

Improving Outcomes and Safely Reducing Revocations from Community Supervision in Florida

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About the Crime and Justice Institute

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, bridges the gap between research and practice with data-driven solutions that drive bold, transformative improvements in adult and youth justice systems. With a reputation built over many decades for innovative thinking, a client-centered approach, and impartial analysis, CJI assists agency leaders and practitioners in developing and implementing effective policies that achieve better outcomes and build stronger, safer communities. CJI works with local, state, tribal, and national justice organizations, providing nonpartisan policy analysis, implementation consulting, capacity-building assistance, and research services to advance evidence-based practices and create systems-level change. For more information, please visit: www.cj institute.org.

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Executive Summary

Across the United States, the majority of people under correctional supervision serve their sentence on probation or parole. As of 2020, data show that while just under 2 million people are incarcerated in either prison or jail, about 3.9 million individuals are on probation or parole.¹ Of the 1.8 million individuals who exit probation or parole annually, almost half do not successfully complete supervision. Of those who do not complete their supervision, 211,000 will return to prison or jail.² This has made revocation from probation or parole a leading driver of incarceration in the United States.³

Florida has one of the largest community supervision populations in the country. By the end of 2020, the state had 183,900 individuals on community supervision. Florida ranks fifth highest in the nation for its probation population in the same period, while the state's parole population is ranked 32nd highest at just over 4,000 individuals.⁴ The impact of revocations on the state's prison population is significant. Florida corrections leaders recognize this challenge and have been working to identify and implement strategies that reduce revocations from community supervision. Despite previous reform efforts, thousands of individuals continue to enter Florida's prisons due to a revocation of community supervision.⁵

In January of 2019, the Florida Department of Corrections requested assistance from the Crime and Justice Institute (CJI) in analyzing the factors driving revocation trends in an effort to reduce revocations and recidivism while strengthening community supervision practices. Over 18 months, CJI assessed Florida's community supervision system, analyzing individual-level and case-level data, reviewing the administrative and legal frameworks governing community supervision, conducting focus group interviews with stakeholders across the state, and disseminating a survey to understand practices on the ground. Through this assessment, CJI found that:

- Florida's revocation rate has consistently hovered near 48 percent since 2012;
- Among all revocations from 2010 to 2019, 57 percent were due to technical violations;
- Revocation rates are highest for those on three types of supervision: community control, drug offender probation, and felony probation;
- Six of the top 10 violations linked to revocations in 2019 were for technical violations;
- Nearly one in three revocations resulted in state prison time, but the use of jail has increased over the past decade;
- There have been efforts to implement an alternative approach to responding to violations, but responses vary by judicial circuit, limiting the effectiveness and equitable use of these practices; and
- A number of barriers impacted individuals' success on supervision, including limited resources in the community to respond to the needs of individuals on community supervision and a misalignment between the conditions ordered and the areas that should be targeted to reduce recidivism.

Based on these findings, CJI identified 14 potential opportunities to safely reduce revocations and improve community supervision outcomes in Florida. These opportunities fall into three overarching goals, which include, addressing barriers to success, focusing resources on the highest-risk population, and ensuring sustainability of evidence-based practices.

Background

Although revocation of probation or parole is now a leading driver of incarceration in the United States, there remains little research to identify what is driving revocations.⁶ To fill this gap and help states understand what is leading to high rates of failure, the Crime and Justice Institute (CJI), with support from Arnold Ventures, worked with supervision agencies in four states to understand the factors driving revocations and identify strategies to safely reduce revocations while improving public safety. CJI selected supervision agencies as partners in Colorado, Florida, Mississippi, and Montana based on a variety of criteria such as availability of data, state interest in and willingness to entertain change, and access to agency personnel.

In all four states, CJI completed an assessment focused on several key areas:

- Who is being revoked on community supervision and for what?
- How are supervision conditions set, modified, and monitored, and how do those conditions affect an individual's success on supervision?
- What kinds of tools are available to help probation or parole officers respond to violations of supervision conditions?
- To what extent are policies and practices focused on reducing recidivism and assisting the individual in successfully completing supervision?
- What programming and resources are available in the community to address the supervised population's criminogenic needs and responsivity factors?⁷
- What are the attitudes, values, and beliefs shared among stakeholders in regard to the purpose of community supervision and use of evidence-based practices to reduce recidivism?

To answer these questions and develop a comprehensive understanding of the factors driving unsuccessful supervision outcomes, CJI analyzed individual-level data in each state to assess the supervision population and understand outcome trends. In addition to this quantitative analysis, CJI conducted a qualitative assessment that included reviewing state statutes, court rules, and administrative policies and procedures to understand the legal framework. CJI also interviewed key stakeholders such as agency leadership, line staff and supervisors, judges, prosecutors, defense attorneys, and advocacy leaders to understand how policies work in practice. CJI's full methodology for the assessment can be found in the Appendix.

This report summarizes the quantitative and qualitative findings and makes recommendations to reduce revocations and improve supervision outcomes in Florida. A separate national report summarizes the findings from all four states.

Community Supervision in Florida

Individuals placed on community supervision in Florida are under the oversight of the Office of Community Corrections (OCC) within the Florida Department of Corrections (FDC). OCC is split into four regions across the state and further divided among 20 circuits, each of which consist of one or more counties.⁸ OCC is responsible for the supervision of individuals placed on probation or community control by the court, as well as individuals who are placed on post-prison supervision.⁹

In Florida, individuals can be sentenced to probation for a felony offense through a number of possible routes: felony probation, drug offender probation, sex-offender probation, or administrative probation. In 2019, there were 35,938 individuals released from felony probation in Florida, which comprised the largest overall supervision type and made up 61 percent of releases that year. If the court determines

that an individual is not a good candidate for probation, another alternative to incarceration available to the judge is to sentence an individual to community control (an intensive form of supervision for high-risk individuals). In 2019, there were 3,912 individuals released from community control in Florida, comprising 7 percent of all releases that year, making it the fourth largest supervision type in Florida.

Individuals can also be placed on community supervision following release from a period of incarceration (typically referred to as post-prison supervision), including conditional release, addiction recovery supervision, and parole. In 1988, conditional release was legislatively established, which requires mandatory post-prison supervision for those who have been convicted of certain offenses, including those who are sentenced as a habitual offender, violent habitual offender, violent career criminal, or court designated sexual predator.¹⁰ While Florida abolished parole for all offenses committed on or after October 1, 1983, there are still individuals incarcerated for offenses committed before that date who are eligible for parole.¹¹ As such, the Florida Commission on Offender Review (FCOR) continues to make parole release determinations, although only a small number of individuals are released from prison through this mechanism.¹² Post-prison supervision types in Florida include conditional medical release, addiction recovery supervision, and control release, although these represent a small percentage of the total population supervised by the OCC.

Despite having one of the largest community supervision populations in the country, ranking fifth in the nation for its probation population,¹³ Florida’s community supervision has decreased over the past decade, down 10 percent from a population of 183,515 in 2010 to 164,655 in 2019.¹⁴ Florida’s community supervision population size and diversity pose unique challenges and, as such, agency leadership, policymakers, and the field at large would benefit from a better understanding of how revocations have been differentially applied in Florida (e.g., across racial groups, rural vs. urban communities, high- vs. low-resource jurisdictions, etc.). With this context in mind, the following section includes the findings from CJI’s qualitative and quantitative assessment.

Key Findings

The findings presented in the following subsections were generated from an analysis of data provided by the Florida Department of Corrections (FDC). In partnership with FDC, CJI examined the revocation rates of individuals who terminated community supervision between 2010 and 2019. Specifically, CJI assessed trends, including revocation patterns for the general community supervision population, as well as trends within three types of community supervision: post-prison conditional release, drug offender probation, and felony probation, the latter two of which were explored with additional detail quantitatively. Finally, CJI analyzed patterns in community supervision violations over the same 10-year period, looking particularly at revocation trends by violations of supervision conditions and new offenses.

REVOCATION TRENDS

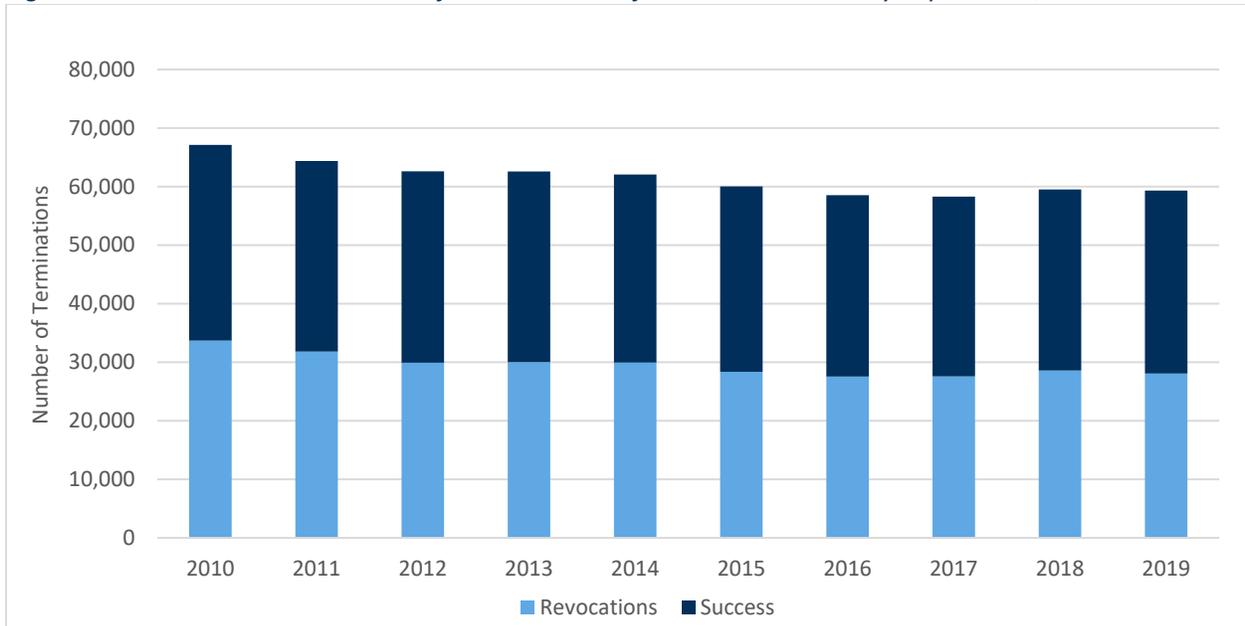
Despite Florida’s declining community supervision population, revocation rates hover near 48 percent, and over half of revocations are due to technical violations

Decreasing at an average rate of 1 percent each year, Florida’s community supervision population consistently declined over the past decade, down 10 percent from a 2010 population of 183,515 to 164,655 people on probation or post-prison supervision in 2019.¹⁵ Since 2019, the COVID-19 pandemic has further reduced the size of the community supervision population, which was down another 7 percent by June 2020.¹⁶ However, at the time of CJI’s initial analysis in 2019, these data were not

available. Therefore, this section presents the findings of trends as they evolved between 2010 and 2019.

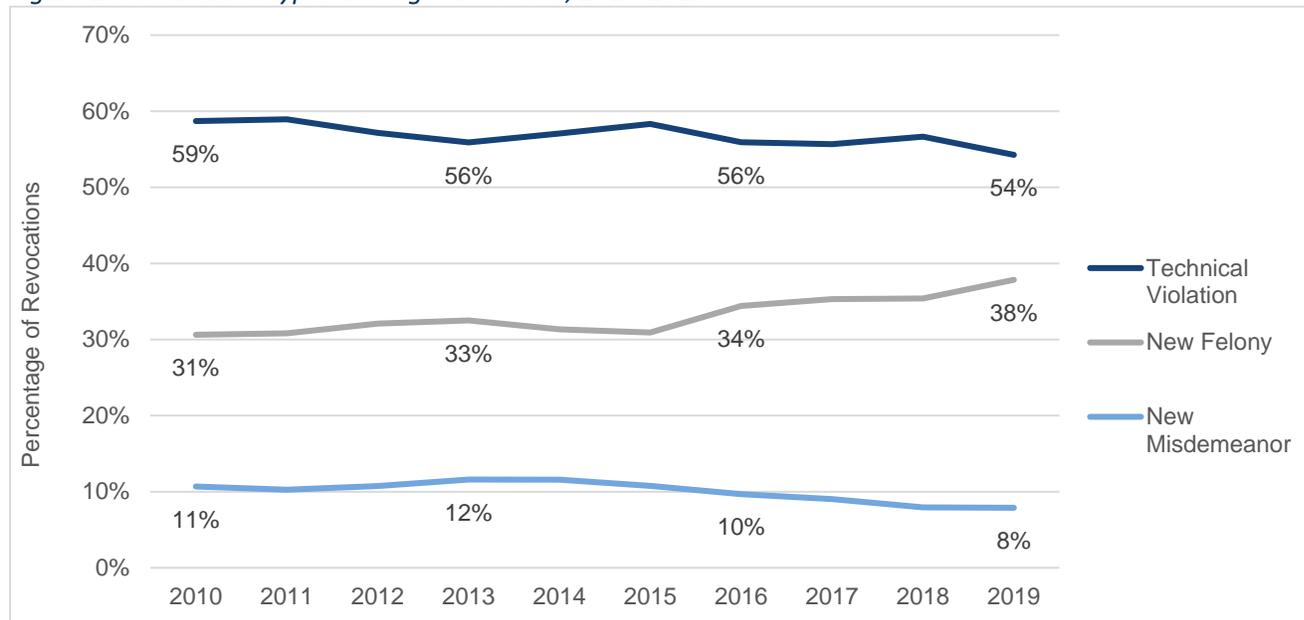
CJI explored overall community supervision outcomes, assessing both successful and unsuccessful terminations over the past decade, and found minor fluctuations in community supervision successes versus revocations (see Figure 1). Over the 10-year period, the percentage of successful terminations ranged from a low of 50 percent to a high of 53 percent, with an average statewide revocation rate of 48 percent across the entire community supervision population.¹⁷

Figure 1. Revocations versus successful terminations for Florida community supervision, 2010-2019



When taking a closer look at the reasons for revocation, technical violations (defined as any alleged violation of supervision that is not a new felony or misdemeanor) represented over half of all unsuccessful terminations. Despite declining by 5 percentage points since 2010, by 2019 technical violations still comprised 54 percent of all revocations, with the remaining 46 percent reflecting revocations for new offenses (See Figure 2). Revocations due to new felonies, as opposed to new misdemeanors, represented a substantial share of all new offense-related violations and by 2019 had increased to nearly 40 percent of all revocations.

