

State of Arizona  
Office  
of the  
Auditor General

**PERFORMANCE AUDIT**

**ADULT PROBATION  
PROGRAMS**

**Report to the Arizona Legislature  
By Douglas R. Norton  
Auditor General**

**March 1999  
Report Number 99-4**



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**STATE OF ARIZONA  
OFFICE OF THE  
AUDITOR GENERAL**

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March 17, 1999

Members of the Arizona Legislature

The Honorable Jane Dee Hull, Governor

Mr. David K. Byers, Administrative Director  
Administrative Office of the Courts  
Supreme Court

Transmitted herewith is a report of the Auditor General, An Evaluation of the Adult Probation Programs administered by the Supreme Court's Administrative Office of the Courts, Adult Services Division. This evaluation was conducted in response to a May 27, 1997, resolution of the Joint Legislative Audit Committee.

The report describes factors that contribute to adults successfully completing probation. Of particular note was the fact that substance abusers who consistently attended or successfully completed substance abuse treatment were much more likely to successfully complete probation than was the general sample of probationers we evaluated. About 85 percent of the individuals who completed drug treatment succeeded in completing the terms of probation. And, 80 percent of those who consistently attended alcohol abuse programs successfully completed probation. In view of the known relationship between substance abuse and crime, plus Arizona's emphasis on drug treatment, the next step is to ensure that effective treatment is available to all who need it, and to emphasize attendance in and completion of substance abuse treatment programs. Since consistent employment and completion of community service also predict successful probation outcomes, probation departments should continue to emphasize these conditions of probation.

The evaluation identified differences in the ways counties manage probationers. Some counties emphasize restitution and rehabilitation and therefore are more tolerant of some forms of noncompliant behavior. Other counties appear more concerned with community protection, and are quicker to revoke misbehaving probationers. Follow-up evaluations could determine the relative costs and benefits of these approaches, but improved recordkeeping is needed to facilitate further studies. Better standards and guidelines for

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information collection, storage, and retrieval of both paper case files and electronic records, and development of a statewide electronic database, is required to expedite future research and evaluation. Such action is also important for decision-making, case management, and protecting victims.

As outlined in its response, the Administrative Office of the Courts agrees with most of the findings and recommendations presented in the evaluation. However, the Administrative Office of the Courts does not agree to work with County Probation Departments to determine the long-term cost-effectiveness of tolerating different degrees of criminal and non-compliant behaviors, while departments provide community-based rehabilitation. The Courts indicate that implementing this recommendation would be too costly. The Courts also disagree with the recommendation to develop specialized caseload assignments in smaller counties for probationers with mental health problems. It was suggested that a different method would be used to address this concern.

My staff and I will be pleased to discuss or clarify items in the report.

This report will be released to the public on March 18, 1999.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas R. Norton". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas R. Norton  
Auditor General

Enclosure

# SUMMARY

The Office of the Auditor General has conducted an evaluation of the adult probation programs administered by the Supreme Court's Administrative Office of the Courts, Adult Services Division. This evaluation was conducted in response to a May 27, 1997, resolution of the Joint Legislative Audit Committee. The evaluation focused on identifying factors that contribute to adults successfully completing probation and examines the effect of substance abuse treatment programs, differing probation management approaches counties have adopted, and outcomes associated with gender and other demographic characteristics.

Under the Criminal Code, probation is a sentencing alternative for many crimes in Arizona. Most typically, it involves a convicted felon being placed under supervision for three to seven years for crimes ranging from theft, drug, or drunk driving charges to armed robbery and sex offenses. Offenders who are sentenced to probation are required to abide by standard conditions such as remaining law abiding, submitting to searches, and possessing no weapons. Many sentences, in addition to probation, include some time in jail or prison. Courts may also impose financial obligations on probationers, such as fees for probation services and supervision, or restitution payments to a victim for economic loss, such as medical expenses.

Probation is the most common way that offenders in Arizona's criminal justice system serve their sentences. At any given time in 1998, Arizona county probation departments were supervising approximately 35,000 probationers. Given the recent dramatic rise in drug-related arrests, many of these probationers have substance abuse problems. The current trend in the Arizona criminal justice system is to emphasize substance abuse treatment rather than punishment. Since first- and second-time drug possession offenders can receive treatment during probation, it is necessary to determine the degree to which drug treatments are successful.

## **Factors Associated with Successful Completion of Probation (See pages 11 through 17)**

This evaluation identified three factors that are associated with successfully completing probation. These factors are probationers' success in completing substance abuse treatment programs, maintaining employment, and completing community service requirements. Although the overall successful probation completion rate for this study was 63 percent, probationers who consistently participated in drug abuse counseling had successful probation completion rates of 85 percent. Similarly, substance abusers who frequently attended 12-step drug or alcohol programs such as Alcoholics Anonymous had probation success

rates of 80 percent. These probation completion rates are not only higher than those for probationers not successfully completing their treatment programs, but are also higher than those for probationers never required to attend such programs.

Because completion of substance abuse treatment programs is associated with higher probation success rates, efforts to initially screen probationers for treatment needs and to emphasize that they attend substance abuse treatment programs should be stressed. Many probationers were not identified as substance abusers and/or ordered to attend treatment at the time they were placed on probation. Approximately 17 percent of the probationers not initially ordered to attend treatment programs were later identified as having problems and ordered to do so. In addition, approximately 30 percent of those ordered to attend treatment never did. This group was more likely to have their probation revoked than those not ordered to treatment and those who completed treatment. Although in some cases this may have been due to a lack of funding and availability of such programs, more treatment should be available in the future through the Drug Treatment Education Fund established in 1996 and from which monies became available in fiscal year 1998.

Probationers who were consistently employed during probation had a 90 percent probation completion rate. Probationers with consistent employment also had significantly fewer subsequent arrests and positive drug tests during probation than those who were only sporadically employed. In addition, probationers who completed their community service requirements had probation success rates of 85 percent. These probationers also had fewer positive drug tests and tended to have fewer subsequent arrests than did those who did not complete community service. Therefore, supervision should continue to emphasize consistent employment and completion of community service

### **Counties' Degree of Tolerance for Criminal and Noncompliant Behaviors Affects Probation Outcomes (See pages 19 through 26)**

Probation departments have a dual responsibility to provide probationers with opportunities for rehabilitation while at the same time protecting the community from crime. In Arizona each county sets its own policies for balancing these two responsibilities and each varies in the degree to which it tolerates criminal and noncompliant behavior in an effort to provide community-based rehabilitation. The four counties in the study vary in the extent to which they emphasize rehabilitation or community protection.

Variations in different levels of tolerance for criminal and noncompliant behaviors are reflected in various outcomes of the probation process. For example, Pima County revoked more probationers to jail or prison than did Maricopa. In addition, Pima County revoked its probationers more quickly than did Maricopa County, which tended to reinstate probationers with additional conditions or more stringent levels of supervision. While arrest rates for

probationers who were subsequently revoked are similar across the four counties, the extra time Maricopa County probationers spend in the community before eventually having their probation revoked does result in more crimes committed by these individuals.

In Maricopa individuals completing probation were more likely to pay full restitution to crime victims, do their community service, and complete probation early. However, it is not clear how the costs and benefits associated with probation departments' varying levels of tolerance for criminal and noncompliant behaviors compare to one another. A follow-up on early probation completers versus probationers who serve their full terms, and a more in-depth analysis of the behaviors of probationers who are eventually revoked, would help to determine the costs and benefits associated with different levels of tolerance.

### **Probationer Success Rates Vary by Gender and Other Characteristics (See pages 27 through 32)**

Probation outcomes differ by gender. As a group, women are somewhat more likely to complete their probation, and, even if they violate their conditions of probation, they are less likely to have their probation revoked. However, while education, age, and income are all positively correlated with probation success for men, these relationships are different for female probationers.

Minorities are generally more likely to have their probation revoked and are less likely to complete probation early. However, this is generally accounted for by the fact that African-Americans whose probations were revoked had higher arrest rates and initially committed more serious types of crimes than non-minorities who had their probations revoked.

In addition, appropriate treatment is important for the probation success of offenders with mental health problems or mental disabilities. Probationers whose mental health problems are identified at the time of sentencing and who receive appropriate treatment do just as well in the probation system as the general population. However, probationers with mental health problems that are not identified and addressed in their conditions of probation do not fare well.

Finally, for the small group of probationers who abscond (flee and whose whereabouts are unknown), only two characteristics differentiate them from the population as a whole. They are more likely to fall into the 26-to-30-year-old age group and have an average lower education level than other probationers.

**Recordkeeping Needs  
to Improve  
(See pages 33 through 36)**

Accurate and complete documentation in probation files is important for decision-making, case management, protecting victims, and research and evaluation. However, basic management information collected by county probation departments is difficult to retrieve and use in a timely manner. Specifically, case files often were missing information, or information was conflicting, disorganized, or illegible. In addition, electronic files are unreliable. The Adult Services Division of the Administrative Office of the Courts should work with the county probation departments to develop standards and guidelines for information collection, storage, and retrieval of both paper case files and electronic records, and to develop a statewide, standardized electronic database.

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# INTRODUCTION AND BACKGROUND

The Office of the Auditor General has conducted an evaluation of the adult probation programs administered by the Supreme Court's Administrative Office of the Courts, Adult Services Division. This evaluation was conducted in response to a May 27, 1997, resolution of the Joint Legislative Audit Committee. The evaluation focused on identifying factors that contribute to probationers successfully completing their probation. It examines such issues as the effect of substance abuse treatment programs, differing probation management approaches counties have adopted, and outcomes associated with gender and other demographic characteristics.

## **Drug and Alcohol Abuse Is Impacting the Criminal Justice System**

From 1980 to 1996, the number of people in the criminal justice system tripled, due primarily to criminal activity linked to drug and alcohol abuse. Recent dramatic increases in arrests, convictions, and incarcerations for drug-related crimes have been accompanied by prison and jail overcrowding.

While Arizona's overall increase in the crime rate reflects the State's population growth, the number of alcohol- and drug-related offenses has increased more rapidly. Department of Public Safety Uniform Crime Reports from 1990 to 1996 show an 80 percent increase in arrests for illicit substance abuse, drug trafficking, and drug sales. During the same period, however, the increase in the total number of all crimes was much more reflective of the overall increase in population, and grew only slightly faster than the population.

The dramatic rise in drug-related crime imposes a heavy cost to taxpayers, businesses, neighborhoods, and families. It is estimated that in Arizona, approximately 30 percent of domestic violence incidents and nearly 80 percent of child abuse and neglect cases are attributed to substance abuse. Law enforcement officials attribute as much as 80 percent of theft and credit card fraud cases to substance abuse. While social costs are difficult to calculate, the federal government spends billions of dollars on drug prevention treatment, drug interdiction, and related child support and law enforcement. Law enforcement, prisons and jails, courts, probation, and substance abuse treatment demand increasing public resources. We estimate the combined taxpayer burden in Arizona to be approximately \$105 million a year: about \$65 million in county and state dollars, and approximately \$40 million in federal monies.

The current trend in the Arizona Criminal Justice System is to emphasize substance abuse treatment rather than punishment. Since first- and second-time drug possession offenders can receive treatment during probation, it is necessary to determine the degree to which

drug treatments are successful. For example, to what degree can participation in substance abuse treatment lead to more successful probation; does treatment substantially reduce substance abuse; and does successful substance abuse treatment lead to lower crime rates over time? In addition, the recently created Drug Treatment and Education Fund will afford more probationers the opportunity to receive substance abuse treatment.

## **Probation in the Criminal Justice System**

Under the Criminal Code, probation is a sentencing alternative for many crimes in Arizona. Most typically, it involves a convicted felon being placed under supervision for three to seven years for crimes ranging from theft, drug, or drunk driving charges to armed robbery and sex offenses. Many sentences, in addition to probation, include some time in jail or prison. Courts may also impose financial obligations on probationers, such as fees for probation services and supervision, or restitution payments to victims for economic loss, such as medical expenses.

Offenders who are sentenced to probation are required to abide by standard conditions such as remaining law abiding, submitting to searches, and possessing no weapons. Specialized requirements may also be imposed, such as having no contact with a crime victim, or participating in vocational or educational training or mandatory substance abuse treatment. Failure to adhere to the conditions of probation may result in more stringent conditions being imposed, a lengthening of the probationary period, or in revocation of probation, where the offender is sent to jail or prison to complete the sentence. Probation officers monitor offenders to determine whether they are complying with the terms of their probation. They can make recommendations ranging from discharging offenders from probation ahead of schedule to revoking probation and sending the offender to prison or jail.

