

# Colorado Probation Research in Brief

## *Confinement for Technical Violations of Community Supervision: Is There an Effect on Felony Recidivism?*

Drake, E. & Aos, S. (2012). *Confinement for Technical Violations of Community Supervision: Is There an Effect on Felony Recidivism?* Olympia: Washington State Institute for Public Policy.

**Key Words:** Recidivism, Technical Violations, Incarceration, Evidence Based Practices

### Summary/Conclusions

This study evaluated the effect of incarceration for technical violations on a population of offenders under the supervision of Washington state Department of Corrections. Analyzing offenders whom were supervised by one correction officer with at least 20 appointments (N=1,273), the study found that offenders who received jail for a sanction were at a 6% increased risk to recidivate with a felony conviction than those who were not incarcerated.

### Limitations of Information

The study was conducted as a natural experiment without any randomized and controlled trial groups. Researchers relied on the fact that offenders are randomly assigned to correction officers in Washington state. The study also did not account for any "incapacitation" effects of confinement. Washington state Department of Corrections does not use the LSI-R, it is unclear if a different risk assessment tool would impact the study. Lastly, the study did not account for any officer attributes (e.g. working alliance factors and MI) that may have influenced recidivism rates in offenders.

**Caveat:** The information presented here is intended to summarize and inform readers of research and information relevant to probation work. It can provide a framework for carrying out the business of probation as well as suggestions for practical application of the material. While it may, in some instances, lead to further exploration and result in *future* decisions, it is not intended to prescribe policy and is not necessarily conclusive in its findings. Some of its limitations are described above.

### **Increased Incarceration Leads to Increased Recidivism**

In 1999, Washington state passed the Offender Accountability Act. This policy changed the intensity of supervision to be determined by the level of risk of the offender. Risk is now determined by the Washington Department of Corrections (DOC) using assessment information that classifies offenders into four groups (i.e. high violent, high non-violent, moderate, and lower). Offenders were classified and randomly assigned to a corrections officer for supervision. These officers used sanctions if the offender committed a new criminal offense or technically violated the conditions of supervision.

The study sought to examine the effects of the sanction of incarceration on offenders. Only offenders who received at least one violation event were followed for a 36 month community supervision period (N=1,273). When incarceration was utilized as a sanction for a technical violation, the risk for recidivism (felony conviction) increased by 6%.

The finding of a 6% increased risk of recidivism is conservative. Researchers also utilized this data in 18 alternative statistical analysis models to analyze the effect of confinement for a violation on felony recidivism. The findings of the models concluded that felony recidivism increased anywhere from 15% to 36%. One plausible explanation is confinement has a mitigating effect on offenders' protective and stability factors, increasing their risk to recidivate. While researchers found the use of confine-

ment associated with increased risk of felony recidivism, incarceration itself was not the cause of increased risk to recidivate.

### Practical Applications

- ✓ At the start of probation, ask the probationer what incentives and sanctions would be meaningful for the probationer to continue positive behaviors and discontinue negative behaviors.
- ✓ When administering sanctions, think about what protective and stability factors (e.g. employment, pro-social peers, pro-social activities, and family supports) the client has in place. Sanctions that create barriers with those factors may not be beneficial for long term behavior change.
- ✓ For maximum effect, deliver incentives and sanctions as close to the positive or violation behavior as possible.
- ✓ While working with probationers, remember to build rapport through a "fair but firm" approach.
- ✓ Use scoring guides to ensure assessments are accurately scored to eliminate any potential individual biases.
- ✓ Supervise cases according to risk. Over servicing low risk cases actually has a negative impact on outcomes.
- ✓ Note individual probationer needs and match treatment services to individualized responsivity factors.