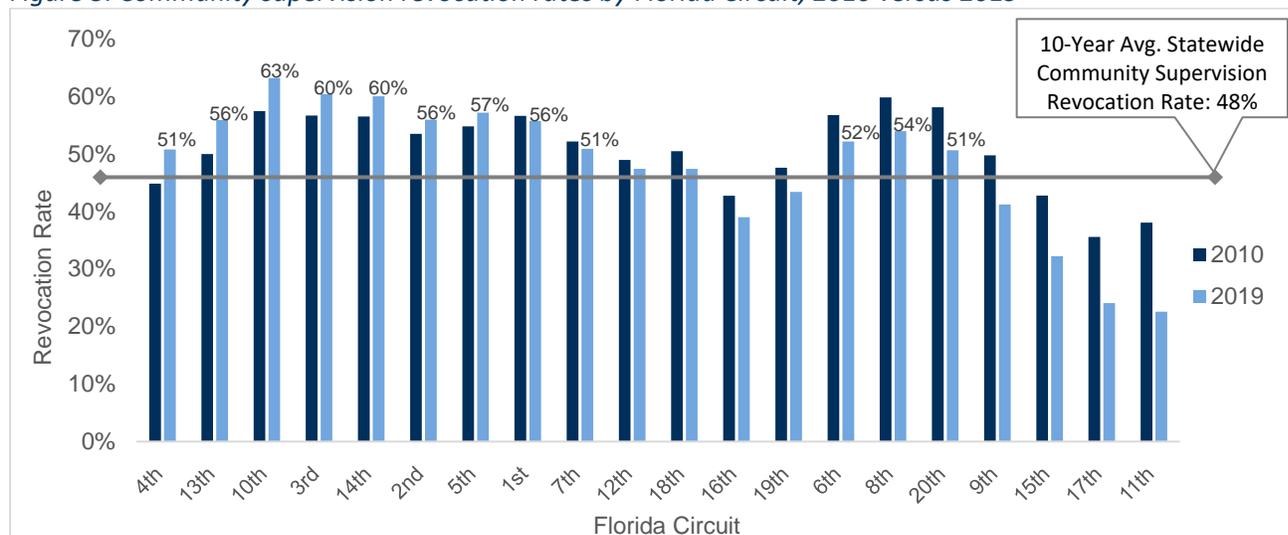
Figure 2. Termination types among revocations, 2010-2019



Revocation rates vary by jurisdiction and over time

Compared to 2010 statewide revocation rates, the 2019 rates were around 3 percentage points lower, suggesting improvements in supervision leading to successful terminations. However, this pattern of improvement in 2019 compared to 2010 was inconsistent across jurisdictions, with higher revocation rates found in seven of Florida’s 20 circuits in 2019. For instance, starting at the bottom left corner of Figure 3, the 4th Circuit’s 2019 revocation rate was 13 percent higher than the 2010 rate. Higher 2019 revocation rates were also observed for the 2nd, 3rd, 5th, 10th, 13th, and 14th circuits. Also notable, 12 of Florida’s 20 circuits had 2019 revocation rates above 50 percent, or higher than the statewide average of 48 percent (see all labeled 2019 columns in Figure 3).

Figure 3. Community supervision revocation rates by Florida Circuit, 2010 versus 2019



Revocation rates vary by supervision type, with the greatest share being probation supervision

Felony probation and drug offender probation made up over three-fourths of all probation terminations in 2019, while parole and conditional release account for only 6 percent (n=59,311) (see Table 1). As shown in Table 1, the revocation rates across supervision types vary considerably, with unsuccessful terminations for nearly two-thirds (63 percent) of drug offender probation, 44 percent for felony probation, and just 25 percent for conditional release.

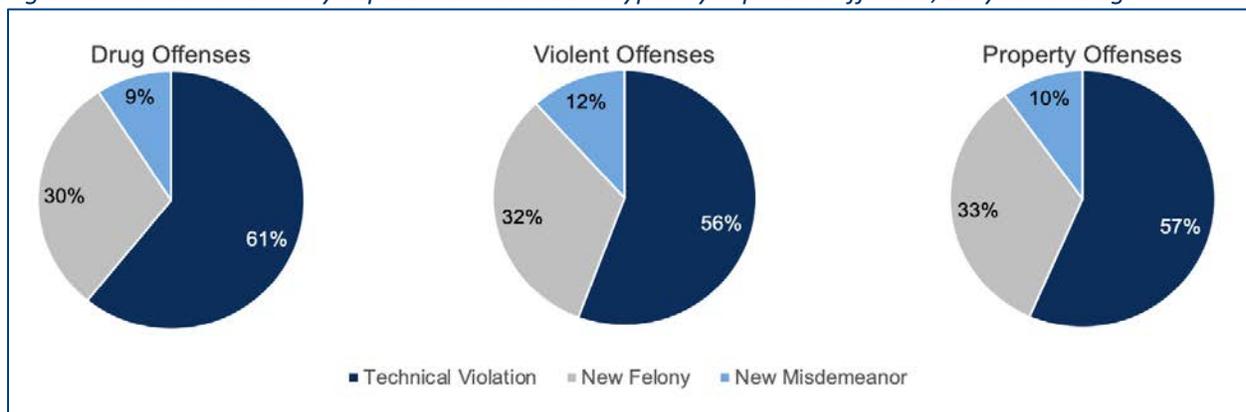
Table 1. Supervision types for Florida’s 2019 community supervision termination sample cohort, n=59,331

SUPERVISION TYPES	# OF 2019 RELEASES	% OF 2019 RELEASES	REVOCAION RATE
Felony Probation	35938	61%	44%
Drug Offender Probation	9903	17%	63%
Misdemeanor Probation	4021	7%	37%
Community Control	3912	7%	85%
Conditional Release (Post-Prison)	3330	6%	25%
Administrative Probation	858	1%	8%
Sex Offender Probation	820	1%	42%
Parole (Post-Prison)	290	0.5%	2%
Mental Health Probation	196	0.3%	48%
Sex Offender Community Control	43	0.1%	79%

Revocation rates vary by offense type; the main drivers are technical violations, not new crimes

Across all community supervision types in 2019, the top three original offense categories were drug (32 percent), property (22 percent), and violent offenses (17 percent). Revocation rates for these top offense types varied. Nearly half of all individuals on supervision for property or drug offenses were revoked in 2019 compared to 40 percent of individuals on supervision for violent offenses. Notably, the 2019 revocation rates for drug offenses showed no change from 2010, whereas 2019 revocation rates for all other offense categories were lower compared to 2010. Also worth noting, a breakdown of revocation types revealed that technical violations, as opposed to new crimes (felonies or misdemeanors), drove the vast majority of revocations from Florida community supervision over the past decade (see Figure 4), including revocations of those on supervision for violent offenses.

Figure 4. Florida community supervision revocation types by top three offenses, 10-year average

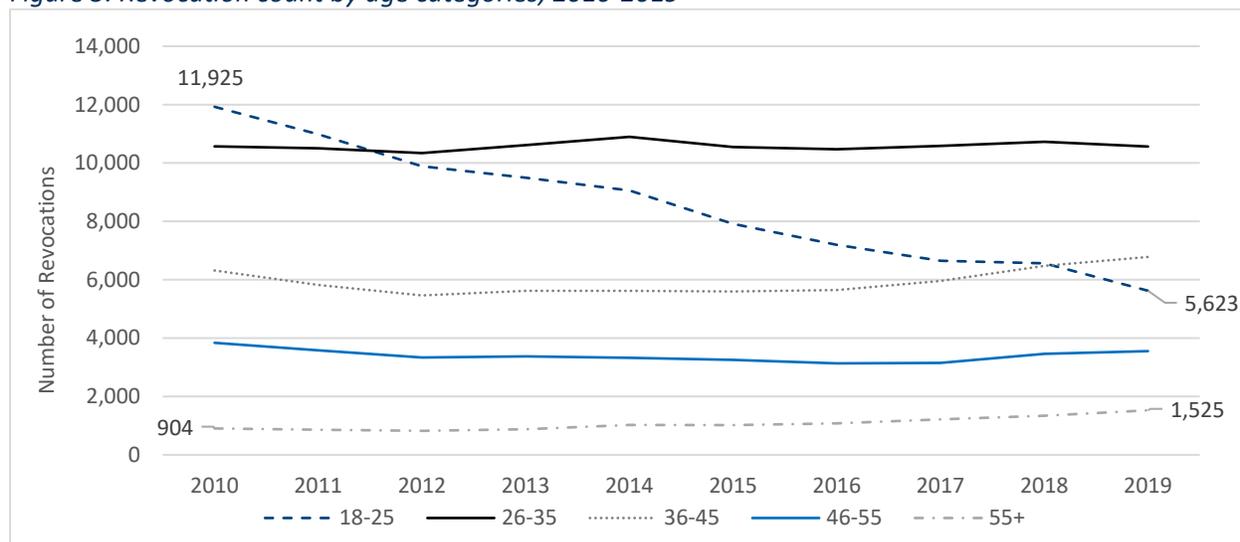


Beyond offense types, the quantitative analysis explored other potential differences in the number and type of violations across sub-populations. Looking specifically at the demographics of Florida’s community supervision population, CJI examined shifts in patterns related to age, sex, and racial-ethnic classification.

The past decade shows shifts in age categories under community supervision and in revocations by age

CJI found that over one-third of the 2019 termination cohort comprised people ages 26 to 35. Another 25 percent were people ages 18 to 25; however, the number of people on community supervision in this younger age cohort declined annually since 2010, dropping an average of 6 percent each year. By 2019 there were 8,000 fewer people aged 18 to 25 on community supervision. At the same time, the number of revocations declined for this age group at an even faster pace, dropping an average of 8 percent each year, with 6,300 fewer revocations for this emerging adulthood age category (see Figure 5). Lastly, revocation rates for this younger age group, while still higher than revocation rates for other age groups, dropped 12 percentage points, from 62 to 50 percent.

Figure 5. Revocation count by age categories, 2010-2019



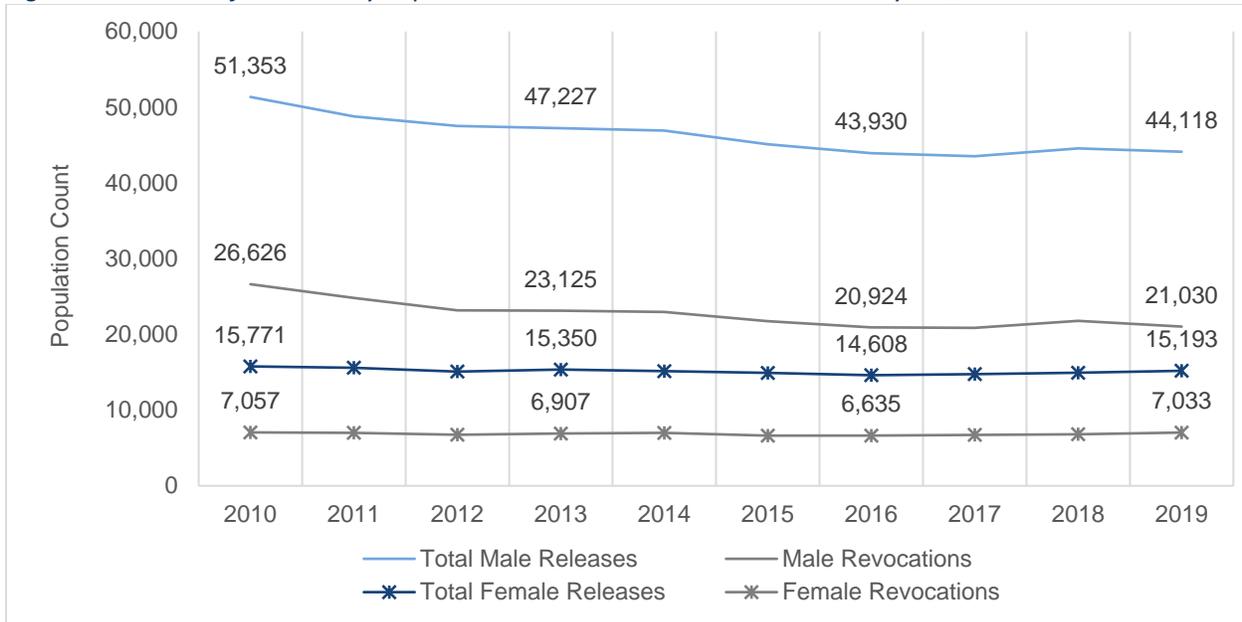
In contrast, CJI found increases in the number of people on community supervision in the 55+ age category, with an average 5 percent growth each year. While this oldest age cohort represents the smallest portion of Florida’s total community supervision population, revocations for the 55+ group outpaced its growth in size, with nearly 6 percent more revocations each year (see Figure 5). One consistent finding across age categories was that technical violations were the leading driver of revocations for every age group.

Three-quarters of people on community supervision are male, and males have higher revocation rates than females

Males comprised about 75 percent of Florida’s community supervision population over the past decade. The share of all revocations from community supervision by sex was proportionate to the share of males and females in the overall community supervision population. Males comprised around 75 percent of all 2019 revocations while females accounted for about 25 percent of revocations.