Probation is the most common way that offenders in Arizona's criminal justice system serve their sentences. Over the last several decades, more than 60 percent of all adults under criminal justice supervision have served required sentences through probation in the community. At any given time in 1998, Arizona probation departments were actually supervising approximately 35,000 probationers. As of February 28, 1998, there were 33,513 active probationers. The number increased to 35,694 by November 30, 1998.

Together with parole, probation constitutes the community corrections portion of the criminal justice system. Probation and parole are believed to provide better opportunities than incarceration for rehabilitating offenders. Rehabilitation, in turn, is believed to lower the chance of criminal recidivism (relapse into criminal behavior). Although there are efforts to provide rehabilitation while inmates are incarcerated, former prison inmates have relatively high recidivism rates.

## **Probation Must Address Multiple Goals Affecting Both Offenders and Victims**

The probation system involves a number of different participants, such as offenders, victims, courts, county probation offices, and other law enforcement personnel, and involves the difficult task of meeting multiple goals that range from protecting the victim to rehabilitating the offender. The six major goals of community corrections, as identified by the American Probation and Parole Association, are listed below, together with a discussion of the role probation departments and others play in meeting those goals.

- **Enforcing sanctions ordered by the court**—County probation departments are given the responsibility to enforce all sanctions or conditions ordered by the courts. More offenders with higher levels of risk are being placed on probation, often with more stringent conditions, through programs such as the Community Punishment Program (described further in the next section on pages 4 through 5), which range somewhere between incarceration and standard probation. Enforcement requires facilitation skills, ongoing monitoring, and timely response, both to signs of progress and incidents of non-compliance.
- **Assisting offenders**—While many offenders may genuinely have a motivation to change, they are unlikely to do so unless they receive help in altering their behavior or in learning new skills and forming different attitudes. To help offenders change from a criminal lifestyle to a socially acceptable and productive one, their attitudes toward employment, peers, authority, and substance abuse must be assessed and addressed. Probation officers need to specify appropriate behaviors and to provide offenders with access to programs that help them develop new skills, and learn appropriate coping skills.
- **Protecting the community**—Protecting the community has always been a primary objective of the criminal justice system. Probation officers must provide surveillance to monitor an offender's activities and social environment. Surveillance efforts include home visits, contacts with employers, neighborhood contacts, and electronic monitoring.
- **Assisting decision-makers**—Probation departments have a responsibility to provide decision-makers with complete and accurate information regarding offenders' backgrounds and their current risks and needs. Probation officers provide this information by conducting presentence investigations and by preparing reports that are used during alterations in the conditions of probation (such as revocation) as well as in determining if an offender should be released from probation.<sup>1</sup>

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<sup>1</sup> Probation officers may also begin the revocation process, which ends probation by having the offender complete his or her term in jail or prison.

- **Supporting victims**—Probation departments have a responsibility to support the rights of crime victims and to provide benefits to all those involved. To meet this responsibility, probation officers can assist victims through advising them of the offender’s custody status, notifying them of arrangements for payment of restitution, informing them of supervision conditions, and notifying them if there is potential danger.
- **Coordinating services**—Finally, probation departments have a responsibility to coordinate services for probationers. Offenders under the supervision of probation departments require a variety of services throughout their rehabilitative process. While many of these services are increasingly provided in-house, probation departments are still largely dependent on other community service providers to meet these needs.

### **Probation Is Locally Administered but Primarily State-Funded**

With the adoption of A.R.S. §12-251 in 1927, the probation system in Arizona was established as part of the superior court system in each county. Each county’s presiding judge is responsible for the county probation department. Specifically, A.R.S. §12-251(A) designates the presiding judge in each county to appoint a chief probation officer to manage the probation department.

Probation departments were initially funded exclusively by counties. The first significant state funding occurred during 1985, and since that time the State’s monetary involvement has continued to increase. For fiscal year 1999, over \$76 million was scheduled for expenditure on probation services, with the State contributing approximately \$50 million and the remainder provided by the counties and monies generated from fees and other sources. The State provides financial support in the following programs:

- **Standard Probation**—Standard probation is a sentencing option whereby a convicted offender is released into the community under the supervision of a probation officer in lieu of incarceration. Offenders may be required to seek substance abuse treatment or participate in other programs as directed by the court or the probation officer.
- **Intensive Probation**—This program for high-risk offenders, as measured by a risk assessment used by probation departments, began in 1986. It is more highly structured and requires stricter conditions than standard probation, such as more frequent reporting to probation officers, electronic monitoring, at-home surveillance, and abstaining from drug or alcohol use.
- **Community Punishment Program**—The Legislature established this program in 1988 to provide enhanced services for high-risk offenders who might otherwise fail to complete probation. Offenders who fail drug offender diversion programs, fail other re-

quirements for an existing probation term, or are newly sentenced to probation may be enrolled in Community Punishment Programs. Each Arizona County operates Community Punishment Programs differently, which may include the elements of electronic monitoring, sex offender treatment, or substance abuse treatment.

- **Drug Treatment Education Fund**—Voters approved Proposition 200 in November 1996. This proposition, known as the Drug Medication and Control Act of 1996, created a program that provides expanded drug treatment and education services to first- and second-time drug possession offenders. Each of Arizona's counties receives some of the Drug Treatment Education Fund monies for substance abuse treatment. Although the Drug Treatment Education Fund is primarily designed as a treatment program for drug offenders (not including alcohol), it can serve as a funding source for all substance abuse programs. Excess Drug Treatment Education Fund monies may be spent on other offenders with substance abuse problems after all offenders eligible under Proposition 200 are served. The increased resources afforded by this fund beginning in fiscal year 1998 allow the judicial system to better address the probationers' substance abuse issues.
  
- **Interstate Compact**—In 1996, probation departments began supervising offenders who were under supervision in other states but move to Arizona (this service was previously provided by the Department of Corrections). While the funding for most counties' Interstate Compact probationers is absorbed through the standard probation monies, four counties (Maricopa, Mohave, Pima, and Yavapai) have enough probationers to require at least one additional probation officer. As a result, the Legislature appropriated slightly more than \$1 million in fiscal year 1998 for these counties.

Table 1 (see page 6) provides an overview of statewide expenditures for adult probation programs for fiscal years 1995 through 1998. As the table shows, most of the \$45.9 million in state aid in fiscal year 1998 went to standard and intensive probation.

**Table 1**  
**Adult Probation Outcomes Study**  
**Statewide Adult Probation Programs**  
**Schedule of Expenditures by Funding Source**  
**Years Ended or Ending June 30, 1996, 1997, 1998, and 1999**  
**(Unaudited)**

Source/Program	1996 (Actual)	1997 (Actual)	1998 (Actual)	1999 (Estimated)
State monies: <sup>1</sup>				
General Fund appropriations:				
Adult Standard Probation	\$17,492,273	\$18,468,955	\$20,473,797	\$22,163,585
Adult Intensive Probation	16,156,266	17,090,678	18,100,614	19,129,421
Community Punishment	3,440,737	3,447,883	4,115,147	4,182,932
Interstate Compact	776,433	1,051,563	1,120,011	1,313,900
Luxury privilege tax:				
Drug Treatment and Education	<u>                    </u>	<u>2,740</u>	<u>3,167,683</u>	<u>3,655,802</u>
Total state expenditures	37,865,709	40,061,819	46,977,252	50,445,640
Other monies:				
County general fund <sup>2</sup>	15,726,591	16,735,435	15,838,983	15,054,922
Probation service fees	<u>4,562,026</u>	<u>4,971,753</u>	<u>6,897,990</u>	<u>10,913,031</u>
Total expenditures	<u>\$58,154,326</u>	<u>\$61,769,007</u>	<u>\$69,714,225</u>	<u>\$76,413,593</u>

<sup>1</sup> Includes amounts disbursed directly to the counties, amounts paid by the State on behalf of the counties for expenditures such as motorpool charges and vehicle purchases, and amounts paid by the State for administrative costs and centralized services such as research, automation, and certification.

<sup>2</sup> For fiscal years 1996 and 1997, includes estimates for Gila, Graham, Greenlee, La Paz, Mohave, and Santa Cruz Counties because they have combined juvenile and adult probation departments and do not separately account for adult probation expenditures. For fiscal year 1998, this information was not accumulated for the counties. Amount shown is an average of expenditures in fiscal years 1996 and 1997 and the amount budgeted for fiscal year 1999.

Source: Auditor General staff analysis of the Administrative Office of the Courts' financial reports, county finance department reports, and county adult probation department reports.

As of February 1998, about 87 percent of offenders on probation in Arizona were in standard probation. Table 2 shows the distribution of probationers by county. Probationers in the Community Punishment Program are included under standard probation. Probationers receiving services through the Drug Treatment Education Fund are not accounted for separately. Table 2 also shows staffing levels for each county's probation department as of December 1997. In all, the counties had 1,638.5 positions.

**Table 2**

**Adult Probation Outcomes Study  
County Adult Probation Departments  
Populations Served in Standard, Interstate Compact,  
and Intensive Probation Programs at February 28, 1998,  
and Departments' Staffing Levels at December 31, 1997  
(Unaudited)**

County	Probation Population			Total	Total Staff
	Standard	Interstate Compact	Intensive		
Maricopa	18,762	762	1,518	21,042	898.0
Pima	3,481	238	608	4,327	284.8
Mohave	1,202	114	66	1,382	51.5
Yavapai	1,017	43	161	1,221	69.5
Pinal	894	31	83	1008	53.0
Yuma	722	32	214	968	68.5
Coconino	771	32	118	921	50.5
Gila	551	11	33	595	24.4
Navajo	555	16	44	615	26.5
Cochise	406	29	136	571	50.0
Santa Cruz	129	11	34	174	20.0
Apache	194	19	40	253	20.0
Graham	183	2	14	199	8.0
La Paz	116	10	5	131	6.3
Greenlee	<u>95</u>	<u>2</u>	<u>9</u>	<u>106</u>	<u>7.4</u>
<b>Total</b>	<u><b>29,078</b></u>	<u><b>1,352</b></u>	<u><b>3,083</b></u>	<u><b>33,513</b></u>	<u><b>1,638.4</b></u>

Source: Adult Services Division, February 1998 *Monthly Statistical Report* and 1998 fiscal year *Midyear Closing Report* (as of December 31, 1997).

## **Audit Scope and Methodology**

This evaluation focused on identifying factors that contribute to probationers' successful completion of probation, with particular attention to substance abuse treatment, and to a

lesser extent, how counties vary in their management of probationers. The focus on substance abuse reflects the profound effect of drug-related crimes on the criminal justice system in recent years.

The findings in this report are based on analysis of data generated from 845 probation files in 4 of Arizona's 15 counties: Cochise, Maricopa, Pima, and Yavapai. Approximately 80 percent of all probationers in Arizona reside in one of these four counties.<sup>1</sup> The 845 probationers included in the analysis all began their probation terms in 1994. The study covers the period from when each individual began his or her probation through the date the probation ended.<sup>2</sup> The 845 cases were drawn from the population of individuals who began probation in 1994 in the four counties that were selected. The sample was drawn in such a way to maximize the extent that statistically valid conclusions could be drawn. However, some constraints in the data collection (see Appendix A, pages a-i through a-vii), limit the extent to which conclusions regarding Cochise and Yavapai Counties can be made. As a result, county comparisons in the report focus on Maricopa and Pima Counties.

The evaluation was specifically designed to allow an assessment of how substance abuse treatment affected probationers. As a result, the sample included a group known to have a substance abuse problem and to have received treatment. For Maricopa and Pima Counties, this group included a large number of probationers who had Community Punishment Program as a condition of their probation, because these two counties use the Community Punishment Program to provide substance abuse treatment. However, offenders with known substance abuse problems who were not in the Community Punishment Program were also in the sample. The sample intentionally included substantial numbers of offenders sentenced for driving under the influence, and who have a substance abuse problem.

The sampling design also called for a group to be included that had a known substance abuse problem but who did not receive treatment. To serve as a comparison to the probationers who received substance abuse treatment as a condition of probation, this review included known substance abusers who were not required to attend substance abuse treatment. The sample also included probationers with no known substance abuse problem. See Appendix A (see pages a-i through a-vii), for a more thorough description of the sampling methods and the data collection procedures.

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<sup>1</sup> The methodology used in selecting the counties and files, and a discussion of data, are provided in Appendix A (see pages a-i through a-v).

<sup>2</sup> Some of the probationers were still on active probation at the time their files were reviewed. Their activities through the time their files were reviewed were analyzed.

