How many individuals within your caseload have violated supervision conditions by committing “zero tolerance” offenses? _____

_____ N/A (No one on my current caseload is subject to the system.)

11. If you are an attorney, how many times have you defended/prosecuted individuals who either failed on graduated sanctions or committed zero tolerance offenses? _____

_____ N/A (I am not an attorney.)

12. If you are a judge, how many times have you revoked probation/parole of individuals who either failed on graduated sanctions or committed zero tolerance offenses? _____

_____ N/A (I am not a judge.)

ANY OTHER COMMENTS OR SUGGESTIONS YOU WOULD LIKE TO MAKE REGARDING THE
SYSTEM OF GRADUATED SANCTIONS?

Thank you for participating in this important project.

APPENDIX B

Introduction

You are invited to answer the following questions about your experience with your supervision. We are interested in learning how you feel about the state's system of graduated sanctions for probation and parole violations ("the system") that went into effect on January 1, 2017.

This survey is being conducted by the Public Safety Institute at the University of Memphis for the Tennessee Department of Correction. We are asking for your opinion because the TDOC believes it is important to understand how you feel about the system and to understand how it affects your daily life. Your responses will be anonymous, and all results will be reported in aggregate. You may refuse to answer any question and you may stop responding at any point. Results will be reported to TDOC and will be used to inform future discussions on the system. If you have any questions or concerns, please contact Dr. Angela Madden at (901) 678-5923 or via email at angela.madden@memphis.edu. ***Please put this in the collection box marked "Sanction Survey" when you are done.***

What You Know About the System

Below are some statements about your understanding of the system. Please respond honestly. Put an **X** in the box that best represents how strongly you agree or disagree with each statement. If a statement does not apply to you, please put an **X** in the "Does Not Apply" box for that statement.

| | Strongly Agree | Agree | Neither Agree nor Disagree | Disagree | Strongly Disagree | Does Not Apply |
|--|----------------|-------|----------------------------|----------|-------------------|----------------|
| 1. I am very familiar with the graduated sanctions system. | | | | | | |
| 2. I understand how the system of graduated sanctions works. | | | | | | |
| 3. I understand the sanction levels. | | | | | | |
| 4. I understand the sanctions possible at each level. | | | | | | |
| 5. I understand how I might end up in the "zero tolerance" category. | | | | | | |
| 6. I understand the administrative review process. | | | | | | |
| 7. My P.O. explained the system to me. | | | | | | |
| 8. My P.O. gave me material to read about the system. | | | | | | |
| 9. I can explain the system to others. | | | | | | |
| 10. If I have questions about the system, I know who to ask. | | | | | | |

How You Feel About the System

Below are some statements about how you might feel about the system. Please respond honestly using the same method as before.

| | Strongly Agree | Agree | Neither Agree nor Disagree | Disagree | Strongly Disagree | Does Not Apply |
|---|----------------|-------|----------------------------|----------|-------------------|----------------|
| 1. The system helps me complete my supervision without committing a new crime. | | | | | | |
| 2. The system helps me avoid getting locked up during my supervision. | | | | | | |
| 3. The system encourages me to avoid violating my supervision conditions. | | | | | | |
| 4. The system works well for me. | | | | | | |
| 5. The graduated sanctions system has made my supervision easier. | | | | | | |
| 6. I appreciate the graduated sanctions system. | | | | | | |
| 7. The graduated sanctions system is fair. | | | | | | |
| 8. I like that I know the consequences of violating my supervision conditions. | | | | | | |
| 9. I like that my P.O. has strict guidelines for what to do with me if I violate my supervision conditions. | | | | | | |
| 10. I like the graduated sanctions system better than the way violations were handled before. | | | | | | |

Demographic Questions

Below are some questions about you that will help us understand how different populations might differ in terms of understanding and perceptions. Also included are questions about your personal experience with the graduated sanctions system. In answering these questions, it is fine to estimate numbers when asked "how many."

1. What is your sex?
 - a. Male _____
 - b. Female _____
 - c. Other (_____)
2. What is your age, in years, as of your last birthday? _____

3. What is your race/ethnicity?
 - a. White, non-Hispanic _____
 - b. Black, non-Hispanic _____
 - c. Hispanic (any race) _____
 - d. Other (_____)
4. How many years of education have you completed? _____ (excluding preschool and kindergarten)
5. Are you currently employed? Yes _____ No _____ N/A (Disabled, Retired) _____
6. Are you currently on probation or parole?
 - a. Probation _____
 - b. Parole _____
7. Prior to January 1, 2017, were you ever on probation or parole?
 - a. Yes _____
 - b. No _____
8. Since January 1, 2017, have you been on probation or parole more than once?
 - a. Yes _____
 - b. No _____
9. Since January 1, 2017, have you violated your supervision conditions?
 - a. Yes _____
 - b. No _____
10. Since January 1, 2017, have you been sanctioned?
 - a. Yes _____
 - b. No _____
11. Since January 1, 2017, if you were sanctioned, did you complete it successfully?
 - a. Yes _____
 - b. No _____
 - c. Not applicable (never been sanctioned) _____
12. Since January 1, 2017, have you had multiple sanctions?
 - a. Yes _____
 - b. No _____
13. Since January 1, 2017, have you committed a "zero tolerance" offense?
 - a. Yes _____
 - b. No _____
14. Since January 1, 2017, have you had your supervision revoked?
 - a. Yes _____
 - b. No _____
15. If you had your supervision revoked, why was it revoked?
 - a. Zero tolerance offense _____
 - b. Did not successfully complete the sanctions _____
 - c. Not applicable (Did not have my supervision revoked) _____
16. For your current supervision, how long were you originally sentenced to serve?
 - a. _____ years; _____ months
17. How much time have you served on your current supervision?
 - a. _____ years; _____ months

ANY OTHER COMMENTS OR SUGGESTIONS YOU WOULD LIKE TO MAKE REGARDING THE
SYSTEM OF GRADUATED SANCTIONS OR YOUR SUPERVISION EXPERIENCE?

Thank you for participating in this important project.