Revocation rates were slightly and consistently higher for males compared to females. The 10-year average revocation rate for males was 49 percent, which was 4 percentage points higher than the average female revocation rate of 45 percent. Notably, the 14 percent decline in the number of males on community supervision by 2019 was outpaced by a nearly 20 percent decline in the number of male revocations (see Figure 6), which translated into a slight uptick in successful terminations for males on community supervision in 2019. For both sexes, technical violations were the leading reason for revocation. Technical violations were the reason for 57 percent of all revocations over the 10-year period.

Figure 6. Number of community supervision terminations and revocations by sex, 2010-2019

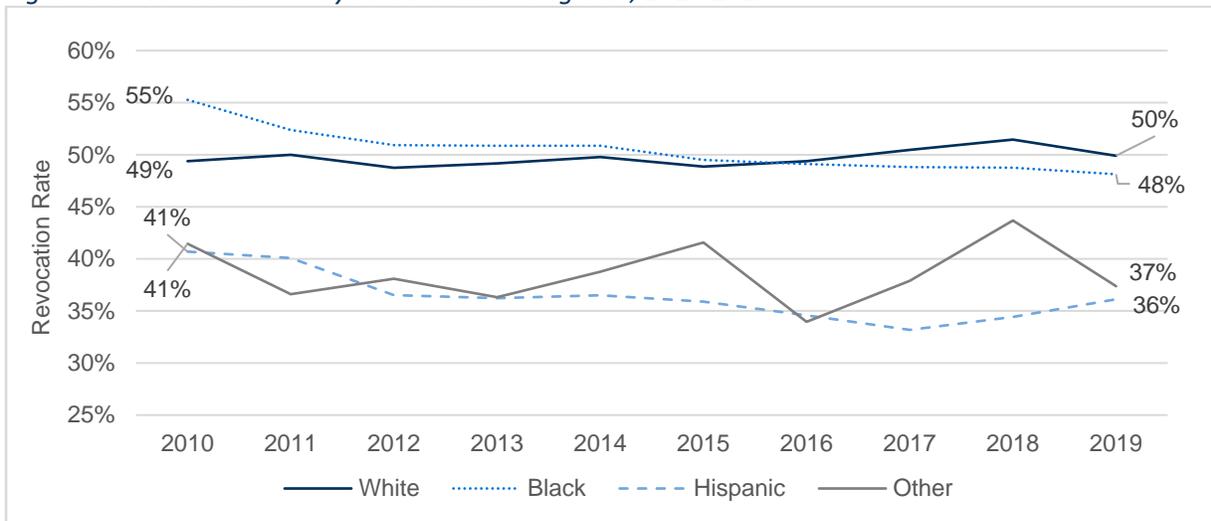


Revocation rates for individuals classified as Black or Hispanic declined roughly 1.4 percent per year since 2010

CJI also explored racial-ethnic classifications across a 10-year span of Florida community supervision populations and found revocation rates to be proportionate to racial-ethnic makeup of the overall community supervision population. For instance, individuals classified as white comprised roughly 53 percent (n=32,873) of the overall community supervision population and around 55 percent (n=16,338) of all revocations. A similar pattern was found for individuals classified as Black, at 32 percent (n=19,857) of the community supervision population and 34 percent (n=10,043) of all revocations. Individuals classified as Hispanic comprised 14 percent (n=8,432) of the supervision population and 10 percent (n=3,072) of revocations.¹⁸

As for revocation rates within racial-ethnic categories, there was a downward trend for individuals classified as Black or Hispanic with roughly 1.4 percent fewer revocations each year, whereas rates for individuals classified as white remained relatively consistent over the past decade (see Figure 7). For the smaller “other” racial-ethnic category (n=276), revocation rates also fluctuated over the past decade but showed an overall 10-year decline of 0.5 percent.

Figure 7. Revocation rates by racial-ethnic categories, 2010-2019



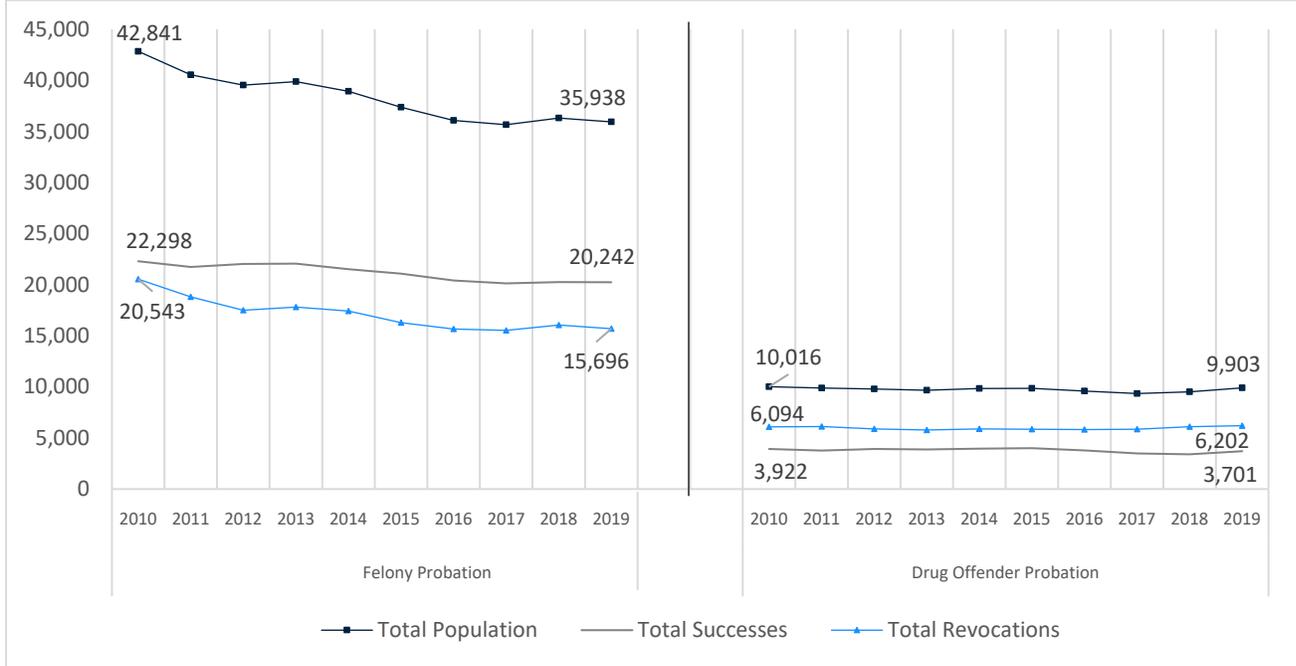
Two out of three people on drug offender probation were revoked; felony probation saw greater successes

Together, the drug offender and felony probation populations encompass nearly 80 percent of the community supervision population in Florida, of which felony probation comprises the vast majority at over 60 percent (see Table 1). The trends and patterns in these two supervision types, especially felony probation, drive much of the general patterns observed in the overall community supervision population. However, there are notable divergences between the two supervision types.

Drug offender probation revocation rates are far higher than the average revocation rate for all probation supervision. Sixty-three percent of individuals terminated from drug offender probation in 2019 were revoked, which was slightly higher than 2010 revocation rates for this supervision type. These high revocation rates translate, on average, to roughly 6,000 of the near 9,750 individuals on drug offender probation being revoked each year (see Figure 8). In contrast to these patterns, the 2019 revocation rate for felony probation was 44 percent, which was 4 percentage points lower than in 2010.

Drug offender probation is considered a more intensive form of supervision, with several mandatory conditions that individuals must comply with. For an individual to be eligible for this form of specialized probation, Florida law requires that they (1) misuse drugs chronically as determined by the court (but not necessarily based on the results of an assessment); (2) have a total sentence of 60 or fewer points on the Criminal Punishment Code (sentencing guidelines used in Florida to guide sentencing decisions)¹⁹; and (3) are charged with a violation of purchase or possession with intent to purchase a controlled substance or simple possession, or are charged with a third-degree nonviolent felony under chapter 810 (Burglary and Trespass), or any other felony offense that is not a forcible felony defined in 776.08.²⁰ If an individual meets the eligibility criteria, the court may place the individual on drug offender probation.

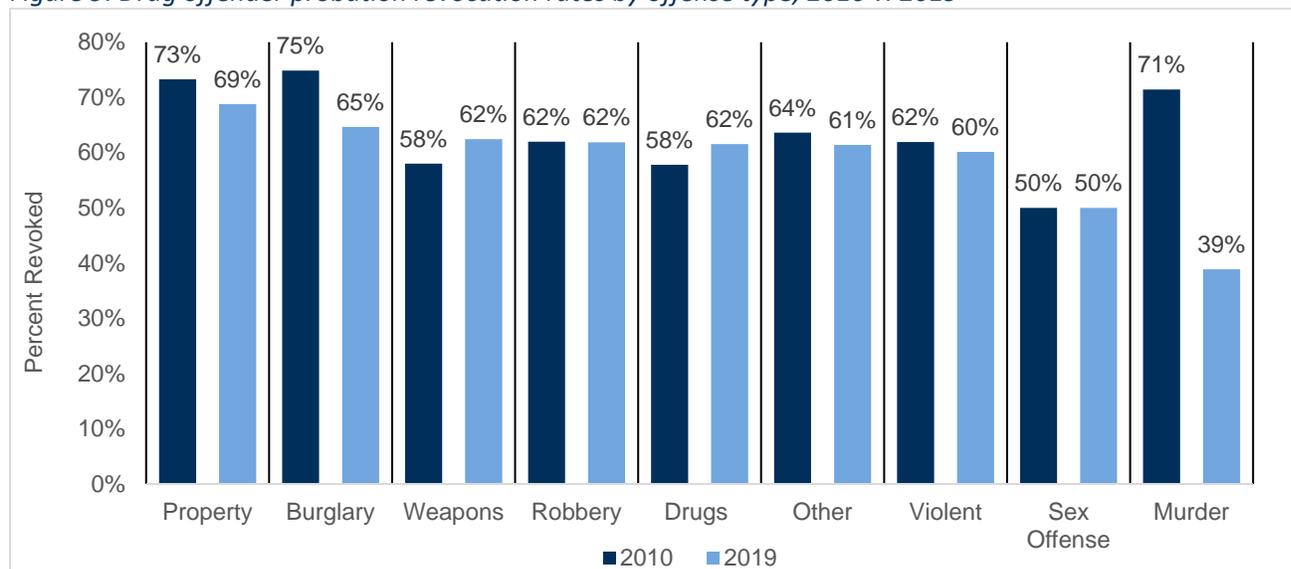
Figure 8. Felony and drug offender probation termination population, revocation, and successes, 2010-2019



Over half of all felony probation terminations were successful compared to only roughly one-third of all drug offender probation terminations. However, these probation success rates were far lower than termination rates for post-prison conditional release, which were 75 percent successful.

When examining revocation rates by underlying offense type, CJI found that between 2010 and 2019, the revocation rate for those on felony probation declined for all underlying offenses; however, this pattern was not found for individuals on drug offender probation. As shown in Figure 9 below, the revocation rates for those on drug offender probation were slightly higher for two original offense groups: drugs and weapons. This increase for drug offenses helps explain consistent drug offense revocation rates observed for community supervision overall; the declines in drug offense revocations for felony probation were offset by increased revocations for drug offender probation.

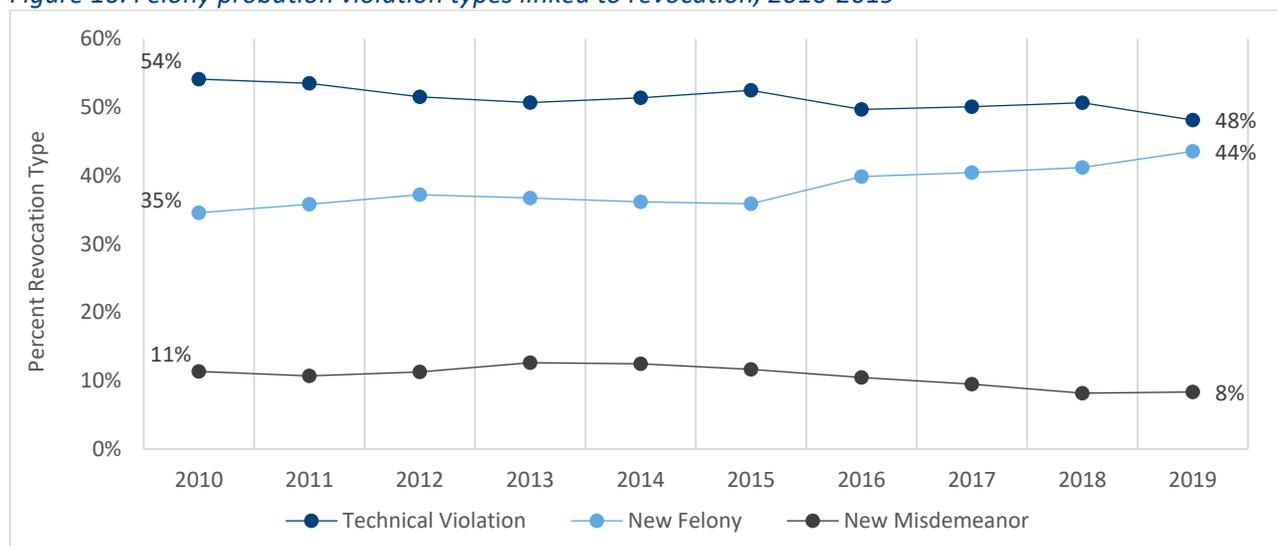
Figure 9. Drug offender probation revocation rates by offense type, 2010 v. 2019



Technical violations comprise the vast majority of violations across both drug offender and felony probation

For both drug offender and felony probation, technical violations comprised the majority of violations between 2010 and 2019. In 2019, 48 percent of felony probation revocations were linked to technical violations, while technical violations comprised 58 percent of revocations for those on drug offender probation. Another similar pattern across both probation supervision types was an increase in new felony revocations over the past decade. This increase was steeper for those on felony probation, up 26 percent from 2010 and comprising 44 percent of felony probation revocations in 2019 (see Figure 10). For drug offender probation, new felony revocations increased 18 percent and comprised over one-third (34 percent) of 2019 revocations. The percentage of new misdemeanor revocations was similar across both probation supervision types, at 8 percent in 2019 for both felony and drug offender probation.