The following provides some key descriptions of the total sample:<sup>1</sup>

- 80 percent were male
- Almost half had not completed high school
- The average age was 31 years
- Eighty percent were not married when their probation began
- Most had committed a class 4 or 6 felony<sup>2</sup>
- More than three-fourths had no prior felonies
- Approximately 60 percent had committed at least one prior misdemeanor (the average number of misdemeanors was 2.3)
- More than half had no prior supervision
- At the time of data collection the sample of 845 had the following probation dispositions:
  - 49 percent had successfully completed their probation
  - 9 percent were still on probation due to an initially longer-than-average term of probation
  - 5 percent were still on probation because their term had been lengthened or they had an additional/concurrent probation term added
  - 24 percent had been revoked to jail or prison
  - 5 percent absconded
  - 1 percent were decreased
  - 3 percent were transferred with no known outcome, and
  - 4 percent had dispositions that were unclear or unknown

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<sup>1</sup> Additional information on the sample by county is provided in Appendix A, Tables 7, 8, and 9 (see pages a-iv and a-v).

<sup>2</sup> Crimes are classified as felonies or misdemeanors. Felonies are more serious than misdemeanors. Felonies are assigned a class of 1 to 6, with 1 the most serious. For example, homicides are felony class 1 offenses. Robbery is a class 4 felony; sexual assault on a spouse is a class 6 felony.

Additional information was gathered through literature reviews; interviews with a variety of individuals in the system, including a judge, chief probation officers, supervisors, and treatment counselors; observations of substance abuse treatment services and 12-step programs for substance abuse; and review of county probation office documents regarding processes and procedures.

Complete information on each of the 845 probationers was not available. As described in Finding IV (see pages 33 through 36), some files contained conflicting or incomplete information. In cases where there was incomplete or conflicting information, missing values are assigned to that variable. As a result of this missing data, and the fact that not all of the 845 cases in the study had completed probation, the number of cases on which the analyses are conducted varies, since a case with a missing value on any of the factors being analyzed is excluded. A variety of methods, including linear and logistic regression, analysis of variance, and cross-tabulation were used to develop the findings in this report. Appendix B (see pages b-i through b-iv) provides additional detail about the analyses that are reported in Finding I (see pages 11 through 17), Finding II (see pages 19 through 26), and Finding III (see pages 27 through 32).

This report presents findings in four areas regarding:

- The impact of substance abuse treatment and other factors on the successful completion of probation;
- A comparison of probation completion rates and intermediate outcomes in the four counties, as well as the counties' treatment of probationers;
- Probation outcome variations among important subpopulations, such as women and absconders (probationers who flee and whose whereabouts are unknown); and
- An assessment of probation recordkeeping.

The Auditor General and staff express appreciation to the Administrative Office of the Courts, the Director and staff of the Adult Services Division, presiding judges, and the chief probation officers and their staff for their cooperation and assistance throughout the audit.

## FINDING I

### FACTORS ASSOCIATED WITH SUCCESSFUL COMPLETION OF PROBATION

The evaluation identified several factors that are associated with successful completion of probation in Arizona. Probationers who successfully complete drug treatment programs or actively participate in 12-step programs, such as Alcoholics Anonymous, are more likely to successfully complete probation, less likely to be arrested while on probation, and less likely to test positive for alcohol or drugs during probation. Additionally, probationers who remain consistently employed or who successfully complete required community service also are more likely to complete probation than those who do not. Not surprisingly, the factors most closely associated with failure to complete probation involved conditions that often result in incarceration: being arrested during the probationary period or otherwise being the subject of petitions to revoke probation. Arizona appears to have potential to make greater use of treatment programs for substance abuse among those offenders who are placed on probation.

#### **Substance Abuse and Criminal Behavior**

The success of substance abuse programs is of particular interest to probation systems. Many studies have found a relationship between drug and alcohol abuse and criminal activity. For example, individuals who test positive for drugs at the time of arrest have longer criminal records and have been imprisoned more often than those who do not. Forty-one percent of first-time offenders have a history of regular drug use, but the proportion jumps to 81 percent for those with five or more prior convictions. Studies have concluded that treatment of substance abuse may reduce criminal activity and that the justice system is one of the most important gateways to treatment delivery. With this in mind, in recent years the national trend has been to emphasize treatment for offenders with drug problems as opposed to incarcerating them. Arizona voters approved the Drug Treatment Education Fund in 1996, which created a program that provides expanded drug treatment and educational services to first- and second-time drug possession offenders. It can also serve as a funding source for all substance abuse programs, and excess monies may be spent on other offenders with substance abuse problems. Increased resources afforded by the fund allow the Courts to better address the substance abuse issues of probationers. The question is, how effective are these programs at reducing substance abuse and crime, and do they contribute to successful completion of probation?

Of the 660 probationers who had final probation outcomes in the current evaluation, 63 percent completed probation successfully and 37 percent did not. If probationers successfully completed probation, they were terminated on or before the predetermined date. Unsuccessful probation involved revocations to jail or prison, or probationers absconding by leaving the state, for example. The remaining 185 probationers in the sample were not included in the analysis because they neither successfully nor unsuccessfully terminated probation. The majority of these individuals were still under supervision at the conclusion of the evaluation.

## **Completing Treatment Programs Is Associated with Successful Completion of Probation**

Probationers who consistently participated in drug or alcohol abuse counseling had significantly higher probation success rates, lower subsequent arrest rates, and fewer positive drug tests during probation than those who participated in but did not complete such programs. Their success in completing probation was also better than that for probationers who did not participate in such programs.

***Completing drug treatment is associated with successful probation outcome***—Individuals who completed drug treatment or counseling programs were significantly more likely to complete probation than were other probationers.<sup>1</sup> As Figure A (see page 13) shows, 85 percent of individuals who graduated from their most recent drug treatment or counseling program also successfully completed probation. By contrast, only 22 percent of those who did not graduate from treatment or a counseling session completed probation. Although attending drug treatment/counseling was often a condition of probation, not completing it did not necessarily lead to revocation.

As Figure A also shows, probationers who completed their treatment had a higher probation success rate than those who were not ordered to attend drug treatment or counseling. Only 57 percent of those not required to attend drug treatment or counseling successfully finished probation. The fact that those graduating had a significantly higher probability of completing probation than those without a known drug problem further demonstrates the impact of successful treatment.

Further, probationers graduating from treatment/counseling programs had significantly fewer subsequent arrests than non-graduates did, and had significantly fewer positive drug tests. Although treatment graduates had significantly fewer positive drug tests than non-graduates, the graduates, on the average, still had some problems with drugs as indicated

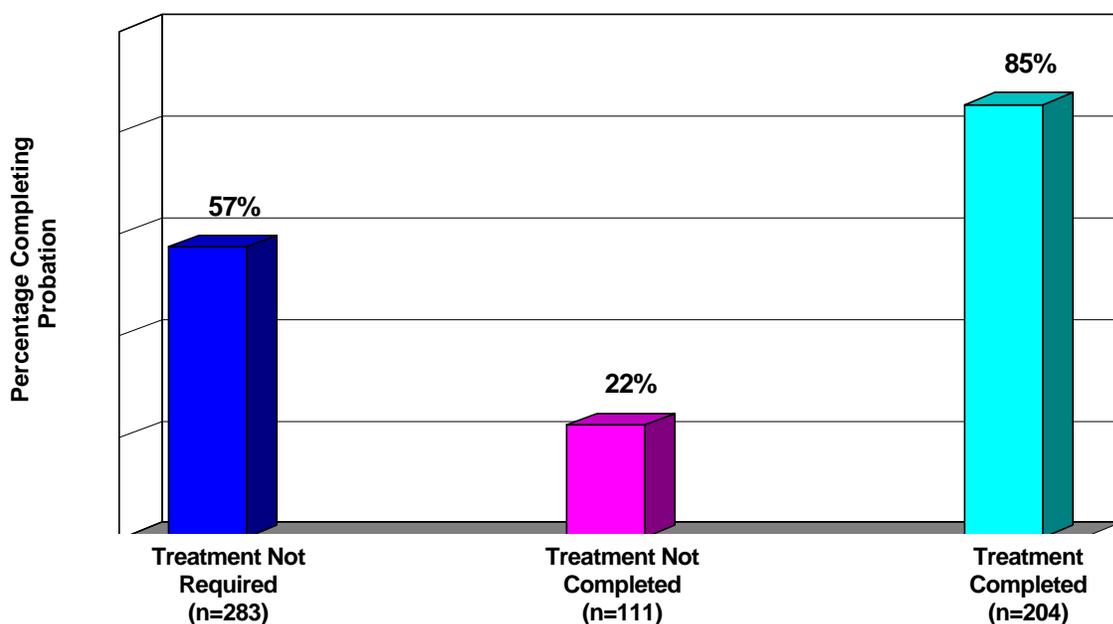
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<sup>1</sup> Information was collected on up to four substance abuse treatment programs probationers attended while on probation. The analyses are based on the outcome of the program they most recently attended.

by some probationers having positive drug tests after treatment. On the other hand, treatment graduates had rearrest rates similar to those not sent to treatment. It may be that treatment graduates were more motivated in general to complete the requirements of probation.

Figure A

**Adult Probation Outcomes Study  
Percentage of Successful Probations  
and Result of Final Drug Treatment  
As of September 1, 1998**



Source: Auditor General staff analysis of sample of probationers' records who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

**Frequent attendance in 12-step programs predicts probation success**—Similar results were obtained for substance abusers who frequently attended 12-step drug or alcohol programs such as Alcoholics Anonymous. These probationers were significantly more likely to complete probation (80 percent), than were those who seldom attended (42 percent). And for further comparison, only 57 percent of those not required to attend 12-step programs successfully completed probation. In addition, substance abusers who frequently attended 12-step programs also had significantly fewer arrests and positive drug tests than did those who seldom attended programs. As was the case with drug treatment graduates, frequent 12-step attendees still experienced some substance abuse problems and some were arrested

again, but abuse problems and recidivism rates were less than those observed for probationers who did not take full advantage of 12-step programs.

## **Consistent Employment and Community Service Are Associated with Successful Completion of Probation**

While the issue of treatment programs relates to probationers with substance abuse problems, two other factors emerged as being strongly associated with positive probation outcomes for all types of probationers. These two factors were consistent employment during probation and completion of the community service requirement. In both cases, there was a substantial difference in probation success rates for those who maintained consistent employment or who completed community service and those who did not.

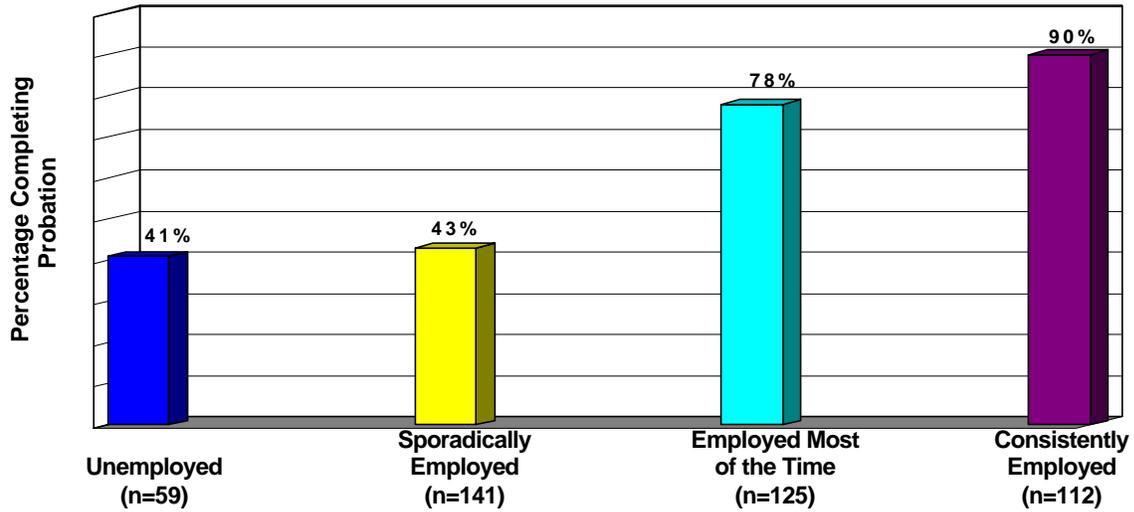
***Consistent employment is associated with successfully completing probation***—Probationers who were consistently employed throughout probation successfully completed probation at a 90 percent rate, as indicated in Figure B (see page 15). This success rate was somewhat better than that for probationers who were employed most of the time and significantly better than that for probationers who were employed sporadically or not at all. Consistently employed probationers also had significantly fewer arrests and positive drug tests during probation than those who were employed only sporadically.