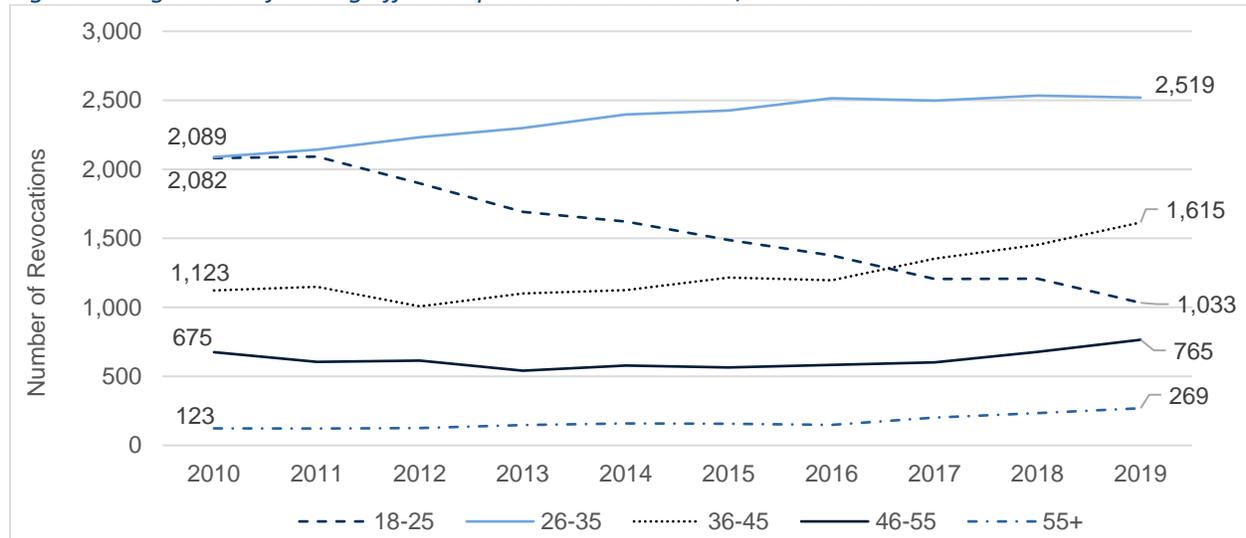
Figure 10. Felony probation violation types linked to revocation, 2010-2019



Age patterns are similar across probation supervision types; there are fewer people aged 18-25 and more aged 55+

A breakdown of age categories was similar across both felony and drug offender probation supervision types, with ages 26 to 35 comprising the majority, at over one-third (34 and 38 percent, respectively). Individuals between 18 and 25 comprised roughly 25 percent of either probation type, while the 55+ age cohort comprised the smallest share of either probation type at 6 percent and 4 percent, respectively. Interestingly, despite comprising the smallest share of either probation type, this oldest age cohort increased both in size and in share of revocations over the past decade. The number of people on felony probation aged 55+ increased at an average rate of 4 percent each year; the number of people on drug offender probation increased 7 percent annually. Likewise, increased revocation rates for the 55+ age cohort outpaced its growth in size for both probation supervision types. Revocations from felony probation for the 55+ group increased around 5 percent each year and revocations from drug offender probation for people aged 55+ increased nearly 10 percent each year (see Figure 11). Together, this translates into nearly 50 percent more felony probation revocations of people aged 55+ and more than double the revocations from drug offender probation, with a 119 percent increase from 2010 to 2019 (see Figure 11).

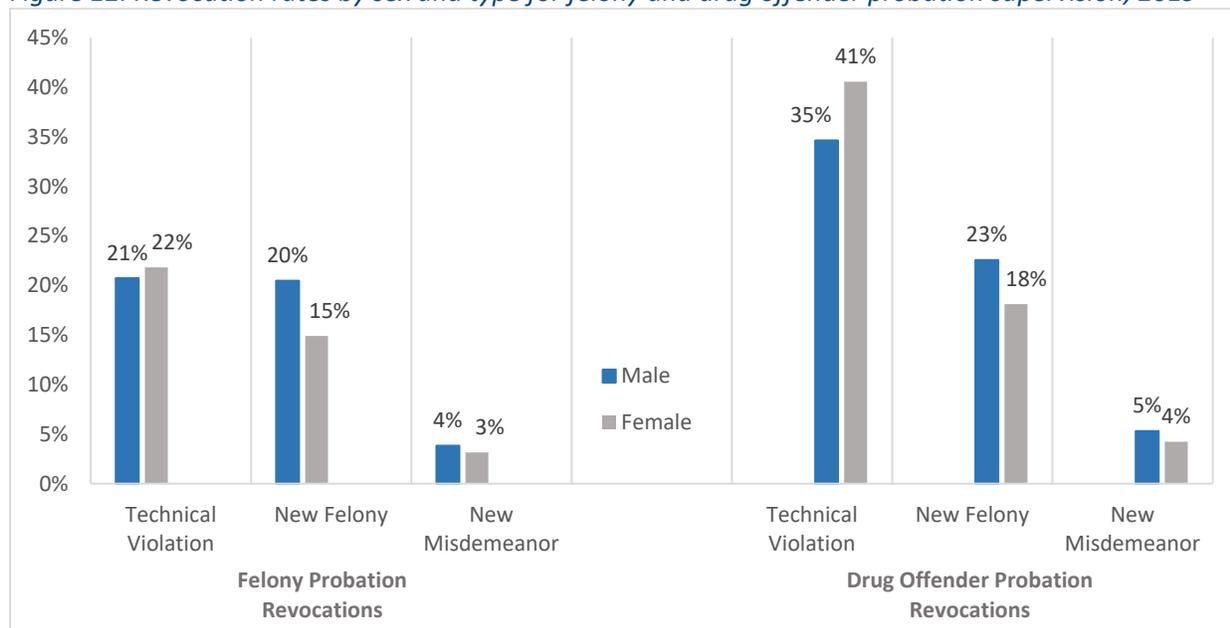
Figure 11. Age trends for drug offender probation revocations, 2010-2019



Females comprised 30 percent of drug offender probation and 25 percent of felony probation in 2019

The distribution of sexes across these two probation supervision types was similar; however, drug offender probation had a larger share of females, at around 30 percent, compared to felony probation at 25 percent. Males and females on drug offender probation had equal rates of revocation in 2019, both at 63 percent, meaning regardless of sex, only around one-third of either males or females were terminated successfully from drug offender probation. For felony probation, females were slightly more successful than males, with revocation rates of 40 percent versus 45 percent, respectively. For both supervision types, technical violations were the most common revocation type (see Figure 12).

Figure 12. Revocation rates by sex and type for felony and drug offender probation supervision, 2019



Racial-ethnic differences exist across types of community supervision, but revocation rates are consistent across racial-ethnic categories

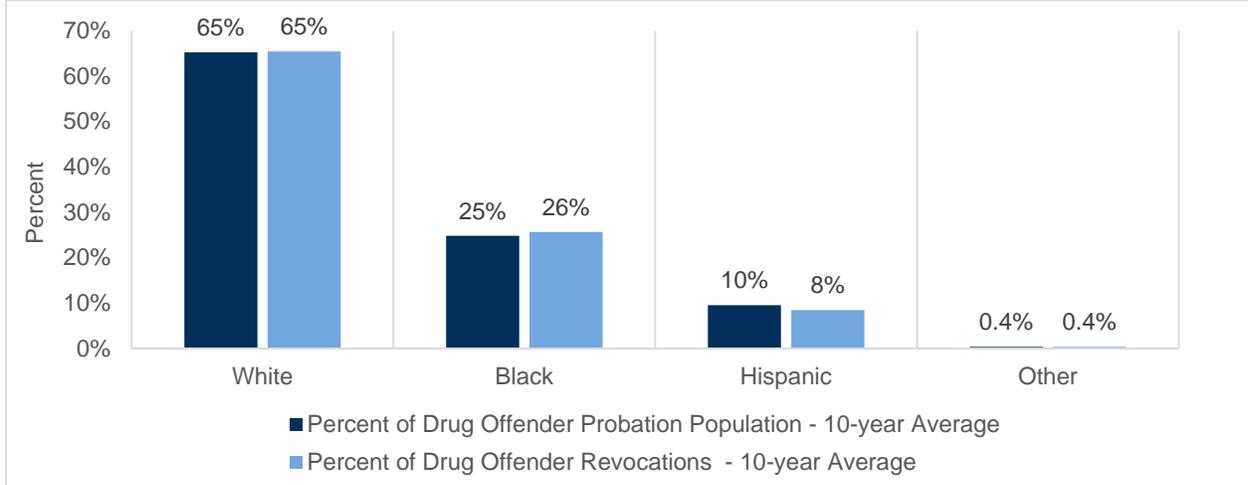
Unlike the overall community supervision, conditional release, or felony probation populations, individuals on drug offender probation were far more likely to fall into the racial-ethnic category of white, with nearly two-thirds (65 percent) classified as such (see Figure 13). This is in contrast to the conditional release population, which has far higher proportions of individuals classified as Black, and from felony probation, which was 51 percent white. Individuals classified as Black comprised, on average, a quarter of the drug offender probation population and 26 percent of drug offender probation revocations. Individuals classified as Hispanic comprised roughly 16 percent and 10 percent of felony and drug offender probation populations, respectively, and roughly 10 percent and 8 percent of revocations from these supervision types, respectively (see Figure 13). As for the types of revocations in 2019, the trends were consistent for all racial-ethnic groups across both supervision types: technical violations declined since 2010 while there was a greater share of revocations for new felonies.

Unsuccessful terminations most often occurred within a year of either type of probation supervision

Finally, results showed that most revocations occurred within the first year for either type of probation supervision. For drug offender probation, terminations due to technical violations typically occurred within 11 months and new felony revocations within 12 months. Individuals whose supervision was terminated successfully typically ended drug offender probation after 22 months. For felony probation, the patterns were similar. People who were terminated due to technical violations were revoked most often within roughly 12 months compared to 13 months for the less common new felony revocations. Individuals who successfully completed felony probation most often did so after about 20 months.

Using additional data files supplied by the Florida Department of Corrections, CJI also assessed violation trends to understand the types of violations that most often led to revocation, as well as the most common conditions or new offenses that led to those violations. Findings from these data are summarized in the following section.

Figure 13. Ten-year average racial-ethnic distribution across drug offender probation terminations and revocations



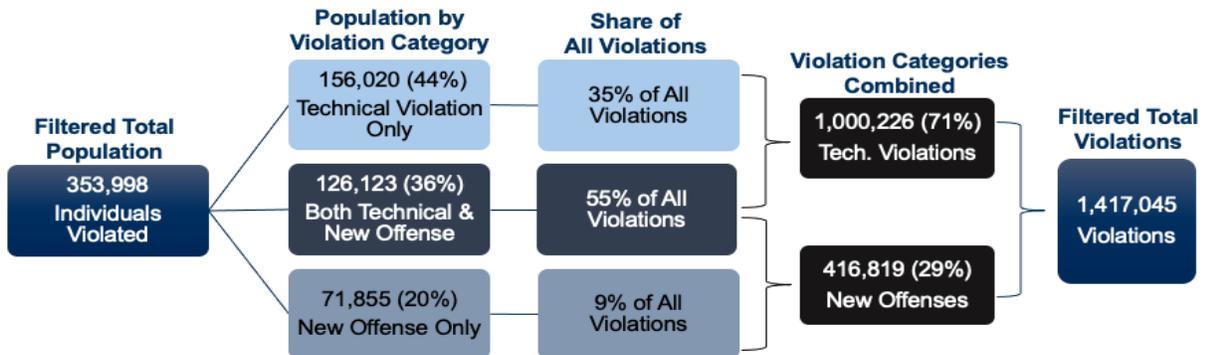
VIOLATION TRENDS

On average, individuals had three technical violations and one new offense violation while on community supervision²¹

From the violations data, which encompassed the 10-year period from 2010 through 2019, CJI identified 353,998 individuals who were investigated for one or more violations at least once while either on probation or post-prison community supervision. Those nearly 354,000 people accounted for over 1.4 million total violations over the decade. Of those 1.4 million violations, technical violations comprised 71 percent, while the remaining 29 percent were new offense violations (see Figure 14).

Many individuals in the data (44 percent) were investigated solely for technical violations, while another 20 percent were investigated solely for new offenses. The remaining 36 percent were investigated for some combination of technical violations and new offenses. This latter group of individuals investigated for both technical and new offense violations accounted for 55 percent of the over 1.4 million violations, while the group with only technical violations accounted for 35 percent, and the group with only new offenses accounted for the remaining 9 percent (see Figure 14).

Figure 14. Breakdown of violation trends per unique individual investigated for violation(s) between 2010 and 2019



Violations were often stacked, with an average of four violations per investigation

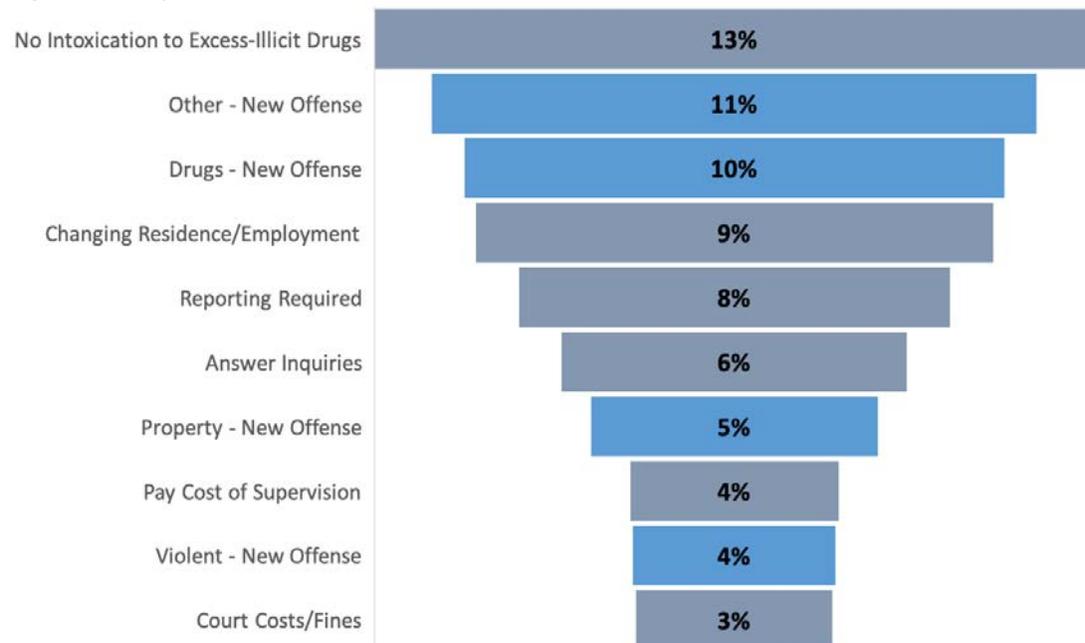
Probation officers are required to investigate suspected violations of terms or conditions of supervision. Officers’ investigations are documented through the filing of a violation report, which is submitted to the sentencing judge or releasing authority – the Florida Commission on Offender Review (FCOR) – depending on the type of supervision. CJI’s analysis of violations found that individuals were typically investigated for one or more violations more than once while on community supervision, with an average of 1.8 investigations per person in the data. A singular investigation, however, most often averaged 4.3 violations but ranged from one to a high of 81 separate violations in a single investigation. The average count of technical violations per investigation was higher than the mean count of new offenses, with approximately three technical violations and one new offense per investigation.²²

Six of the top 10 violations linked to revocation were technical violations, not new crimes

For the 156,936 individuals who were revoked from 2010 through 2019, CJI assessed the top 10 most common types of violations among the 1.4 million linked to these revocations and found that most violations were technical in nature rather than new offenses. However, because violations were stacked in the data, it was impossible to isolate any one specific violation or set of violations that led to a revocation.

The 10 most common violations for 2019, shown in Figure 15 below, comprise 72 percent of all violations. The top violation was for a substance use-related technical condition, at 13 percent. Violations of financial-related conditions (e.g., paying court fees and fines) and administrative conditions (e.g., complying with reporting requirements, such as changing addresses or jobs) comprised the remaining technical violations linked to revocations (see Figure 15). As for new offenses, a generic “other” category comprised 11 percent, followed by new drug offenses (10 percent), new property offenses (5 percent), and the smallest share of new crime, new violent offenses (4 percent).

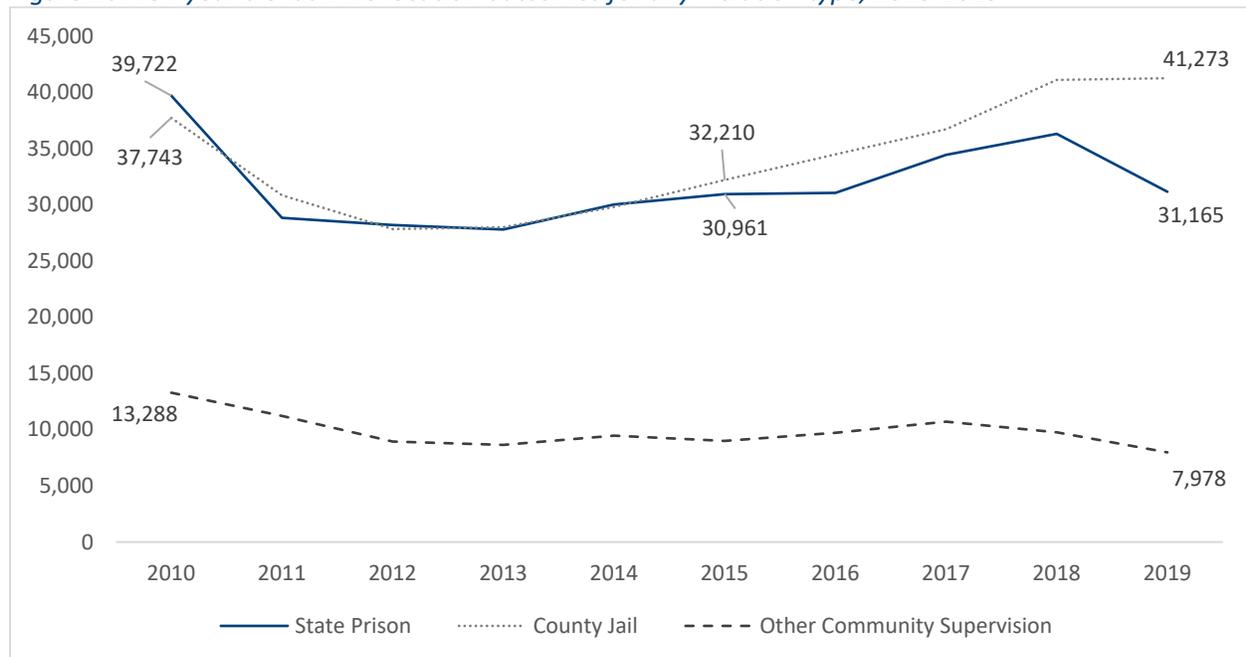
Figure 15. Top 10 violations linked to revocations, 2019



Nearly one in three revocations result in state prison time; 33 percent result in jail time

Further exploration of the violations data showed outcomes related to revocations by violation type. Over the decade, the top three most common outcomes for any revocation were jail time at 33 percent, state prison time at 31 percent, or additional community supervision at 10 percent. Further assessment of outcome trends over the decade showed increased use of jail as a response to revocations, surpassing the use of prison after 2014. In 2019, for instance, 9 percent more revocations ended in jail time than in 2010 (see Figure 16). For prison or other community supervision outcomes, 22 percent fewer revocations ended in prison and 40 percent fewer resulted in other community supervision in 2019 compared to 2010.

Figure 16. Ten-year trends in revocation outcomes for any violation type, 2010-2019



In addition to examining trends in violations, CJI’s assessment of Florida’s community supervision system included an examination of the various decision points and systemic factors that may contribute to supervision outcomes. In the key findings sections that follow, CJI outlines findings related to condition setting and modification, responses to behavior, adherence to evidence-based supervision practices, access to programming and services, and organizational culture.

CONDITION SETTING AND MODIFICATION

Conditions set the foundation for supervision and can greatly impact success.²³ Studies show that conditions should be realistic, relevant, and supported by research.²⁴ Individuals on supervision should have the ability to follow all required conditions, and supervising officers should have the capacity to monitor them appropriately. To achieve this, conditions should be set utilizing a rehabilitative rather than punitive framework and be focused on promoting growth and success.²⁵ Conditions should be related to the criminal behavior and tailored to address an individual’s criminogenic needs based on risk level and other relevant assessment results.²⁶ Finally, conditions based on research are more likely to facilitate long-term positive change in individuals’ behaviors and attitudes.²⁷

The majority of conditions are not related to public safety and don't appear to be tailored to individuals' criminogenic needs

Florida judges set probation conditions at the time of sentencing and can require individuals placed on probation and community control to comply with as many as 16 standard conditions.²⁸ In addition to these 16 standard conditions, judges can order individuals to comply with specialized conditions specific to their type of supervision or the offense for which they were convicted.²⁹ For example, individuals placed on drug offender probation are required to participate in a specialized drug treatment program and must pay for all costs associated with treatment testing.³⁰

Although the courts are statutorily authorized to set probation conditions at sentencing, stakeholders in Florida noted during interviews that prosecutors often incorporate conditions as a part of the plea process. State attorneys reported that they currently do not utilize risk and needs assessment results, nor do they receive training related to condition setting. Stakeholders reported that judges very rarely reject a plea deal to modify probation conditions at sentencing. As a result, most conditions are set through the plea process, and are based mostly on the offense rather than on the individual's specific criminogenic needs identified through a risk and needs assessment. For example, interviews with stakeholders indicated that drug testing and treatment are often set as conditions through the plea bargaining process for any drug-related crime and are not based on the results of an assessment to identify substance-use disorders. This may mean that an individual's most immediate needs are not necessarily addressed first, as probation officers must balance those conditions ordered by the court and the recommendations from the risk and needs assessment. Additionally, probation officers report that it is difficult to enforce treatment or programming that is not required by the court, even if such treatment is indicated by the risk and needs assessment results.

Condition modification is rarely used as a tool to help individuals succeed

Florida law authorizes both judges and the Florida Department of Corrections to modify supervision conditions for individuals that have demonstrated compliance in order to remove unnecessary terms that may act as a barrier to success. For example, the law grants FDC the authority to reduce required community service hours by 25 percent, waive supervision fees, alter reporting frequency and method (for instance using phone reporting via voice biometrics), or transfer individuals to less burdensome administrative probation, without seeking approval from a court. Judges can also modify probation terms upon a recommendation from FDC, or even terminate probation early if doing so is "in the interest of justice."³¹ In practice, stakeholders report modification typically only occurs if a person has committed a violation. In such cases, modifications are used to impose stricter conditions rather than to remove unnecessary conditions or as an incentive to reward prosocial behavior.

RESPONSE TO BEHAVIOR

CJI also examined Florida's current policies and practices related to responding to the behaviors of individuals on community supervision. CJI examined administrative and statutory responses to violations, factors that influence a probation officer's decision-making regarding violation responses, the officer's level of autonomy, and the use of incentives across the state. Research shows that responses to behavior, both prosocial and antisocial, should be swift, certain, and proportional.³² Sanctions should be delivered objectively and focused on the behavior, not the person. Similarly, incentives should be delivered impartially and used to reinforce continued prosocial behavior. Incentives should also be used significantly more often than sanctions (a ratio of 4 to 1) to effectively change behavior.³³

Florida’s current behavior-response processes restrict supervision officers’ ability to respond to behavior in a swift, certain, and proportional manner

Agency leaders and state policymakers have been working to implement strategies that reduce revocations from community supervision. In 2007, FDC modified its zero-tolerance policy, which required probation officers to report all violations to the court, regardless of the severity, and instead required probation officers to only report willful violations. In 2016, the Florida Legislature passed House Bill (HB) 1149, which authorized the chief judge of the 20 judicial circuits to establish an alternative sanctioning program (ASP), based on a program originally developed by FDC, to allow certain graduated sanctions to be used in lieu of revocation for technical violations. Since 2016, this policy has been expanded, mandating the implementation of ASPs across the state. The eligibility requirements for ASPs are left to the chief judge, so requirements for participation vary by region.

Interviews with stakeholders indicated that utilization of ASPs vary significantly across the state and by judicial circuit. CJI reviewed the Administrative Orders establishing ASPs in each of the 20 circuits and found notable differences, including each circuit having its own list of violations that are eligible for participation and the sanctions that can be used in response to the violations. From the establishment of ASPs in 2016 through May 2020, data on the usage of ASPs illustrate that some circuits use them infrequently, with only one or two individuals participating. Meanwhile, other circuits have over 1,000 people on probation participating in the ASPs.³⁴

While the use of ASPs allows FDC to impose alternative sanctions in response to technical violations, the complicated approval process limits effectiveness and alignment with research. In Florida, unlike most states, probation officers do not have the authority to respond to behavior independently without approval of the sentencing judge. As a result, judicial preferences across the state determine responses to violations and the reporting mechanism utilized, rather than leaving these decisions up to the supervising officer or agency most familiar with an individual. The requirement that the court approve all sanctions, even for technical violations, impedes the swiftness of response in accordance with best practice and limits the likelihood that the sanction will result in lasting behavior change. During focus group interviews, officers expressed frustration with this lengthy approval process and noted a desire for officers to determine the appropriate sanction for the individuals on their caseload.

Individuals can be held in custody for months awaiting revocation proceedings

Florida law authorizes law enforcement or probation officers to arrest, or request the arrest, of an individual without a warrant when they become aware of a potential violation of the conditions of supervision. Upon arrest, individuals are either released or detained pending a revocation hearing, and there are no set timeframes in statute as to when a revocation hearing must occur following detention.³⁵ A court may release an individual pending a hearing unless that individual is a violent felony offender of special concern, is alleged to have committed certain violent or sexual offenses while on felony probation or community control, or has previously been found to be a habitual violent felony offender, three-time violent felony offender, or sexual predator.³⁶ While CJI was not able to analyze data to determine how long individuals are held in jail pending the resolution of their revocation procedures, officers reported during focus group interviews that most of their clients who are brought in for violations end up in jail while awaiting hearings. Research has found that even short jail stays can destabilize individuals and result in a negative outcome that may impact their public safety risk, including loss of employment, financial disruption, housing insecurity, and family instability.³⁷ In addition, research has indicated negative community safety impacts stemming from the use of incarceration, with people on probation who had an incarceration sanction having higher recidivism rates than people on probation with non-incarceration sanctions.³⁸

Florida law does provide alternatives to arrest, including using a technical violation notification letter (TVN) and a notice to appear (NTA). The chief judge in each circuit is authorized to direct FDC to use a TVN in lieu of a violation report, affidavit, or NTA unless the individual is accused of a new misdemeanor or felony offense.³⁹ While these two options exist, judges across the state respond in very different ways depending on the violation. During focus group interviews, probation officers noted that the use of a warrant versus notice to appear or other alternatives varies across judicial circuits. Some circuits respond with an arrest warrant for every violation, while others issue NTAs or TVN letters for certain technical violations. Likewise, some judges authorize NTAs or TVNs for positive drug screens at the supervising probation officer’s discretion, while other judges require a warrant and arrest for all positive drug screens.