In addition, probationers who were employed on a full-time basis at the beginning or end of probation completed probation at a significantly higher rate than individuals unemployed or employed on a part-time basis at those times. Full-time employment at the beginning or end of probation was also associated with fewer arrests and fewer positive drug tests.

***Completion of community service is also associated with successful probation***—Probationers who completed their community service requirement completed probation more often than did other probationers. As indicated in Figure C (see page 15), 84 percent of those completing community service also completed probation successfully. Only 40 percent of those who did not complete community service completed probation, and 61 percent of probationers not required to perform community service completed probation. Again, community service was a condition of probation, but not completing it did not always lead to revocation. As was the case with probationers who frequently attended 12-step programs, or completed drug programs, those who completed community service may have been more committed to completing probation than were other probationers. These probationers also had fewer positive drug tests and tended to have fewer subsequent arrests than did those who did not complete community service.

**Figure B**

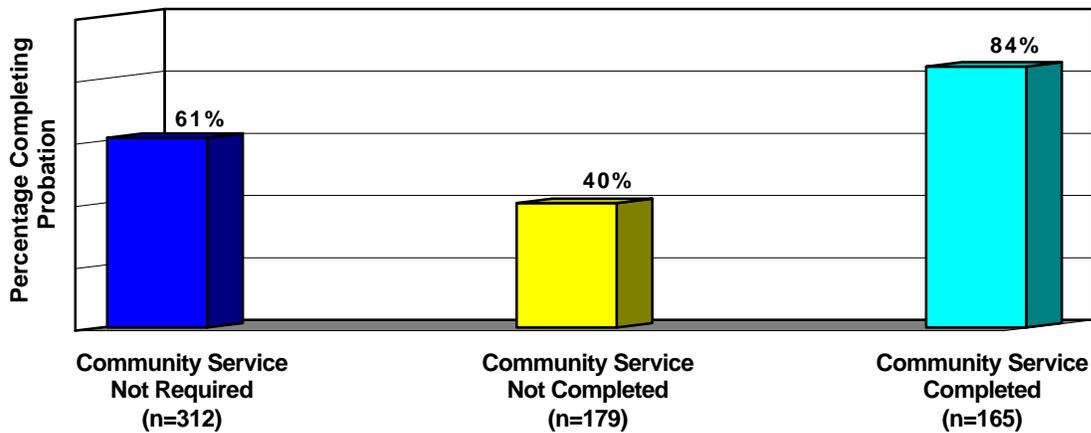
**Adult Probation Outcomes Study  
Consistency of Employment and  
Percentage of Successful Probations  
As of September 1, 1998**



Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

**Figure C**

**Adult Probation Outcomes Study  
Percentage of Adult Probationers  
Successfully Completing Probation  
and Community Service Participation  
As of September 1, 1998**



Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

## **Repeated Arrests and Petitions to Revoke Were Linked to Probation Failure**

Higher numbers of arrests and petitions to revoke during probation were associated with probation failure. As could be expected, new arrests lead to petitions to revoke, and petitions to revoke lead to revocation to jail or prison. And, revocation to jail or prison is, by definition, unsuccessful probation. By itself, an arrest or petition to revoke did not automatically lead to revocation to jail or prison. Decisions on revocation are made on an individual basis. Repeated arrests or petitions to revoke, however, were the factors most commonly associated with probation being terminated unsuccessfully.

Those assigned to Intensive Probation Supervision were less likely to successfully complete their probation than were other probationers. These individuals were considered high-risk probationers, were supervised more closely, and were required by statute to be revoked under certain conditions.

## **Greater Use of Treatment Programs Could Further Improve Probation Success**

Conditions of probation, such as substance abuse treatment, afford probationers with opportunities for rehabilitation. Substance abusers who conscientiously took advantage of those opportunities had higher probation success rates and lower recidivism rates than did the probation population at large. However, almost one-third of the probationers ordered by the courts to go to treatment did not attend. Fully utilizing these programs (as a condition of probation during sentencing), and strongly emphasizing completion through probation supervision may lead to more successful probations in the future.

***Many ordered to substance abuse treatment did not attend***—At the time this evaluation was completed, a number of probationers with substance abuse problems did not receive drug counseling or attend treatment programs. For example, 161 of 536 probationers ordered by the courts to go to treatment did not attend treatment and were more likely than those who did attend to have their probation revoked. Failure to attend may have been partially due to lack of funding and availability of such programs. However, the Drug Treatment Education Fund, established in 1996, provides funding and requires the courts to direct substance abusers to treatment.

***Additional screening could identify others who would benefit from treatment programs***—With the potential availability of substance abuse treatment increased, efforts to screen offenders for abuse problems may be expanded. Auditor General staff analysis of the data found that probation officers identified a number of substance abusers through the course of probation and directed them to treatment programs. More specifically, 69 of the 309 proba-

tioners who were not initially ordered by the courts to attend treatment eventually were directed to attend, and 33 of these probationers subsequently received treatment. More effective screening for abuse problems prior to sentencing may result in placing more abusers in treatment and placing them there more quickly.

## **Recommendations**

The Arizona Adult Probation System should:

1. Continue to screen offenders thoroughly for substance abuse issues prior to sentencing, so that all probationers in need may be directed to substance abuse treatment or counseling services.
2. Use monies from the Drug Treatment Education Fund to assure substance abuse treatment options are available for all probationers who need them.
3. Supervise probationers with special attention paid to completing substance abuse treatments and community service, and emphasize consistent employment as a condition of probation, as these factors significantly predict successful probation outcomes.

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## FINDING II

### **COUNTIES' DEGREE OF TOLERANCE FOR CRIMINAL AND NONCOMPLIANT BEHAVIORS AFFECTS PROBATION OUTCOMES**

When probationers were arrested or otherwise violated the conditions of probation, the four counties studied varied substantially in whether they allowed offenders to remain on probation or remanded them to jail or prison. These variations reflect differing levels of tolerance for relapse into criminal and/or substance-abusing or noncompliant behaviors. The differences in their tolerance for relapse were reflected in various outcomes of the probation process, such as how many probationers met their court-ordered financial responsibilities. However, additional research would be needed to determine the costs and benefits of various levels of tolerance.

#### **Counties Have Wide Latitude in Setting Probation Policies**

Probation departments have a dual responsibility to provide probationers with opportunities for rehabilitation while at the same time protecting the community from crime. In Arizona, each county sets its own policies as to how to balance these two responsibilities and to what degree relapse into criminal or substance-abusing behavior or noncompliance is tolerated as part of the rehabilitation process. One of the key areas involved relates to deciding when, and under what circumstances, to revoke probation. If a probationer commits an offense or does not comply with the terms of probation, a determination must be made whether to keep the offender on probation (perhaps with modifications to the conditions) or to revoke the probation entirely. Because rehabilitation is generally more likely to occur in community settings than in prison, keeping the offender on probation is often seen as an attempt to provide additional opportunities for rehabilitation. However, many probationers relapse into criminal or substance abuse behaviors. Probation departments can vary in the tolerance they have for continuing rehabilitation in the community or sending the offender to jail or prison, which may perhaps protect the community against the possibility that the offender will commit further crimes during the probation.

Probation officers have a statutory responsibility to bring defaulting probationers into court when they judge that the offender's conduct justifies the sentence being revoked. Arizona statute gives courts the discretion to revoke probation or modify conditions of probation. Probation officers also have a responsibility to make recommendations to modify conditions when the probationer's behavior exceeds expectations.

The process of bringing offenders back to court for new sentencing involves Petitions to Revoke (PTR). PTRs, which are completed by probation officers, may be filed for probationers who have committed a new crime or for technical reasons involving noncompliance with probation conditions. When a PTR is filed, the court has the discretion of sentencing the offender to jail or prison, ordering stricter monitoring, reinstating the offender with added conditions, or dismissing the petition. PTRs can also be withdrawn by a probation officer. However, the courts must revoke the probation and remand the individual to prison if the probationer is on Intensive Probation Supervision at the time of the new arrest.

## **Tolerance for Relapse to Criminal and Noncompliant Behaviors Differs Among Counties Studied**

The four counties in the study vary in the extent to which their policies, particularly toward probation revocation, tolerate criminal relapse and noncompliant behaviors. The greatest distinction between tolerance for relapse was that of Maricopa County, which places a great emphasis on rehabilitation and tolerates more noncompliant and criminal behavior; and Pima County, which allows probationers only limited leeway. Yavapai and Cochise are somewhere between the two, with Yavapai closer to Maricopa, and Cochise closer to Pima.

***Maricopa has higher tolerance for criminal and noncompliant behaviors***—Maricopa County’s focus is on rehabilitating of the probationer and promoting the use of intermediate sanctions if probationers relapse into criminal, substance abuse, or noncomplaint behaviors. The County’s written procedures instruct probation officers to use counseling and warnings, or to modify supervision techniques if probationers are arrested for nonviolent crimes or otherwise commit violations of their probation conditions. Similarly, the County Superior Court has adopted a policy of intermediate sanctions, such as new conditions including short jail time, or substance abuse treatment rather than incarceration. The County uses PTRs as an intermediate sanction or warning, and also to refer probationers to additional rehabilitation interventions.

The Pima County model is less tolerant of criminal and compliance relapses and offers fewer options for intermediate sanctions. The County’s written procedures say that a general unwillingness to abide by supervision requirements subjects a probationer to revocation. The probation department does not rely on PTRs as a sanction before revocation.

***Differing tolerance levels are reflected in number and timing of revocations***—Pima County, revoked more probationers to jail or prison than did Maricopa County (38 vs. 29 percent).<sup>1</sup> Differences in policies influenced not only the percentage of probationers revoked, but also how soon the revocation occurred. Pima County revoked probations after an average of 14

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<sup>1</sup> No county differences in outcomes for probationers originally placed on Intensive Probation Supervision were found.

months. Maricopa, by contrast, revoked them after an average of 24 months. No significant differences in the reason for filing a PTR (new crime, technical violation, or both new crime and technical) were found for PTRs that resulted in revocations.

Compared to Pima, Maricopa was more likely to reinstate probationers with additional terms or change the level of supervision. The Maricopa County Criminal Justice System also used concurrent probation more often than other counties. Concurrent probation means an offender has committed a new crime and is serving two or more probation sentences simultaneously. These sentences overlap, meaning each day served on one term counts toward completion of the others.<sup>1</sup> Within the sample, 75 Maricopa probationers were serving multiple probation terms simultaneously, with 17 of them serving three concurrent terms. In the three other counties combined, 30 probationers were serving concurrent terms, and only one of them was serving three concurrent terms.

An example of a revocation that occurred in each of the two counties can help illustrate the differences in the counties' approaches. Each example comes close to matching the county's statistical average for months on probation and number of PTRs issued before the probation was revoked.

- **Example 1: Maricopa County**—Before being remanded to prison, this probationer served 22 months in community supervision and had two previous PTRs. This offender was convicted of drug possession and sentenced to three years' probation beginning in August 1994. In addition to conditions requiring payment of fees and fines, he was ordered to substance abuse treatment, prohibited from drinking alcohol, and ordered to serve four months' jail time. He seldom worked during probation, failed two drug treatment programs, and tested positive for marijuana and cocaine. He was revoked in November 1994 for technical violations and reinstated after serving more jail time. He was revoked again for technical violations and noncompliance in August 1995 and was subsequently reinstated. In June 1996, he was remanded to prison.
- **Example 2: Pima County**—Before being remanded to prison, this probationer served 13 months in community service and had no previous PTRs. He was sentenced to three years' probation for a drug offense in July 1994. He was ordered to serve two months in jail, perform 24 hours of community service, and pay fines. He was revoked to prison in August 1995 for a new arrest and technical violations.

***Yavapai's and Cochise's approaches are between Maricopa's and Pima's***—The two other counties have approaches somewhere between Maricopa's and Pima's. Similar to Maricopa County, Yavapai County appears to take a more traditional approach to relapse to criminal

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<sup>1</sup> If one term expires, however, offenders are not released until all the terms are served. Within the constraints of the criminal code, judges are able to impose different conditions for each new conviction.

and noncompliant behaviors by probationers. Its probation officers consult with the appropriate judge to decide if a PTR will be filed. Cochise County's approach is similar to Pima County's. Its probation officers make a decision about filing a PTR based upon the severity and number of technical violations. In instances of a new felony arrest or an arrest for a crime similar to their probation offense, Cochise County officers are directed to file a PTR on the probationer.