Use of available incentives to motivate and reward prosocial behavior varies considerably across the state

Research shows that encouraging positive behavior change with incentives and rewards can have an even greater effect on motivating and sustaining change than using sanctions alone.⁴⁰ For an intervention to be considered an incentive, it must be proportional to the individual’s behavior, applied in a timely manner, and used consistently to recognize and reward desired behavior.⁴¹

One incentive currently available for those on community supervision in Florida is the use of early termination to promote prosocial behavior and compliance with conditions. Florida law gives FDC the authority to recommend early termination to the court at any point in a person’s probation term when the individual has met the following conditions: they have performed satisfactorily, not violated any probation conditions, and met all financial sanctions imposed by the court.⁴² Florida law also allows the court to grant early termination or convert the term to administrative probation if certain criteria are met, including that the individual has completed at least half of their probation term, successfully completed all other conditions of probation, and not been found in violation of probation. Additionally, the exclusion of early termination must not have been a part of the negotiated probation sentence.⁴³

Interviews with stakeholders indicate that use of early termination varies across the state and heavily depends on judicial preference. Stakeholders noted eligibility requirements for early termination lack clarity (such as how satisfactory performance on supervision is defined) or are overly restrictive, preventing early termination from being used as a tool to incentivize compliance with the conditions of supervision. In addition, there is no automatic process for determining an individual’s eligibility, leaving that decision up to the discretion of supervising officers. Some officers reported during interviews that they never request early termination and, when it is requested, judges rarely grant it. Sixty-nine percent of officers who responded to CJI’s survey reported that they request early termination with 25 percent of clients or less.

Judges decide whether to grant early termination. When they deny requests for early termination, individuals on probation receive no information on the reasons for the denial. The absence of an explanation prevents probation officers from providing feedback to an individual regarding what they can do differently to potentially be granted early termination in the future.

Beyond early termination, Florida has expanded its incentive-based supervision options to include the use of phone-based reporting to better focus resources on its highest risk population. In June 2019, FDC began a pilot program in four judicial circuits using a telephone reporting system called the Interactive Offender Tracking System (IOTS), which matches an individual’s voice to a recording on file when they

call in each month. To be eligible for the pilot program, an individual had to be on minimum supervision, have completed all special conditions, be in compliance with their standard conditions, and have been on probation for at least three months. Probation officers report that phone-based reporting was utilized as an incentive for those on supervision; however, the intent is to use it as a supervision strategy moving forward.

As of December 2020, there were roughly 7,000 people using phone-based reporting. FDC plans to implement the program statewide with less restrictive participation requirements and ultimately reach 10,000 participants. Additionally, unless contact standards are ordered by the court at sentencing, judges and prosecutors do not need to approve this supervision level.

USE OF EVIDENCE-BASED SUPERVISION PRACTICES

CJI’s assessment examined Florida’s use of evidence-based supervision practices and adherence to the Principles of Effective Intervention (PEI), including the use of risk-and-needs assessments, targeting programming and services for those assessed as high risk, use of effective case planning, and fidelity monitoring. Research has found that supervision practices should align with risk, need, responsivity, and fidelity principles to have the greatest impact on reducing recidivism.⁴⁴

The Principles of Effective Intervention: The **risk principle** states that resources (both treatment and supervision) should be directed to those who are most at risk to recidivate, while interventions should be limited for those identified as low risk since too much intervention can increase likelihood of recidivism. The **needs principle** states that interventions should target an individual’s criminogenic needs, which are changeable attributes such as substance use or interaction with people who contribute to their antisocial behavior that can be targeted, and when addressed, can reduce an individual’s risk of recidivism. The **responsivity principle** shows the importance of identifying and addressing barriers to success.⁴⁵ Responsivity factors are individual characteristics, such as language, acute mental illness, transportation, or learning styles, which need to be prioritized, addressed, or accommodated to ensure an individual can successfully participate in an intervention. And finally, the **fidelity principle** is focused on ensuring programs and practices are consistently working toward the intended outcomes. This includes consistently impacting the intended target (e.g., recidivism), in the intended direction (e.g., reducing it), efficiently and for the correct population (e.g., highest risk to reoffend).

Florida uses a risk assessment to identify risk level but not a statewide needs assessment to effectively identify and target programming

In Florida, an individual’s supervision level and contact standards are determined by the static risk assessment tool through the Offender Based Information System (OBIS). If someone is sentenced to more than one supervision type, the individual is supervised at the most restrictive level, per FDC policy.⁴⁶ For example, if an individual has multiple charges and is sentenced to felony probation for the first offense and drug offender probation for a second offense, the individual will be supervised in accordance with drug offender probation guidelines since these guidelines are more restrictive.

Florida law does not require the use of a risk and needs assessment, other than for identifying high-risk sex offenders. In May of 2009, FDC implemented the use of a static risk assessment tool to assign automatic supervision levels. However, this tool has not been validated since 2011. In interviews, staff reported a distrust with the results of the current risk assessment, but they rarely are able to override the risk score. When they can, it is usually to assign a higher risk level.

One promising initiative underway is the rollout of the Corrections Integrated Needs Assessment System (CINAS), a needs assessment that will be completed for individuals placed on community supervision. The results of CINAS will be used to automatically generate recommended programming based on the individual’s identified needs. CINAS was piloted in five judicial circuits, which aided FDC in refining the system, reducing the number of required questions, and making the tool gender responsive. As of February 2022, FDC continued to refine CINAS, and had yet to roll it out in every circuit. However, barriers exist that limit the use of CINAS given the current process for condition setting in the state. Probation officers noted during interviews that even if the CINAS identifies a program need that does not align with the programming conditions that have been ordered, officers cannot require an individual to participate in a program unless it is added as a condition of supervision set by the court.

The pilot of the needs assessment is a positive step toward focusing programming resources on the dynamic factors most directly tied to criminal behavior. However, changes will need to be made to the way conditions are set and modified to fully realize the benefits of the needs assessment.

Case planning is required by policy but does not appear to be utilized in practice, and barriers exist to achieve full implementation

The use of effective supervision planning is another evidence-based practice that reduces recidivism.⁴⁷ Research has found that effective case management should be based on an assessment of risk and criminogenic need and targeted to meet those specific needs. It should also be comprehensive, client-driven, responsive, and collaborative. Effective case management should incorporate sanctions, incentives, and therapeutic interventions to keep individuals focused on their goals and encouraged to continue moving forward.⁴⁸

Florida law does not currently require case plans for those placed on community supervision. However, FDC policy does require officers to develop an Individualized Supervision Plan (ISP) for each individual within 60 days of being placed on supervision.⁴⁹ In accordance with policy, probation officers and supervisees should jointly develop ISPs to identify the goals and objectives necessary to address individuals’ criminogenic needs. This policy is consistent with research. However, interviews with staff identified that they view the ISP as a “box to check” rather than as a proactive supervision tool to help individuals succeed on supervision. Roughly 30 percent of staff who responded to a CJI survey noted that they believe case plans are not helpful for targeting an individual’s criminogenic needs and do not feel confident in their colleagues’ abilities to use a formal case plan. This indicates a need for additional training related to the use and purpose of the ISP and how it can be viewed as a helpful resource for officers.

TREATMENT PROGRAMS AND SERVICES ACCESS AND AVAILABILITY, AND OTHER BARRIERS

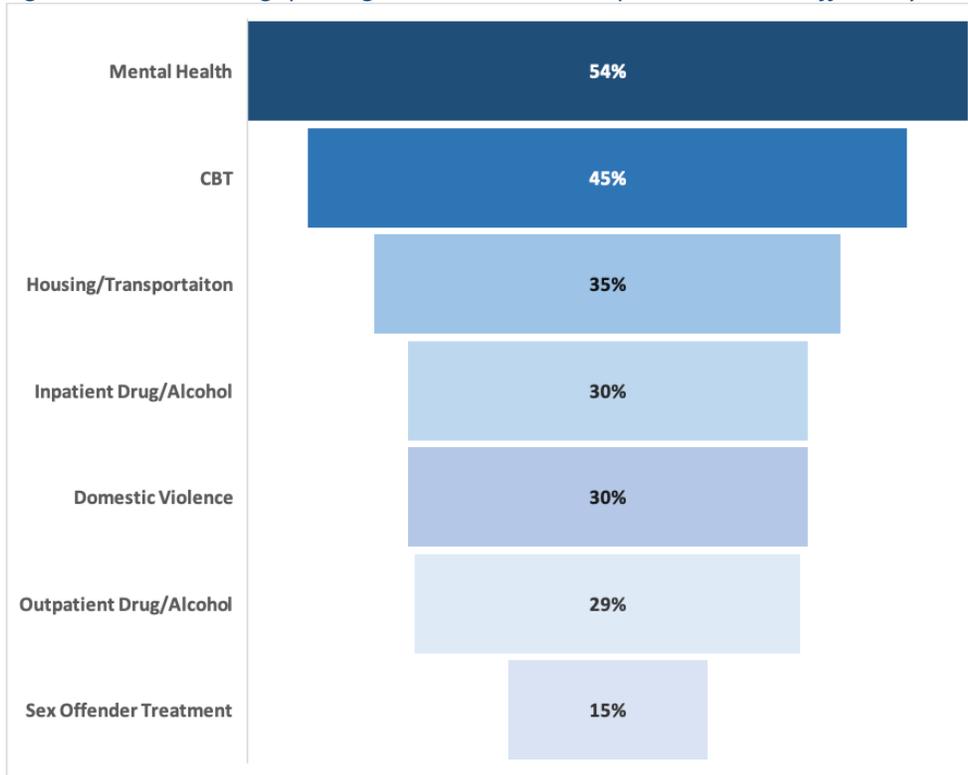
CJI also examined the availability of treatment and program services for those under community supervision. Research has found that to have the most significant impact on recidivism, resources should be focused on those at the highest risk to reoffend.⁵⁰ This section focuses on CJI’s findings related to availability and access to treatment and program services, as well as any other barriers that may prevent individuals from being successful on supervision.

Lack of available programming and resources serve as significant barriers to successfully completing supervision

In responses to CJI’s survey, probation officers noted availability of behavioral health programming varies across the state. Forty-two percent of survey respondents indicated they do not have enough treatment providers to serve the individuals on community supervision in their region. While CJI was not

able to conduct a comprehensive gap assessment of treatment and program availability, CJI did ask FDC staff about the greatest treatment gaps in their area of the state. Figure 17 below indicates that mental health treatment and inpatient and outpatient alcohol and drug treatment appear to be the biggest treatment gaps.

Figure 17. Treatment gaps, largest to smallest, as reported in FDC staff survey



Source: FDC Staff Survey; Note: Percentages will not sum to 100%

*Other responses include anger management, housing, more providers/options, and transportation support

Barriers hinder clients’ access to treatment

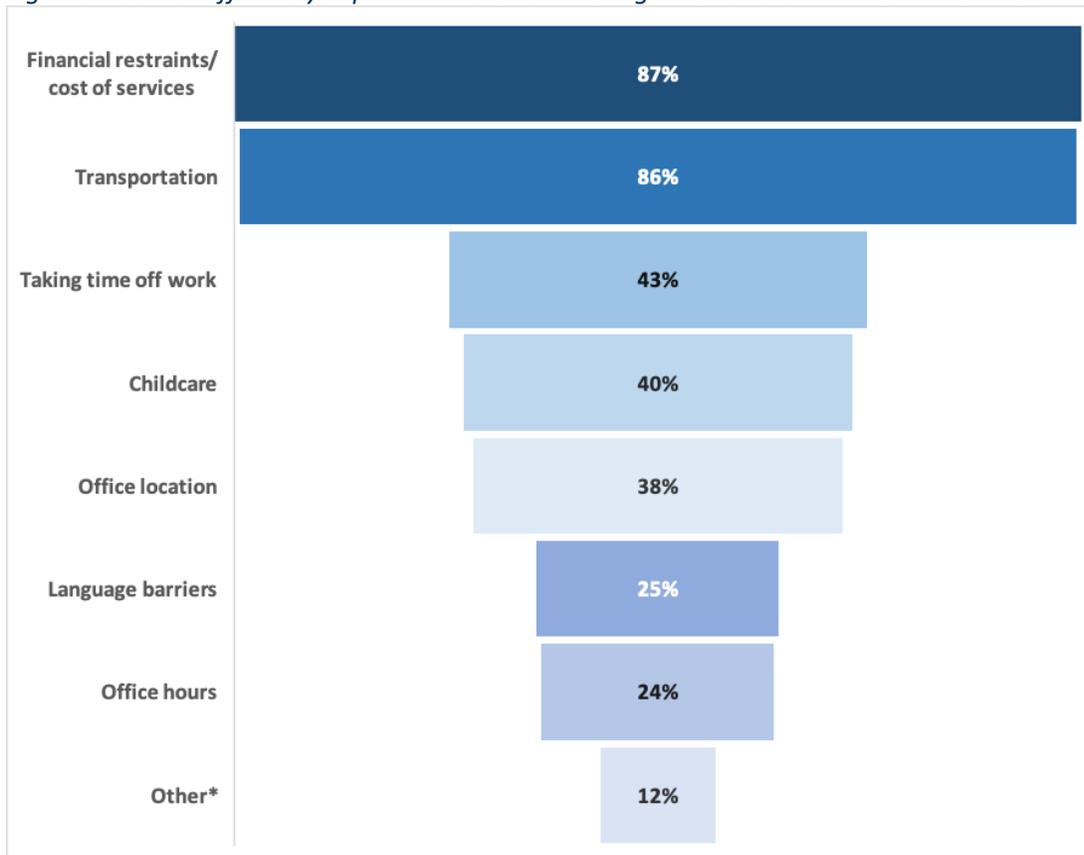
In addition to programming availability, there are barriers preventing individuals from accessing the programs and services that could help them succeed on supervision. Two barriers in particular – financial restrictions and transportation – appear to be significant obstacles for individuals on supervision in Florida. As displayed in Figure 18 below, 87 percent of survey respondents indicated that financial restraints/costs of services were a significant barrier, closely followed by transportation, which was reported as a barrier by 86 percent of survey respondents. Probation officers report that conditions required by the court are often difficult for an individual to comply with due to their financial situation and a lack of indigent funds available to pay for programs, treatment, and services.

Transportation issues resulting from driver’s license suspensions are a challenge for many individuals on supervision in Florida

Interviews with stakeholders indicate that driver’s license suspension is a significant barrier for individuals on supervision in Florida that negatively affects their ability to comply with several supervision conditions. Florida law authorizes the suspension of a person’s driver’s license for various reasons, including unpaid traffic tickets, failure to comply or appear at traffic summons, for being a habitual traffic offender, and failure to pay child support.⁵¹ Florida law requires the Department of

Motor Vehicles (DMV) to suspend a person’s driver’s license for failure to pay financial obligations for any criminal offense. Once suspended, a person’s driving privileges are only reinstated when the DMV receives an affidavit that the person has satisfied the financial obligation in full, is current in their payment plan, or has entered into a written agreement for payment – unless the court has entered an order granting relief to the person.⁵²

Figure 18. FDC staff survey-reported barriers hindering access to treatment and services



Source: FDC Staff Survey; Note: Percentages will not sum to 100%

*Other responses include: COVID; internet access; communication issues; and lack of treatment providers

As noted above, 86 percent of survey respondents indicated that transportation was one of the most significant barriers preventing individuals from accessing services and ultimately being successful on supervision in Florida. Probation officers reported during focus group interviews that those they supervise have limited access to public transportation or that public transportation is accessible but not a realistic option because of the time it would take to utilize. Probation officers report that this limitation negatively impacts the ability of those on supervision to travel to office visits with their probation officer, to attend treatment or programming, and to find and maintain employment.

ORGANIZATIONAL CULTURE AND SUSTAINABILITY

This section includes findings related to organizational culture and sustainability that CJI would not classify as primary drivers of supervision outcomes but are essential to ensure an agency’s success in implementing and sustaining policies and practices intended to improve supervision outcomes.

CJI partnered with The Moss Group, a criminal justice and public safety consulting firm, to assess the organizational culture of the OCC. In particular, CJI and The Moss Group examined attitudes, values, and beliefs among agencies and system stakeholders – including judges, prosecutors, and the Parole Board – as they relate to supervision approaches, strategies to engage and motivate individuals on parole or probation, and methods to influence behavior change.

Staff consistently identified a lack of resources, high caseloads, and diminished autonomy as challenges impacting their ability to focus on helping individuals succeed on supervision

A reoccurring theme across focus group interviews was the lack of resources staff feel they have available to them to help individuals on their caseload succeed on supervision. This finding was further supported by the survey conducted by CJI. Nearly 90 percent of staff who responded to the survey stated they did not have the necessary resources to help clients overcome barriers to success. Staff also expressed concern with the high caseloads that many officers have. Fifty-nine percent of survey respondents indicated their caseloads were in the range of 51-100 individuals.

“Constantly trying to clear reports rather than actually supervising people. We have one contracted substance abuse provider. Offenders do not make enough money to obtain mental health evaluations and other court ordered conditions on their own.”
-Florida probation officer

“Caseload is too large – difficult to balance all of the data entry/busy work with actually supervising my clients.”
-Florida probation officer

Another recurring theme noted during focus group interviews and staff survey responses was the desire officers have for more autonomy in making decisions regarding individuals on their caseload. During focus group interviews, staff expressed a lack of autonomy in responding to violations, with 82 percent of surveyed officers reporting that they do not have discretion to decide when to recommend revocation.

Opportunities to Improve Supervision Outcomes in Florida

Based on the findings included in the sections above, CJI has outlined the following opportunities for Florida to safely reduce revocations while strengthening supervision outcomes. As noted throughout the findings sections above, Florida leaders have taken steps over the years to implement many policies and practices that strengthen outcomes on community supervision. While CJI’s assessment was completed at the request of FDC, FDC leadership cannot alone carry the responsibility of improving outcomes on community supervision in Florida. While many of the recommendations outlined in this section are policy and practice changes that can be implemented administratively, some of the recommendations will require change to current law or practice in other aspects of the justice system to reform barriers impacting success on supervision. As such, CJI has noted which recommendations are within FDC’s authority and which will require collaboration from other system actors.

The recommendations included below have been categorized into three areas, all with the overarching goal of improving outcomes on community supervision in Florida:

1. Remove barriers to supervision success;
2. Focus resources on the highest-risk individuals; and
3. Ensure long-term sustainability of evidence-based practices.

REMOVE BARRIERS TO SUPERVISION SUCCESS

RECOMMENDATION 1: Individualize conditions to focus on factors most closely tied to public safety and streamline the condition modification process to remove barriers to success

CJI’s assessment of the condition setting process in Florida found that conditions are often based on an individual’s underlying offense and do not always align with the factors driving their risk to reoffend. Many of the standard conditions authorized in statute are not directly related to public safety and special conditions are not informed by the results of a risk and needs assessment. CJI’s assessment also revealed that the majority of modifications requested occur in response to violation behavior and are rarely used to proactively address a criminogenic need or responsivity factor.

CJI recommends:

- Florida policymakers should establish a standard condition that allows FDC to tailor programming conditions based on the results of the CINAS, as opposed to those decisions being made by a state attorney or judge who may not have the knowledge of a person’s individualized needs. In addition, special conditions should be set based on the results of a risk and needs assessment, rather than determined mainly through plea deals. At a minimum, prosecutors in the State Attorney’s Office should receive training on community supervision best practices, including setting appropriate conditions and probation term lengths.
- Giving officers the discretion to remove or modify conditions as a way to incentivize positive behavior and/or remove conditions that conflict with the results of the risk and needs assessment.

RECOMMENDATION 2: Take a more targeted approach to drug testing and ensure it is combined with necessary treatment to address the needs of those with substance-use disorders

Substance use-related violations were the number one violation linked to revocations in 2019, making up 13 percent of all violations for those revoked that year. Drug testing is used for most individuals placed on community supervision but is a mandatory requirement for individuals placed on drug offender probation, which has the second-highest revocation rate of all supervision types in Florida. While research has found drug testing to be a useful tool to monitor compliance with supervision conditions, there is no research to support the use of drug testing to reduce reoffending or drug use.⁵³

CJI recommends:

- Making drug testing and treatment conditions individualized and based on the results of an assessment that has determined an individual is suffering from a substance use disorder. If drug testing is ordered, use results to tailor interventions to individual needs rather than as a basis to determine compliance or as evidence supporting revocation.

RECOMMENDATION 3: Prohibit driver’s license suspension for inability to pay fines and fees

A number of barriers were observed during the assessment that appear to negatively impact individuals’ success on supervision. Individuals are currently required to adhere to 16 standard conditions and special conditions can also be ordered. Eighty-seven percent of officers who responded to a survey conducted by CJI indicated that transportation was a significant barrier for individuals on their caseloads, many of whom have had their license suspended, often for nonpayment of financial obligations. Florida law authorizes the suspension of a person’s driver’s license for various reasons, including nonpayment of financial obligations.⁵⁴ The lack of transportation impacts a person’s ability to successfully comply with supervision conditions and may result in an inability to make it to office visits with their probation officers and to complete required treatment programs.

CJI recommends:

- Florida lawmakers should adopt legislation to mitigate or completely avoid driver’s license suspensions that occur for non-driving related behavior. In 2021 alone, governors in Arkansas, Arizona, Colorado, Illinois, Indiana, Michigan, Minnesota, Nevada, Utah, and Washington signed legislative reforms to curb or eliminate debt-based driving restrictions.⁵⁵

RECOMMENDATION 4: Expand use of technology to reduce barriers to reporting

Reporting violations were the fifth most common violation committed by those on community supervision who were ultimately revoked in 2019. Probation officers noted that financial restraints, including the costs of services, and limited access to transportation were among the top barriers faced by their clients.

CJI recommends:

- Given the impact that transportation can have on an individual’s ability to report for meetings with their supervising officer, FDC should expand the use of technology to reduce barriers to reporting.
- FDC should expand the Interactive Offender Training System and utilize teleconferencing for program participation, including sustaining or expanding the use of remote reporting rolled out during the COVID pandemic.
- FDC should also explore implementation of text notification capabilities for individuals on supervision to assist with appointments, hearings, and meetings to improve reporting and compliance with conditions.

RECOMMENDATION 5: Implement alternative approaches to payment of financial obligations

Eighty-seven percent of survey respondents indicated that financial restraints/costs of services were a significant barrier. Probation officers report that conditions required by the court are often difficult for individuals to comply with due to their financial situation and a lack of indigent funds available to pay for programs, treatments, and services.

CJI recommends:

- Developing individualized conditions for payment of financial obligations and making sure payments are affordable, including:

- Developing a process for debt forgiveness for individuals struggling to meet financial obligations due to challenges with homelessness or other barriers;
- Transferring financial obligations into community service hours or other alternatives to financial obligations;
- Establishing a repayment waiver period following an individual’s placement on supervision that allows individuals to seek employment and get stabilized before financial obligations are due; and
- Improving the process through which payment plans are initiated by conducting an assessment to determine an individuals’ ability to pay and identifying appropriate amounts that will not create barriers to success and can be paid off in a reasonable time frame.

RECOMMENDATION 6: Expand community-based interventions and services that increase success on supervision

Nearly 90 percent of staff who responded to the survey stated they did not have the necessary resources to help clients overcome barriers to success. Housing is a significant barrier across the state. The other notable barriers include high financial obligations, gaps in mental health treatment, and lack of employment.

CJI recommends:

- Partnering with affordable housing companies to establish a program that connects those who need housing with a 30-day voucher or affordable option to live in the partner companies’ housing units. Florida leaders should consider creating a workgroup to examine housing needs of individuals placed on community supervision and seek funding to subsidize housing prior to release.
- Florida policymakers and FDC should collaborate on the development of an employment assistance program similar to the Work and Gain Education and Employment Skills (WAGEES) program currently in place in Colorado.⁵⁶ WAGEES is a grant program within the Colorado Department of Corrections that provides funding for community-based reentry programs to support individuals transitioning from incarceration onto parole supervision. The WAGEES program was designed to provide grants to community-based organizations that administer a wide range of reentry programs and services, such as employment preparation and placement, work clothing and tool assistance, group and individual mentoring, acquisition of identification and medical benefits, vocational training cost assistance, transportation assistance, housing assistance, family reunification/parenting support, educational assistance, substance use support, and more.⁵⁷
- Florida should conduct a comprehensive, treatment gap analysis to assess the criminogenic needs of individuals on community supervision, the availability of services to address those needs, the average time between referral and intake, and the quality of the services provided.

FOCUS RESOURCES ON THE HIGHEST-RISK POPULATION

RECOMMENDATION 7: Expand use of administrative probation and early termination for those identified as a lower public safety risk

Florida has the fifth-largest community supervision population in the nation. As of yearend 2020, there were 183,900 individuals on community supervision in the state.⁵⁸ Interviews with officers indicated

they are feeling the strain of high caseloads and limited resources, which has left little room for them to help individuals to succeed on supervision. Research has found that to have the greatest effect on reducing recidivism, supervision and treatment resources should be focused on the highest-risk individuals; when resources were focused on lower-risk individuals, recidivism *increased* slightly.⁵⁹

Administrative probation is a lower-level supervision status available in Florida that allows the department to focus more resources on those at highest risk of recidivating. Under current law, FDC may transfer individuals to administrative probation if they have been assessed as a low risk of harm to the community and have completed at least half of their probation period.⁶⁰ While administrative probation has an average success rate of 91 percent, it appears to be used very rarely. In 2019, only 858 individuals were on administrative supervision, making up only 1 percent of releases in 2019.

CJI recommends:

- FDC should expand eligibility for administrative probation to ensure that those who are a lower public safety risk can be more easily transferred to this supervision type. FDC should also consider linking administrative probation and early termination by creating an automatic process for those who are successful on administrative probation to be discharged from supervision early.
- Limiting the length of time someone can be ordered to serve on probation. Under current law, supervision terms for individuals convicted of a felony and placed on probation should not exceed two years, unless specified by the judge meaning the sentencing judge has the discretion order a term longer than two years.⁶¹

Early termination is another mechanism states around the country use to ensure resources are focused on those at the highest risk to reoffend. While Florida allows individuals to be discharged early, CJI's assessment found that early termination does not appear to be used as frequently as it could be, and when it is used, its application is inconsistent across the state. There is no automatic process in place for determining an individual's eligibility for early termination. Some officers reported during interviews that they never request early termination and that judges rarely grant it when they do. In fact, 69 percent of officers who responded to CJI's survey reported that they request early termination for fewer than 25 percent of their clients.

CJI recommends:

- Establishing a streamlined or presumptive early termination process that allows individuals who have met certain eligibility requirements to be presumptively discharged.
- Increasing training for officers on the state's early termination policy to ensure officers understand their authority in motioning the court for early termination and how early termination can incentivize compliance and streamline the release of those who are less of a public safety threat.
- Requiring the recommending court give specific, written reasons for denying early termination and detail the steps the individual can take to improve the likelihood of early termination being granted in the future.
- Establishing the use of earned compliance credits leading to early termination that allows individuals to earn their way off supervision by complying with the terms and conditions of supervision and participating in certain programming and treatment programs.

RECOMMENDATION 8: Strengthen responses to technical violations to proactively change behavior and reduce the use of unnecessary incarceration

Research has found that to effectively change behavior, responses to violations should be swift, certain, and proportional.⁶² In Florida, supervising officers do not have the autonomy to respond to condition violations using swift, certain, or proportional sanctions without a judge’s approval. In addition, under current Florida law, individuals arrested for violating a condition of supervision – even for technical violations – are detained pending a revocation hearing. However, there are no set timeframes in statute as to when a revocation hearing must occur following detention.⁶³ While CJI was not able to access data to determine the length of time individuals are held in jail pending the resolution of their revocation procedures, officers reported during focus groups interviews that most of the individuals who violate a condition and are ultimately arrested end up in jail while awaiting hearings. Research has found that even short jail stays can destabilize individuals and result in a negative outcome that may impact an individual’s public safety risk including outcomes such as loss of employment, financial disruption, housing insecurity, and family instability.⁶⁴

CJI recommends:

- Adopting a system of graduated responses that provides probation officers with the autonomy to respond to technical violations administratively and without involvement of the courts. This will ensure swift responses to violations and utilize court resources most effectively.
- Setting timeframes in law that require violation hearings to take place shortly after detention occurs, ideally within two weeks from the date the report was issued. Florida should also consider expanding the use of a summons rather than warrants for technical violations unless there is a significant public safety concern.