## **Approaches Produce Varying Probation Outcomes**

The differing levels of tolerance for criminal and noncompliant behaviors produce different outcomes in the probation process. Probation completers in Maricopa County were more likely to pay full restitution, do their community service, and complete probation early. However, revoked probationers in Maricopa County were also the most likely to have committed additional crimes before revocation. The counties showed little difference, however, in the degree to which fines were paid.<sup>1</sup>

***Maricopa County probationers pay full restitution and complete community service more often***—Maricopa County's probation completers are more likely to pay full restitution than are probation completers in Pima County. Probationers in Maricopa County paid full restitution 86 percent of the time. As seen in Table 3 (see page 23), Pima County probationers paid full restitution 77 percent of the time. Since Maricopa County had a larger portion of offenders who were employed when their probation began, it may be these probationers had more opportunity to pay money owed.

Yavapai County probationers paid full restitution only 60 percent of the time. The significantly smaller number of probationers in Cochise County paid full restitution only 33 percent of the time.

Probationers in Maricopa County completed community service, which was a frequent condition of probation, more often. Maricopa County probationers completed court-required community service 68 percent of the time, compared to 58 percent for Pima and 53 percent for Cochise.

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<sup>1</sup> Only probation completers are included in the analyses specific to payment of restitution, completion of community services, and payment of fines and fees.

**Table 3**  
**Adult Probation Outcomes Study**  
**Percentage of Probationers Who Paid All Fines, Fees, and Restitution**  
**and Performed All Community Service**  
**As of September 1, 1998**

<b>County</b>	<b>Fines</b>	<b>Probation Fees</b>	<b>Victim Restitution</b>	<b>Community Service</b>
Maricopa	67%	68%	86%	68%
Pima	60	61	77	58
Yavapai	75	69	60	56
Cochise	38	32	33	53
Percentage for sample as a whole	64	64	74	64

Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

**Early completions earned more frequently in Maricopa County**—Maricopa County probationers are more likely to earn early completion than are probationers in the other three counties. Fourteen percent or fewer of probationers in Pima and Cochise Counties earned early closure. However, Maricopa County had twice as many probationers, or 28 percent, earn early closure.

To complete probation early, probation conditions must be satisfied, including the paying of all fines and restitution, and the completion of community service. Early completers not only satisfy their responsibility to their community admirably and completely, but their termination allows court and probation department resources to be used on remaining caseloads.

**The longer a probationer remains in the community, the greater the opportunity to re-offend**—Most probationers in the study were not arrested while serving their probation sentence. However, some probationers, especially those whose probation was eventually revoked, were arrested while on probation. Figure D (see page 24) shows the number and types of crimes that resulted in probationer arrests. A very high percentage of the arrests were for drug or alcohol use, or for crimes known to be related to drug and alcohol abuse, such as shoplifting, theft, and family violence.

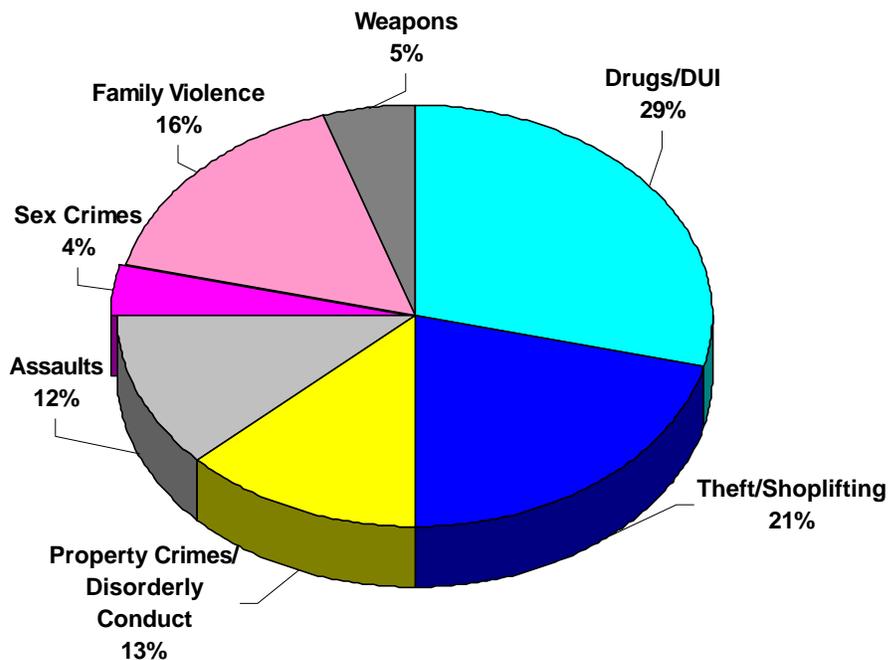
The arrest rates per month for these probationers were similar across all four counties, meaning that over a 12-month period of time, the same number of crimes per probationer would be committed regardless of the county. But, the extra time on probation afforded to

Maricopa and Yavapai probationers, as compared to their counterparts in Pima and Cochise Counties, resulted in more total arrests. For example, for every five revoked probationers in Maricopa County, an average of two more crimes are committed than occur for every five revoked probationers in Pima County.

Table 4 (see page 25) indicates how the counties differ in the use of revocation and how that relates to arrest rates. As indicated by the table, the average number of arrests while on probation for Maricopa and Yavapai County probationers who are eventually revoked is higher than for Pima and Cochise probationers.

**Figure D**

**Adult Probation Outcomes Study  
Arrests During Probation by Type of Crime  
Shown as a Percentage of All Arrests Recorded  
As of September 1, 1998**



Number of recorded arrests = 186 (excludes arrests for which charges were dropped).

Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

***Fees and fines payment similar across counties***—The different approaches taken by probation counties appear to have no impact on whether court-imposed fees and fines are eventually paid. Maricopa, Pima, and Yavapai Counties had probationers paying all fees and fines 60 to 75 percent of the time. The only notable difference among counties came from Cochise County, where persons who completed probation paid 32 percent of their fees and 38 percent of their fines. However, Cochise County secures civil judgments for money that probationers still owe at the time of termination. This procedure allows parties involved to continue pursuing payments after probation.

**Table 4**

**Adult Probation Outcomes Study  
Revoked Probationers  
Comparison of Average Arrests During Probation, and  
Average Number of Months Before Revocation, by County  
As of September 1, 1998**

<b>County</b>	<b>Average Arrests Prior to Revocation</b>	<b>Average Months Before Revocation</b>
Maricopa	.72	24
Pima	.37	14
Yavapai	.87	20
Cochise	.20	13

Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

**Additional Study  
Necessary**

It is not clear how the costs and benefits associated with probation departments' different tolerances of probationers' criminal and noncompliant behaviors contrast with one another. A follow-up on early completers and their criminal recidivism rates after probation, compared to recidivism rates of probationers whose terms expire, would help answer these questions. Since most recidivism occurs within a short period of release from supervision, a long time span would not be necessary. A follow-up of one to two years should be sufficient to answer the question. In addition, a comprehensive comparative analysis of behaviors, while under supervision and after release, of probationers who are eventually revoked would answer some of the questions regarding revocation practices and the costs to the community. This question could also be analyzed using a design with random assignment of high-risk probationers (those most likely to be revoked) to a group who receives intermediate sanctions and to another group who does not.

## **Recommendation**

The Adult Services Division of the Administrative Office of the Courts should work with County Probation Departments to determine the longer-term cost-effectiveness of different degrees of tolerance of criminal and noncompliant behaviors, in order to provide community-based rehabilitation.

## FINDING III

### PROBATIONER SUCCESS RATES VARY BY GENDER AND OTHER CHARACTERISTICS

Previous studies have found that probation outcomes vary with such characteristics as age, gender, and education. Like these other studies, this evaluation found differences in success rates, but it also found more complex relationships between the various characteristics analyzed than has been noted before. Outcomes vary between the sexes, between ethnic groups, and between those receiving and not receiving needed mental treatment. Analysis of probationers who abscond (flee the court's jurisdiction and whose whereabouts are unknown), shows that this group also has characteristics that differ from probationers who do not abscond.

#### Background

Of particular interest among previous studies of probation outcomes is the Arizona Supreme Court's 1995 study of adult probation outcomes. That study found the following:

- Female probationers were more likely to complete probation than males.
- The older the offender was at the time of sentencing the more likely he or she was to complete probation.
- Of both male and female probationers, those with at least a high school education are the most likely to complete their probation.
- Anglos were more likely to complete probation than were Hispanics or African-Americans.

The findings reported here generally replicate these findings, but they also show additional complexities in the relationship of the characteristics analyzed.

## Comparisons Between Men and Women Show Substantial Differences in Probation Outcomes

Probation outcomes differ by gender. As a group, women are somewhat more likely to complete their probation, and, if they violate conditions of their probation, they are less likely to have their probation revoked. However, while education, age, and income are all positively correlated with probation success for men, these relationships are different for female probationers.

***Success rates and sanctions differ***—For the sample group studied in this analysis, women had a somewhat higher success rate in completing probation than men did. Sixty-five percent of women successfully completed probation, compared with 60 percent for men. The sanctions for violating terms of probation also differ. Women who do not fully comply with terms of probation are more likely to have their probation term lengthened, while men who do not comply are more likely to have their probation revoked and be sent to jail or prison, or given some other more restrictive sentence. Women who did not fully comply with the terms of their probation were three times as likely as men to have their time on probation lengthened.

***Relationship between probation completion and education, age, and income also varies by gender***—Three characteristics that are commonly associated with success rates in probation, education, age, and income, were analyzed across gender lines, and the relationships were not the same for women as for men.

- **Education**—Typically, higher education levels are generally related to probation completion. However, in the current evaluation the impact of education on successful completion of probation is much weaker for women than for men. Another way in which education levels affect women differently is that more highly educated women are even more likely to have their terms lengthened rather than revoked. These differences are more fully illustrated in Table 5 (see page 29).
- **Age**—When men and women are considered together, the results show a positive relationship between age and successful completion of probation; that is, the older the person, the greater the likelihood of successful completion. However, when the sexes are analyzed separately, this relationship changes. For example, males 20 years of age and younger are the least likely age group to successfully complete probation, but women of this age group are more likely than all but the oldest group to be successful. Figure E (see page 30), presents successful completion rates by age and gender.
- **Income**—Typically, probationers with higher incomes at the beginning of probation are more likely to complete probation. However, when the sexes are analyzed separately, the impact of income to probation completion disappears for women.

Table 5

**Adult Probation Outcomes Study  
 Probation Outcomes for Men and Women  
 By General Education Level  
 In Percentages  
 As of September 1, 1998**

	Men			Women		
	Less than High School	High School Graduate or GED	Some College	Less than High School	High School Graduate or GED	Some College
<b>Unsuccessful</b>						
Probationer absconded	8%	3%	2%	1%	3%	2%
Probation revoked	36	34	25	30	21	17
<b>No Final Outcome</b>						
Probation term lengthened	4	5	6	12	9	20
<b>Successful</b>						
Probation term expired	31	33	35	32	49	29
Early positive probation termination	21	25	32	25	18	32
Number of cases	220	157	109	69	33	41

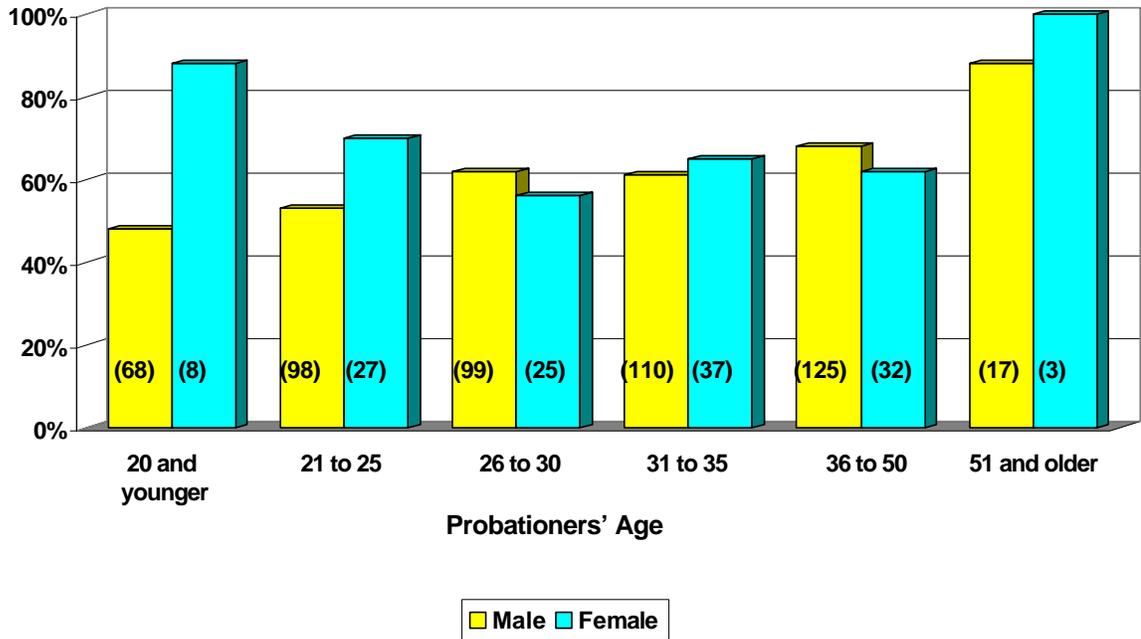
Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

**Differences in Revocation and Early Completion Found for Different Ethnic Groups**

While Anglos are more likely to complete probation than were minorities, the differences in completion rates are not significant. However, when outcomes are examined more closely, for example, completion versus early completion, some differences emerge. Hispanics and African-Americans are more likely to have their probation revoked and less likely to have an early termination of probation than Anglos. However, differences among ethnic groups in the number of petitions filed to revoke probation, and severity of the crime that led to probation, appear to account for these differences in outcomes.

**Figure E**

**Adult Probation Outcomes Study  
Percentage of Probationers Who Successfully  
Completed Their Probation by Gender and Age  
As of September 1, 1998**



Number of cases = 649

Cases by gender and age group indicated in parentheses.

Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

Revocation rates were 27 percent for Anglos, 35 percent for African-Americans, and 32 percent for Hispanics.<sup>1</sup> Early termination rates were 29 percent for Anglos, 16 percent for African-Americans, and 18 percent for Hispanics. For all three ethnic groups, the average number of months before probation was revoked was about 21.

African-Americans whose probation was revoked had a higher rate of arrests during their probation and a higher rate of petitions to revoke filed than either Hispanics or Anglos. They also were likely to be on probation for more serious crimes. The portion of offenders

<sup>1</sup> The numbers of Native Americans and Asian-Americans in the sample were relatively small, so they were excluded from this analysis.

on probation for class 2 or class 3 felonies, and whose probation was subsequently revoked, was 30 percent for African-Americans, 10 percent for Anglos, and 1 percent for Hispanics.

### **Without Appropriate Treatment, Probationers with Mental Health Problems or Mental Disabilities Are Less Likely to Succeed**

Appropriate treatment is important for the probation success of offenders with mental health problems or mental disabilities. Probationers whose mental disabilities or illnesses are identified at the time of sentencing and who receive appropriate treatment do just as well in the probation system as the general population. However, probationers with mental problems that are not identified and addressed in their conditions of probation do not fare well. Similarly, identification and subsequent assistance may help mentally disabled probationers succeed, but without early identification and specialized assistance, probationers with mental problems are less likely to be successful.

The sample of probationers included 24 probationers who had been identified by our evaluation as having a mental or emotional health problem or mental disability, but who had no recognition of this condition or no prescribed treatment in their conditions of probation. These probationers had a successful completion rate of only 46 percent, compared to 62 percent for the general probation population. While the number of these probationers in the sample is small they were significantly more likely to be revoked to prison or jail than those with no such identified problems (44 percent vs. 27 percent) and much less likely to have completed probation early (11 percent vs. 26 percent). By contrast, the sample included 66 probationers who were required to have mental health counseling as a condition of their probation. This group had no significant differences in their probation outcomes from the probation population as a whole.

These findings suggest that greater efforts at identification and treatment could yield better chances of success for this segment of the probation population. For example, early identification and recognition of mental health problems as a condition of probation may help to improve these probationers' chances of successful probation. Both the Maricopa and Pima County Probation Departments assign probationers with mental health problems to probation officers with specialized training in supervising these offenders.<sup>1</sup> It appears that these assignments contribute to the probationers having positive outcomes. While based on small numbers of cases, probationers in the other counties who were identified as having mental health problems, but did not have the opportunity for specialized assignment, tended to have very poor experiences and negative outcomes.

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<sup>1</sup> Such grouping also exists for sex offenders, and those convicted of domestic violence.

## **Absconders Differ from Other Probationers in Education and Age**

The approximately 6 percent of probationers who abscond are generally similar to the probation population as a whole except for two characteristics, education and age. In other characteristics, such as employment or prior criminal history, they are generally similar. For example, employment and marital status do not distinguish absconders from other probationers.

***Education levels lower for absconders***—Absconders had an average lower education level, completing an average of 10.06 years of schooling compared to 11.46 years for the general probation population. Only about one-third of the absconders have a high school diploma or GED, compared to about one-half of those whose probation was revoked and about 60 percent of those who complete probation successfully.

***Absconders over-represented in one age group***—Absconders are over-represented in the 26- to 30-year-old age group. Forty percent of absconders fall into this age group, compared to fewer than 20 percent of all probationers.

Absconders are not distinguished by employment or prior criminal history. Employment status at the beginning of probation does not distinguish absconders from other probationers. Absconders have risk levels and average numbers of prior supervisions very similar to probationers who complete probation and different from those who are revoked. Absconders actually have fewer prior felonies than probationers who are revoked and fewer than even the average probationer who completes his or her term. In addition, absconders have fewer prior misdemeanors than either probation completers or probationers who are revoked.

## **Conclusions**

The various findings suggest that different groups bring different risks and strengths to their probation and may require variations in supervision. Better understanding of these subpopulations can help identify demographic characteristics that can be used as indicators of probation outcomes and may help probation officers to make better decisions in their supervision of probationers.

## **Recommendation**

The Administrative Office of the Courts should work with the smaller counties to develop specialized caseload assignments for probationers with mental health problems.

## FINDING IV

### RECORDKEEPING NEEDS TO IMPROVE

Basic management information collected by county probation departments is difficult to retrieve and use in a timely manner. Poor information management can affect probation officers' ability to adequately supervise offenders and can inhibit effective program management and decision-making. The Administrative Office of the Courts should collaborate with the 15 county probation offices to create minimum standards for paper and electronic case files management.

#### **Good Recordkeeping Critical to Probation Management**

Accurate and complete documentation in probation files is important for a number of reasons:

- **Decision-making**—Probation officers are responsible for providing information to judges and administrators at a number of important times during the sentencing and supervision of probationers. Besides being used during a probationer's initial sentencing, additional information about a probationer's progress is used in making recommendations about revocation, adding or deleting conditions of probation, changing levels of supervision, or determinations about whether probation has been successfully completed. Recommendations based on insufficient or inaccurate information could be detrimental to the defendant and/or the community.
- **Case management**—Poorly maintained records reduce the probation officers' ability to assess probationers' performance either quickly or accurately. Officers need to understand the risks and status of the people they supervise, particularly when assigned a new and unfamiliar case. Probation officers need to have complete and accurate information if they are to meet their responsibilities in protecting the community and assisting the offender to change. Likewise, probation officers need to identify and document violations quickly in order to intervene with timely sanctions. They also need to document probationers' progress to assist them in finding services and activities that can help them change their behaviors.
- **Protecting victims**—Incomplete and inaccurate information could limit a probation officer from meeting his or her responsibilities regarding informing victims of restitution ar

rangements, the offenders' supervisory conditions, and potential dangers from the probationer.

- **Research and evaluation**—Inaccurate and incomplete information limits the Administrative Office of the Courts and the County Probation Departments' abilities to measure short-term and intermediate goals and conduct cost-benefit analyses. Without good data there is not an effective ongoing system of monitoring and evaluating probationers and the system and no sufficient mechanism to communicate the impact it has on public safety.

### **Many Recordkeeping Problems Surfaced While Auditors Assembled Data for This Evaluation**

In analyzing the sample of probationers selected for this evaluation, some situations were encountered in which probation files contained conflicting information, lacked essential details, were illegible, contained duplicate information, and were unobtainable. This lack of information can make it difficult for probation officers to adequately supervise probationers and places great limits on administrators' abilities to assess and manage their departments and programs. The types of problems encountered in the four-county review included the following:

- **Missing information**—Basic information was often lacking. For example the offender's state identification number and standard criminal justice codes identifying their crimes were often not available. A disturbing illustration of incomplete information is the incomplete recording of new arrests.
- **Conflicting information**—Files also contained conflicting information about the probationer's demographic information and probation outcome.
- **Treatment details missing**—While all four counties have probationers who were court-ordered to obtain drug or alcohol abuse treatment, consistent details were missing about treatment programs entered or completed.
- **Incomplete information for transfers**—Files for probationers who had transferred from another county or another state were particularly difficult to garner information from. In these cases, background information on the offender and personal details were often missing.

- **Files not found**—Maricopa County had difficulty obtaining active probationers’ files and locating others thought to be in storage. Other counties were also unable to find some files selected for the study.
- **Handwritten information**—Handwritten conditions of probation were difficult to decipher and confirmation of an offender’s conditions of probation had to be sought elsewhere in the file record. Pima County’s paper files were the most problematic because probation officers wrote their notes by hand. Officer notes on several files could not be read at all, causing gaps in data collection.
- **Disorganized files**—Maricopa County paper files were the most disorganized of the four counties. For example, they contained multiple copies of the same document and inconsistent information was also found. Overall, Yavapai, and Cochise records were better organized and consistently decipherable.
- **Unreliable electronic files**—Overall, as discussed in Appendix A, reliable electronic files were not available from any of the four counties. For example, in Maricopa County, electronic and paper files had inconsistent information for the beginning and ending dates of an offender’s probation.
- **County electronic files are not standardized**—This evaluation was impeded by the fact that counties did not collect, record, and report information in the same manner and format. (See Appendix A, pages a-i through a-vii for additional discussion.)

### **Improvements in Case File Accuracy and Electronic Formats Could Improve Accountability**

The Adult Services Division of the Administrative Office of the Court (AOC) should work with the counties to create standards for paper and electronic filekeeping. At present, there are no statewide standards for what should be included in paper or electronic files. Although collecting data from paper files is time consuming and costly, developing standards for paper files appears to be the place to start. If the State is to track the effectiveness of probation, working with paper files is currently necessary. Within the past five years at least two other adult probation outcome studies in Arizona found that electronic files were essentially useless.

Building on standards agreed upon by AOC and the county probation departments for paper files, the AOC should then work with the counties to develop consistent and accurate electronic case files. Improved electronic filekeeping is necessary for courts to assess and direct probation activities. It would also allow more timely assessment of probation programs. An adequate data system would allow work that currently consumes four months because paper files must be reviewed to be completed in a matter of days.

## **Recommendations**

In cooperation with the county probation departments, the Adult Services Division of the Administrative Office of the Courts should:

1. Set and enforce minimum standards of information maintained in paper files for active and closed adult probation files.
2. Set and enforce minimum standards of electronic information maintained for active and closed adult probation files.
3. Explore the feasibility of creating a standardized electronic database for recording and maintaining probation case files.

## Agency Response

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March 5, 1999

Mr. Douglas R. Norton, Auditor General  
Office of the Auditor General  
2910 North 44th Street, Suite 410  
Phoenix, Arizona 85018

Dear Mr. Norton:

Thank you for the opportunity to comment on the performance audit report of the Administrative Office of the Courts' Adult Services Division. Before addressing each of the recommendations, I would like to make several comments.

We are very pleased that the evaluation by your staff focused on identifying factors contributing to an adult's successful completion of probation and the positive results from an offender's participation in substance abuse treatment. Your findings validate what those of us who manage community corrections programs have believed for some time; probationers who maintain employment and complete community work service requirements have a greater likelihood of successfully completing probation. Your evaluation further validates an outcome study conducted by the Administrative Office of the Courts in 1995, as well as fifteen years of national research which concluded that substance abusing probationers who consistently participate in treatment/counseling programs are much more successful on probation. It is now clear that in Arizona, not unlike the rest of the country, probation supervision coupled with treatment increases positive behavioral change of the offender and decreases revictimization of the community.

The citizens of Arizona also recognized the benefit of, and need for, resources for substance abusing offenders by establishing the Drug Treatment and Education Fund (DTEF), which became operational during fiscal year 1998. During its first year of operation, this fund provided substance abuse treatment services to 2,622 probationers statewide. It is anticipated that the number of probationers receiving treatment/counseling services funded by the DTEF will rise to approximately 3,496 during fiscal year 1999.