ENSURE SUSTAINABILITY OF EVIDENCE-BASED PRACTICES

RECOMMENDATION 9: Ensure staff and stakeholders are aligned with FDC’s commitment to using evidence-based practices to improve outcomes

Long-term sustainability of evidence-based practices (EBP) requires staff and leadership to be aligned. While many staff expressed support for the use of evidence-based practices, several staff expressed concern that these practices require supervision officers to do more when they already have very limited time and resources to dedicate to the individuals they supervise. Staff appear willing to fully implement evidence-based practices but expressed a desire for more autonomy and additional training to ensure they have the tools and resources to help the individuals on their caseload succeed.

CJI’s assessment also found that communication could be improved between leadership and staff across supervision circuits. There are significant regional differences in staff’s perception of leadership and how effective communication occurs across the agency, which can impact successful implementation and sustainability of policy and practice changes related to evidence-based practices.

CJI recommends:

- FDC should convene a workgroup charged with improving staff support of EBPs by reviewing the FDC mission to ensure it clearly articulates behavior change as a goal and establishing a method for officers to provide input on new policies prior to finalization and feedback once they’re rolled out. In addition, FDC should review and revise job descriptions to ensure they align with

FDC’s mission, as well as aligning staff performance evaluations as incentives for using evidence-based practices.

- FDC should also hold education sessions with judges, prosecutors, and other stakeholders in the community to expand awareness of the role of probation through the lens of risk/need/responsivity. Prosecutors are a particular stakeholder group to engage, as their role requires a high level of discretion regarding condition setting and exposes them to what works and does not work in probation throughout the circuits.
- FDC should implement different methods to promote enhanced communication and collaboration among leaders, supervisors, and officers across circuits. This could be accomplished through joint meetings, newsletters, trainings, FAQs shared through staff meetings, or executive meetings. FDC should also consider establishing a protocol to meet periodically as a department in addition to the bureau or team meetings already taking place. FDC should leverage available technology platforms (e.g., Zoom, Teams, Go-To-Meeting) to enhance communication within a team that spans a great distance and facilitates implementation.

RECOMMENDATION 10: Ensure effective implementation of a risk and needs assessment tool and effective case management

FDC’s risk assessment has not been validated since 2011. In addition, FDC is in the process of implementing CINAS, but a quality assurance process has yet to be developed to ensure the tool is being used as intended. In addition, while FDC policy requires development of case plans for those on community supervision, the use of case planning does not appear to be occurring in practice.

CJI recommends:

- FDC should validate the current risk and needs assessment tools in accordance with FDC’s definition of recidivism. As the risk tool was last validated in 2011, FDC should re-validate the tool on its current population and consider modifying the ranges of the scores that dictate the risk and supervision levels based on the results of the validation study.
- FDC should establish a quality assurance process to ensure that staff are accurately scoring the assessments and that individuals are reassessed every six months. This is an essential step to ensure accuracy of the tools.
- FDC should implement additional training to staff on the risk and needs assessments and require annual booster sessions informed by staff development needs.
- FDC should implement a mechanism for monitoring the quality assurance process to ensure case plans align with best practices. This can include establishing training audits, spot tests, and selecting training mentors.
- FDC should establish a process to review conditions on a regular basis to ensure conditions align with the results of the risk and needs assessment and seek a modification, as described in recommendation 1, when a misalignment of conditions and an individual’s risk and needs is determined.

RECOMMENDATION 11: Require training on evidence-based practices as part of annual staff training

Ensuring all staff are trained on the use of Core Correctional Practices (CCP) would increase officers’ ability to encourage long-term behavior change. CCP skills include components of cognitive behavioral interventions and are focused on teaching skills, such as active listening, providing feedback, role

clarification, effective use of reinforcement, effective use of disapproval, effective use of authority, and cognitive restructuring tools and techniques.⁶⁵

CJI recommends:

- FDC should train staff on PEI and CCP skills to increase officers' ability to encourage long-term behavior change. This training should be offered for new staff and be part of an annual refresher training for existing staff.

RECOMMENDATION 12: Enhance FDC's data system to allow for real-time decision making

Accurately collecting and analyzing data is critical to ensuring evidence-based practices. Enhancing FDC's current data system to allow for the use of data dashboards and the ability to track reasons for revocation can enable FDC to make data-driven decisions in real time.

Appendix: Methodology

In March 2021, CJI began conducting a comprehensive examination of data, policies, and practices related to community supervision, with a particular focus on revocations in each of these four states: Colorado, Florida, Mississippi and Montana.

For the quantitative portion of the assessment, CJI collected and analyzed data regarding the community supervision and correction populations in each state from 2010 to 2019. Data were collected at the case level and included the following:

- Basic demographic information;
- Sentence and offense information;
- Supervision start and end dates/time served on community supervision;
- Risk/need assessment information;
- Programming requirements; and
- Violation/revocation information, including incident reports/sanctions.

Quantitative Methodology

This assessment involved an analysis of a sample of individuals who terminated community supervision between 2010 and 2019. Because this assessment focused on the drivers of revocations, neutral termination codes (e.g., death, deportation, pardon) were removed. Additionally, individuals may have terminated multiple probation cases within a single year. In these cases, so as not to over-represent any single individual, only one termination code was retained, starting with the most serious: revocation for new felony followed by revocation for new misdemeanor, revocation due to technical violation, and early or normal termination. Early and normal termination were collectively represented as a successful termination. The final sample was compared against the raw data provided by FDC and indicated representativeness across a variety of metrics, including consistent revocation rates by sex, race, age, supervision type, and circuit. Therefore, while the number of individuals reported in this assessment is smaller than the total community supervision population, patterns in revocation rates are reflective of the larger population, where sample revocations were no more than plus or minus one percentage point from the raw data across each of the stated metrics.

In addition to the data collected and analyzed above, CJI requested data on the specific violations that were reported for individuals on community supervision between 2010 and 2019. As received, these data were not distinctly clear as to which violations resulted in revocation and which did not. Therefore, CJI chose to filter out any observations with certain violation disposition codes, removing them from the final analyses of violations data. Similar to coding decisions made in the termination data, four specific violation disposition codes were targeted for final analyses: loss to new felony revocation, loss to new misdemeanor revocation, loss to technical revocation, and remove pending revocation. Eight percent of observations (n=135,492) were missing values for this variable, thus were coded as missing. Another six percent (n=94,856) fell into violation disposition code categories related to: loss to death, FCOR termination, or other state cases. These were categorized and coded as “other” and filtered out of any final analyses with a final sample size of 353,998 unique individuals.

The resulting sample of violations data retained 86 percent of the over 1.65 million violation observations (n= 1,417,045), committed by 88 percent (n=353,998) of the near 400,000 unique

individuals in the file. For the over 1.4 million violation observations remaining for further analysis, additional variables were used to identify which of these observations resulted in revocation and which did not. Observations for which the disposition code noted removal of pending violations along with outcome reasons like “dismissal” or “no action” were categorized as *not revoked*. On the other hand, observations that CJI categorized as *revoked* had revocation-specific dispositions along with related outcome reasons such as “prison,” “jail,” or other community supervision assignment.

Additionally, correctional population data were requested in aggregate to provide additional context. This data set included: total admissions, total standing population, and demographic population information.

Qualitative Methodology

Along with the data analysis, CJI reviewed relevant state laws and written policies related to community supervision and decision-making. The CJI team conducted group and individual interviews with stakeholders to develop a more nuanced understanding of how individuals are supervised in the community and how revocation from supervision in each state works in practice. Several different stakeholder groups were interviewed over the course of the project including:

- Correctional Probation Officers and Correctional Probation Specialists (probation officers),
- Correctional Probation Supervisors (CPSs),
- Judges,
- Prosecutors in State Attorneys Offices, and
- Defense Attorneys & Public Defenders

Additionally, as part of CJI’s qualitative analysis, the team also distributed surveys to select stakeholder groups to provide context regarding how official policies and practices are implemented and gain a better understanding of organizational culture.

End Notes

- ¹ Danielle Kaeble, "Probation and Parole in the United States, 2020," Bureau of Justice Statistics, December 2021, <https://bjs.ojp.gov/content/pub/pdf/ppus20.pdf>.
- ² Ibid.
- ³ Ibid.
- ⁴ Ibid.
- ⁵ Ibid.
- ⁶ Ibid.
- ⁷ Responsivity factors are individual characteristics, such as learning style or motivation, which may relate to how interventions should be applied.
- ⁸ Florida Department of Corrections (n.d.). *Probation Services*. Retrieved from [Probation Services -- Florida Department of Corrections \(state.fl.us\)](https://www.fl.gov/corrections/probation-services).
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- ¹⁰ Fla. Stat. § 947.1405.
- ¹¹ Florida Department of Corrections (2018). *Florida's Criminal Punishment Code: Comparative Assessment*. Retrieved from: [Sentencing Guidelines 1996-97 Annual Report \(state.fl.us\)](https://www.fl.gov/corrections/sentencing-guidelines-1996-97-annual-report).
- ¹² Florida Commission on Offender Review (2021). *Year End Statistics FY 20-21*. Retrieved from [Statistics - Organization - Florida Commission on Offender Review \(state.fl.us\)](https://www.fl.gov/corrections/commission-on-offender-review).
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- ¹⁴ Florida Department of Corrections Annual Report 2018-2019; pg. 40. Retrieved from http://www.dc.state.fl.us/pub/annual/1819/FDC_AR2018-19.pdf.
- ¹⁵ Ibid.
- ¹⁶ Ibid.
- ¹⁷ Success and revocation estimates were based on Florida termination data, particularly five release codes: early termination; normal termination; new misdemeanor revocation; new felony revocation; or technical revocation. These codes encompassed 83 percent of observations in the data (n=629,429). The remaining 18 percent of observations (n=133,117) involved neutral release codes such as death or pardons.
- ¹⁸ Race and ethnicity variables are entered at an individual's first point of contact with Florida's court system, often by law enforcement officials. This data point is often different than the race/ethnicity the individual personally identifies as, and there are often times when the same individual is entered into the system multiple times, with differently assigned races or ethnicities for each case. Probation is not able to make changes to the race or ethnicity assigned in the court data management system.
- ¹⁹ The Criminal Punishment Code (CPC) are the sentencing guidelines used in Florida to guide sentencing decisions. The CPC uses a complex formula that considers a number of factors related to the seriousness of the offense, aggravating circumstances, and prior criminal history. These factors are used to calculate points which then inform a sentencing recommendation.
- ²⁰ Fla. Stat. § 948.20.
- ²¹ The estimated number of people accounting for technical violations (n=282,143) is the difference of all individuals violated (n=353,998) and those who were violated for new offenses only (n=71,855).
- ²² The median number of investigations was one per person, with a range from 1 to 16 separate investigations for a unique person. The median number of violations per single investigation was three. The median count of technical violations per investigation was two, with a range of one to 48 technical violations in a singular investigation. The median count for new offenses per investigation was one.
- ²³ Phelps, Michelle S., and Caitlin Curry. "Supervision in the community: Probation and parole." In *Oxford Research Encyclopedia of Criminology and Criminal Justice*, 2017.
- ²⁴ Solomon, A. L. et al., (2008). *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes*. Urban Institute. <https://www.urban.org/sites/default/files/publication/32201/411800-putting-public-safety-first-strategies-for-successful-supervision-and-reentry-policy-brief-.pdf>.
- ²⁵ The Pew Charitable Trusts. (2020). *Policy Reforms Can Strengthen Community Supervision: A Framework to Improve Probation and Parole*. <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/04/policy-reforms-can-strengthen-community-supervision>.

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- ²⁷ Ibid.
- ²⁸ Fla. Stat. §948.03.
- ²⁹ Ibid.
- ³⁰ Fla. Stat. §948.20.
- ³¹ Fla. Stat. §948.06.
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- ³⁴ Community Corrections Methods of Reporting Technical Violations, May 2020.
- ³⁵ Fla. Stat. § 948.06.
- ³⁶ Ibid.
- ³⁷ Comfort, M. (2016). 'A twenty-hour-a-day job': The impact of frequent low-level criminal justice involvement on family life., *Annals of the American Academy of Political and Social Science*, 665(1), 63-79; Harding, D. J., Siegel, J. A., & Morenoff, J. D. (2017). Custodial parole sanctions and earnings after release from prison. *Social Forces*, 96(2), 909-934; Mueller-Smith, M. (2015). *The criminal and labor market impacts of incarceration*. University of Michigan, unpublished manuscript.
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- ³⁹ Fla. Stat. § 948.06.
- ⁴⁰ Andrews, D. A., & Bonta, J. (2010). *The Psychology of Criminal Conduct* (5th ed.). Cincinnati, OH: Anderson.
- ⁴¹ Wodahl, E. J., Garland, B., Culhane, S. E., & McCarty, W. P. (2011). Utilizing behavioral interventions to improve supervision outcomes in community-based corrections. *Criminal Justice & Behavior*, 38(4), 386-405.
- ⁴² Fla. Stat. § 948.04.
- ⁴³ Ibid.
- ⁴⁴ Bonta, J., & Andrews, D. A. (2007). *Risk-need-responsivity model for offender assessment and rehabilitation*. Retrieved from: https://www.researchgate.net/publication/310747116_Risk-Need-Responsivity_Model_for_Offender_Assessment_and_Rehabilitation.
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