While the availability of DTEF monies will continue to have a considerable impact on the availability of treatment resources for drug abusing probationers, the evaluation by your staff did not note that community resources are limited. Your report notes that Department of Public Safety Uniform Crime Reports show an 80% increase in the number of drug-related arrests from 1990 to 1996, and that Arizona law enforcement officials attribute a significant portion of crime to substance abuse. However, there is no acknowledgment of the lack of agencies/programs statewide to accommodate

the number of substance abusing individuals in Arizona, especially in the rural areas. The audit findings were shared with each of the probation departments included in the evaluation and all agree that probationers are competing with other citizens for treatment placements and may have to wait weeks or months before space is available in a residential or group setting. While the state can provide treatment funds, the positive impact of those dollars is diminished by the lack of program capacity. It is also important to note that pursuant to statute, the DTEF can not be utilized for the treatment of alcohol abuse, which also plagues Arizona.

The report points to the significance of employment and community work service in the successful completion of probation. However, it does not recognize the need for expanded job readiness and development programs, as well as an increase in not for profit agencies to provide probationers opportunities to complete community service requirements.

The audit suggests the need for standardized electronic record keeping. For several years the Supreme Court has been requesting funding from the Legislature to develop and deploy an adult probation automated case management system and funding has not been provided. Absent funding and a statewide system, standardized electronic files are next to impossible.

Finally, the analysis excluded 185 probationers in the sample who “neither successfully nor unsuccessfully terminated probation” as the majority of them were still under supervision at the conclusion of the evaluation. These probationers are, and should be considered, successful, as they are in the community and complying with court orders.

## **RESPONSE TO RECOMMENDATIONS**

### **FINDING I**

#### **The Arizona Adult Probation System should:**

- 1. Continue to screen offenders thoroughly for substance abuse issues prior to sentencing, so that all probationers in need may be directed to substance abuse treatment or counseling services.**

The finding of the Auditor General is agreed to and has been part of the probation process.

Risk and needs assessment tools have been used by the probation departments for over 10 years to assist with identifying and prioritizing the resources needed by probationers. Maricopa and Pima County operate an Assessment Center, designed to evaluate probationer need and identify appropriate resources during the presentence process. These counties are also in the process of examining and developing additional tools to facilitate probationer assessment. Finally, the Drug Treatment and Education Fund program requirements mandate the use of two statewide screening and assessment tools (Arizona Substance Use Survey and Offender Substance Abuse Profile) to determine probationer need and appropriate treatment placement. These assessments were completed on all

2,622 probationers receiving substance abuse treatment services through the DTEF in fiscal year 1998.

**2. Use monies from the Drug Treatment and Education Fund to assure substance abuse treatment options are available for all probationers who need them.**

The finding of the Auditor General is agreed to and has occurred.

As previously noted, DTEF monies were utilized to provide substance abuse treatment to 2,622 probationers in need in fiscal year 1998. Of these probationers, approximately 10% participated in substance abuse education, less than 1% in day treatment, 74% in outpatient counseling, 9% in intensive outpatient counseling, 3% in short term residential treatment, and 4% in a long term residential program.

**3. Supervise probationers with special attention paid to completing substance abuse treatments and community service, and emphasize consistent employment as a condition of probation, as these factors significantly predict successful probation outcomes.**

The finding of the Auditor General is agreed to and will be implemented.

The Adult Services Division will request probation officers place greater emphasis on probationer compliance with substance abuse treatment and community service requirements. Consistent employment will also be stressed. However, the need for increased statewide treatment capacity, not-for-profit agencies to provide opportunities for community service, and job readiness and development services must be acknowledged by the Auditor General when setting probation outcome expectations.

**Finding II**

**The Adult Services Division of the Administrative Office of the Courts should work with County Probation Departments to determine the longer-term cost-effectiveness of different degrees of tolerance of criminal and noncompliant behaviors, in order to provide community-based rehabilitation.**

The finding of the Auditor General is acknowledged.

The audit primarily attributes the varying degrees of tolerance for criminal and noncompliant behavior to the local probation departments and fails to acknowledge the significant roles of the other entities involved. Local law enforcement, county attorney charging and plea bargaining practices, and judicial discretion all substantially contribute to the varying degrees of “tolerance” cited in the audit report. The issue spans the entire criminal justice system and can not be examined solely from the perspective of the local probation department.

To conduct the type of evaluation suggested would be a tremendous undertaking requiring vast resources to collect data across a multitude of criminal justice agencies. The Adult Services Division does not have the personnel or funding available for such a project and the cost implications were not included in the biennial budget request to the Legislature. Additionally, the basis for the funding is fundamentally incorrect.

On a technical note, the revocation examples from Maricopa and Pima County presented on page 21 are markedly different (the Maricopa County case is limited to technical violations of probation while the Pima County case involves technical violations plus a new arrest) and can not be compared. Furthermore, no information has been provided on the probationer's criminal history or the nature of the new arrest.

It should also be mentioned that Cochise County is not the only jurisdiction which seeks civil judgments for unpaid court assessments upon completion of probation, as indicated in the audit report. In fact, Maricopa County was the first to initiate this practice and civil judgments are also sought in Pima County.

### **Finding III**

**The Administrative Office of the Courts should work with the smaller counties to develop specialized caseload assignments for probationers with mental health problems.**

The finding of the Auditor General is not agreed to and a different method will be utilized to address the concern.

Appendix A of the audit report states that "there was not an expectation to generalize statewide from the four counties" yet this recommendation is based upon only 24 mental health cases and is generalizing statewide. We do not believe that each local department can justify and support specialized caseloads for mentally ill probationers. What is needed, however, is a continuum of care for these probationers which is not being provided by all Regional Behavioral Health Authority's (RHBA) statewide. The Adult Services Division will commit to working with the local probation departments to develop relationships with their local RHBA to facilitate the delivery of services to mentally ill probationers. The Division will also work with the probation personnel and the RHBAs to establish a training curriculum for probation officers to assist them in better managing the special needs of these probationers.

### **Finding IV**

**In cooperation with the county probation departments, the Adult Services Division of the Administrative Office of the Courts should:**

- 1. Set and enforce minimum standards of information maintained in paper files for active and closed adult probation files.**

The finding of the Auditor General is agreed to and a different method of dealing with the finding will be implemented.

It is agreed that establishing some minimum standards for what should be retained in a case file is a desirable goal. However, Arizona's probation system is decentralized and it would be inappropriate for the state to mandate local file set up. The more appropriate recommendation would be for the Legislature to provide funding for the development of an adult probation automation system.

**2. Set and enforce minimum standards of electronic information maintained for active and closed adult probation files.**

The finding of the Auditor General is acknowledged.

This recommendation should be directed at the Legislature. Minimum standards for electronic record-keeping is a worthwhile goal and we stand ready to implement them if funding is provided.

**3. Explore the feasibility of creating a standardized electronic database for recording and maintaining probation case files.**

The finding of the Auditor General is not agreed to and can not be implemented without further resources.

The feasibility of a statewide adult probation database has already been addressed and the Administrative Office of the Courts is actively involved with representatives from Maricopa and Pima County's in the development of an automated case tracking and management system. A prototype of this statewide automation system is scheduled to be piloted in one field office in Maricopa County this year, expanding to one field office in Pima County and one rural county during the summer of 2000. Full implementation will, however, require funding from the state, the county or both.

Again, we are very pleased that the evaluation by your staff validates our belief and national research that probation supervision coupled with treatment results in positive behavioral change of the offender and decreases revictimization of the community. I hope your findings will result in legislative support for additional funding to increase treatment capacity and for the development of an adult probation automation system.

I thank your staff for the professionalism demonstrated throughout the course of this audit and assure you that those recommendations we agreed to will be implemented.

Sincerely,

David K. Byers, Director  
Administrative Office of the Courts

DKB:des

cc: Barbara Broderick, Director, Adult Services Division  
Mike DiMarco, Budget Director, Administrative Services Division

## Appendix A

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# **APPENDIX A**

## **SAMPLING AND DATA COLLECTION**

The findings in this report are based on analysis of data generated from 845 probation files in four counties. The counties represented are Maricopa, Pima, Yavapai, and Cochise. Data is for probationers who began probation in 1994.

Data was generated from analysis of 845 files. Electronic data was available from some counties in Arizona. However, these data were incomplete, unreliable, and not always comparable to other counties; i.e., all counties do not collect the same information.

Probationers who began probation in 1994 were selected because most individuals placed on probation in 1994 would have finished or be finishing their probation in 1998 (since probation terms are typically 3 years) and would have an outcome. At the same time, files for individuals who began probation in 1994 and who had already terminated should not have been destroyed. In addition, the time period is recent enough to have relevance for current supervisory practices. However, approximately 21 percent of the cases did not have a final probation outcome. This includes probationers who were still active on probation because they had long terms, including lifetime terms, and probationers whose terms were extended. This group also includes probationers who died, or were transferred.

Maricopa and Pima Counties were selected because Pima and Maricopa County probation departments supervise the majority of probationers in the State. Seventy-five percent of all probationers in Arizona reside in these counties, with 62.3 percent in Maricopa and 12.7 percent in Pima. Yavapai and Cochise counties were selected for comparison and illustration and because they provided probationers with some options for substance abuse treatment, a key element of the study. Convenience also entered into selecting Yavapai and Cochise Counties. These counties were selected over other options because they provide a cross-section of rural counties and allowed Auditor General staff to conduct research within the time and resource constraints. Probationers from these four counties represent approximately 80 percent of all probationers in Arizona's 15 counties.

### **Sample Selection**

The original sample size was set for Maricopa and Pima Counties at the 95 percent level of confidence and 5 percent sample precision based on the outcome variable (successful completion) occurring at 50 percent. Yavapai and Cochise Counties, chosen for comparison and

illustration, were not set at the same sample precision as Maricopa and Pima. Table 6 summarizes the sampling process and confidence levels and sample precision.

**Table 6**  
**Adult Probation Outcomes Study**  
**Summary of Sample Selection**

County	Strata	Number in Strata	Number in Sample	Number in Data File	Confidence Level	Sample Precision
Maricopa	Community Punishment Program	155	155	145	95%	5%
	Driving Under Influence	747	75	66		
	Drug offense	1,004	75	66		
	Drug possession	1,551	75	60		
	No substance abuse	427	75	62		
	Non-drug, crime, substance abuse history	<u>3,872</u>	<u>150</u>	<u>128</u>		
	Total Maricopa	<u>7,756</u>	<u>605</u>	<u>527</u>		
Pima <sup>1</sup>	Community Punishment Program	80	50	24	95%	7%
	Drug and alcohol abuser	Unknown	50	46		
	Drug offender	Unknown	50	33		
	Non-drug offense	Unknown	50	29		
	Non-drug offense, likely abuser	_____	<u>50</u>	<u>44</u>		
	Total Pima	<u>1,600</u> <sup>2</sup>	<u>250</u>	<u>176</u>		
	Cochise	No strata				
Total Cochise		<u>155</u>	<u>75</u>	<u>74</u>		
Yavapai	No strata				95%	10%
	Total Yavapai	<u>472</u>	<u>75</u>	<u>69</u>		
	Total	<u>9,983</u> <sup>3</sup>	<u>1,005</u>	<u>846</u>		

<sup>1</sup> Actual number of strata in Pima County is unknown.

<sup>2</sup> Estimated number of individuals who began probation in Pima County in 1994.

<sup>3</sup> Estimated.

Source: Auditor General staff analysis of data provided by Cochise, Maricopa, Pima, and Yavapai Counties.

Maricopa accounts for more than 60 percent of all probationers statewide. Therefore, the sample precision and confidence level set were based on the materiality of Maricopa County to probationers statewide. It was also determined that comparison among the strata would be made so strata needed to be large enough to do that. Six strata in Maricopa County were defined: 1) attended Community Punishment Program; 2) convicted of DUI felony; 3) drug offense other than possession; 4) drug possession; 5) non-drug crime and no substance abuse history; and 6) a non-drug crime, but a documented substance abuse history. Strata 2 through 6 exclude all probationers originally sentenced to the Community Punishment Program.

A sample was also drawn from Pima County. However, Pima County did not provide a reliable sampling frame and the sample was drawn from the presentence report file that included all probationers sentenced to any form of punishment in Pima County. The original file contained over 3,700 cases but approximately 1,000 of these were required to serve a sentence in the Department of Corrections (DOC). In addition, the remaining 2,700 included offenders who may have been sentenced to DOC and should not be included in the sampling frame. However, a confidence interval of 95 percent with sampling precision of 5 percent was planned. Since the level of detail provided on the offenders was not the same as that provided by Maricopa County, it was not possible to draw the same strata. However, since there was an inadequate sampling frame, strata were constructed from the available information allowing for stratified sampling in order to minimize variance. It was expected that over sampling 50 in each stratum would yield a minimum of 30 per strata for statistical runs. Due to differences in the type of data provided by Pima and Maricopa County the Pima strata are similar to, but not the same, as the Maricopa County strata. Five strata in Pima County were defined: 1) Community Punishment Program; 2) non-drug offense but no known abuse; 3) original charge is drug related; 4) known drug and alcohol abuser; and 5) non-drug offense but likely abuser. Due to budget and calendar constraints, the stratified 250 sample seemed a reasonable number. However, the resulting sample was actually lower than 250 owing to coding errors from the poor sampling frame. Although a 95 percent confidence is retained with the resulting 176 cases from Pima County, the sampling precision is only 7 percent in contrast to the 5 originally planned.

Yavapai and Cochise Counties were not set at the same sample precision as Maricopa and Pima for two main reasons. First, the small number of probationers in the two counties did not warrant the same evaluation effort as Maricopa or Pima. Second, since there was not an expectation to generalize statewide from the four counties, there was no need to have a sample precision equal to Maricopa and Pima. A confidence interval of 95 percent with 10 percent sample precision for Yavapai and Cochise seemed both feasible and appropriate.

Tables 7, 8, and 9 provide additional background information on individuals in the sample.

**Table 7**

**Adult Probation Outcomes Study  
Sample<sup>1</sup> of Probationers by County  
Percentage Assigned to Intensive Probation Supervision and  
Percentage Identified as Male and Belonging to an Ethnic Minority**

<b>County</b>	<b>Intensive Probation Supervision</b>	<b>Male</b>	<b>Minority</b>
Cochise (73)	30%	95%	52%
Maricopa (527)	11	77	33
Pima (176)	16	82	60
Yavapai (69)	20	87	16
Percentage of total (845)	14	80	39

<sup>1</sup> Number of cases in the County's sample is indicated in parentheses.

Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

**Table 8**

**Adult Probation Outcomes Study  
Sample<sup>1</sup> of Probationers by County  
Type of Crime Causing the Probation by Percentage**

<b>County</b>	<b>Type of Crime</b>						
	<b>Felonies</b>					<b>Class Unknown or Undesignated</b>	<b>Misdemeanor</b>
	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Class 5</b>	<b>Class 6</b>		
Cochise (73)	7%	3%	19%	7%	21%	11%	32%
Maricopa (527)	4	9	28	8	32	0	19
Pima (176)	8	7	17	6	8	51	3
Yavapai (69)	0	3	8	2	25	49	13

<sup>1</sup> Number of cases in the County's sample is indicated in parentheses.

Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

Table 9

**Adult Probation Outcomes Study  
Sample<sup>1</sup> of Probationers by County  
Percentage of Sample with Prior Supervisions, Custodies,  
Misdemeanors, and Felonies  
and Average Length of Probation Sentence in Months**

County	Prior Actions				Average Sentence Length
	Supervisions	Custodies	Misdemeanors	Felonies	
Cochise (73)	34%	26%	47%	15%	39
Maricopa (527)	44	42	67	29	40
Pima (176)	42	30	57	11	36
Yavapai (69)	35	39	64	19	32
Average for the total	42	38	63	23	38

<sup>1</sup> Number of cases in the County's sample is indicated in parentheses.

Source: Auditor General staff analysis of sample of records of probationers who began probation in 1994 in Cochise, Maricopa, Pima, and Yavapai Counties.

## Critical Data Elements Collected During the File Reviews

Data was gathered in seven basic areas: 1) demographics, 2) criminal history, 3) conditions of probation, 4) criminal behavior while on probation, 5) substance abuse treatment while on probation, 6) life events while on probation, and 7) probation outcomes including payments of fees, fines and restitution, completion of community service, and probation status. A sample of files from Pima and Maricopa Counties was reviewed prior to developing the data collection strategy.

1. **Demographics**—The following data was sought in each probation file: date of birth, ethnicity, marital status, level of education, income, and employment. Ethnicity was used as both a categorical variable and as a recoded binary variable of minority and non-minority. Education was also recoded into number of years of education completed. In addition, marital status was used as a categorical variable and was also recoded into a binary variable of married and not married. State identification numbers and social security numbers were also recorded. More than one social security number was recorded where necessary.

2. ***Criminal history***—data was collected to include total number of prior felony convictions, prior misdemeanor convictions, prior supervisions including parole and probation, prior incarcerations<sup>1</sup>, and prior juvenile offenses. The severity of the crime sentenced for was also coded for felony or misdemeanor and class of offense from 1 through 6. Need and risk scores as measured by need and risk assessments used by the counties were also recorded. The need and risk scores summarize demographics and criminal history. The total possible need and risk scores were also recorded to account for variations across counties. Concurrent probation with the same county, other counties, cities, other states, and federal was also recorded.
3. ***Original terms of probation***—and additional and revised conditions of probation were coded. Any conditions of probation on the basic conditions of probation forms used by courts, and which could vary, were recorded. In addition, comment fields allowed for special conditions not appearing on the standard forms to be recorded. Total amounts of fees, fines, restitution, and community service ordered were recorded. Most conditions were ordered as binary variables. Conditions that were added or subtracted after the original terms were also coded.
4. ***Data was collected on criminal justice system interaction while on probation***—Dates of arrests were recorded. Up to six arrests could be recorded. Initially it was expected that NCIC codes would be available for new arrests, but this data was generally not available and is not useable in the data set. In addition, while conviction data were also expected to be gathered, these data were not available. The number of and length of incarcerations while on probation was recorded. Dates of petitions to revoke probation were recorded along with the reason for the petition and the outcome of the petition.
5. ***Data on life events***—such as marriage, divorce, loss through death of a loved one, and having children was also recorded. Stability in employment was also estimated using an ordinal level scale.
6. ***Attendance and completion of substance abuse treatment program(s) was recorded***—Substance abuse treatment information included beginning date, ending date, type of program (i.e., residential or outpatient), and outcome from the program (failure, graduation). Up to four treatment programs while on probation were recorded. In addition, the results of drug testing were recorded. The total number of tests given and the total number positive were recorded along with the substance(s) found on the first and last positive test.
7. ***Data on probation outcomes were recorded***—The reasons for the probation termination were collected. Outcome was recoded into an ordinal level variable (see discussion in Appendix B, pages b-i through b-iv) and further recoded into a binary variable. In addi-

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<sup>1</sup> Consistent with the files, any incarceration is counted. Using this method, one night in jail is equivalent to 10 years in prison.

tion to their probation outcome, outcomes specific to completing community service and paying fees, fines, and restitution were recorded. It was necessary to construct ordinal levels of measurement for these outcomes since files did not have complete information in these areas. Dates specific to benchmarks were recorded including date probation began, date probation was due to end, date probation actually ended, and new date probation was due to end if an extension was made. These dates, along with date of birth, dates of arrests, petitions to revoke, and substance abuse treatment dates made it possible to compute a variety of time intervals. Comment fields also allowed for the recording and coding of information not routinely collected.

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## Appendix B

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# APPENDIX B

## Methods

A variety of analytic methods have been used in the report. Discussion of the specific methods is not included in the body of the report. A brief summary of the statistical techniques employed for each finding is provided below.

Results are referred to as significant if the relationship is found to be statistically significant. The significance level is the probability that a statistical result as extreme as the one observed would occur if there were no differences between or among groups. A probability of .05 or less is considered statistically significant throughout this report.

## Finding I

Analyses reported in Finding I (see pages 11 through 17) were conducted on data weighted for population by county. The 845 cases were weighted so that each of the four counties was represented in the sample in direct proportion to the number of cases they represent in the probation population for these four counties. Weighting allows for generalization of the findings across the four counties included in the sample.

The results reported in Finding I are based primarily on a series of one-way analysis of variance. The independent variables used for the analyses of variances were identified through a statistical modeling of the data. The first step in the modeling was a factor analysis that resulted in four main factors identified. Variables with large weights in the factor analysis were selected for further analyses and variables with lower weights were eliminated thus limiting both the numbers of variables analyzed and reducing multi-collinearity. The independent and dependent variables do not meet stringent data requirements of linear regression. Logistic regression is used for analysis of dichotomous dependent variables; however, it also requires stringent data requirements for independent variables. These variables were then used to develop both linear and logistic regression models. The methods were both used for exploratory purposes and to identify variables that were predictive using both methods.

The results of the two regression models were used to identify the factors that appeared to have the most impact on probation outcomes and were subsequently included in the one-way analyses of variance.

- **Statistical Model**—Both linear and logistic regression models were used to estimate how well probation outcomes could be predicted.

The final standardized model has an R squared of .54. The *standardized* coefficients for the variables that enter the model and the R squared change for each are:

<b>Variable</b>	<b>Beta</b>	<b>R Squared Changed</b>
Total petitions to revoke filed	-.559	.312
Completed community service	.313	.129
Total treatments completed while on probation	.253	.069
IPS as a condition of probation	-.163	.023
Ethnicity	.135	.018

Since the reliability of the model is limited by the data, a logistic regression model was also utilized. Logistic regression is useful for situations in which one wants to predict the presence or absence of a characteristic or outcome based on values of a set of predictor variables. It is similar to linear regression but is suited to models where the dependent variable is dichotomous.

In the Logistic Model the dichotomous outcome variable of 0 = unsuccessful and 1 = successful was used as the dependent measure. This variable excludes all probationers who are still active and those with unknown final outcomes.

In the logistic model, without any predictor variables it is possible to predict with 61.45 percent accuracy the dichotomous probation outcome.<sup>1</sup> At best, the accuracy is increased to 64.08 percent if knowledge about ethnic group and the probationer's risk score is known. However, the predictive accuracy increases to 87.67 percent using only one condition of probation variable and 4 activity variables and no background variables. This model provides an improvement in accuracy of 26.22 percentage points. The independent variables in the logistic models are 1) whether the probationer is assigned to IPS as a condition of probation, 2) total number of petitions to revoke filed, 3) monthly arrests, and 4) number of treatments completed while on probation and consistency of employment.

Using SPSS we estimated a stepwise linear model. Variables enter the linear regression if they are statistically significant at the .05 level, and are deleted in a step if their significance falls below the .01 level. The linear regression model is used to inform our evaluation and is suggestive and not definitive. Data do not meet all of the assumptions required for the re-

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<sup>1</sup> Since there is a 61.45 percent probation completion, one would predict success in all cases and be accurate 61.45 percent of the time.

gression. The dependent variable used is the ordinal level probation outcome variable where 0=abscond, 1=revoke, 2=still on probation because term extended, 3=terminated because term expired, and 4=early positive termination from probation. Those who are still on probation, were transferred, or had an unknown outcome are excluded from the analysis.

- For example, the following variables were all tested, but were not significant in this stepwise method:

***Demographic/historical variables***

Prerisk score

Age at time probation began

Marital status at beginning of probation (married/not married)

Severity of crime sentenced for (felony class 1 =1, through misdemeanor class 6 = 12)

Education level (number of grades completed from 0 to 18)

Number of prior felonies

***Conditions of Probation as Imposed by the Court***

Number of months in jail

No contact with gang members or fellow criminals

No contact with victim

Electronic monitoring

Attend domestic violence counseling

DWI impact panel

Not have firearms

Not gamble or visit gambling establishments

Take medications as prescribed

Proscribed establishments

Attend parenting classes

Attend shock (This involves incarceration in a “boot camp” program intended to “shock” young offenders, so as to discourage future criminal behavior.)

Register as a sex offender

Work furlough

***Behaviors while on probation/Activity variables***

Getting married while on probation

Having a child born while on probation

- **Analysis of probation outcomes**—The relationships between substance abuse treatment, employment consistency, and community service and probation success were estimated using analysis of variance.

## **Finding II**

Since the focus of Finding II ( see pages 19 through 26) is on county difference, the analysis for this finding was conducted on an unweighted sample.

Analysis of variance was used where one of the variables was quantitative (such as arrests and length of time on probation). Post hoc tests were used to make pairwise comparisons. Variables that could not be appropriately analyzed using analysis of variance were analyzed using two-way or multiway crosstabulations, and the Chi-Square test used as a measure of association.

## **Finding III**

Analyses reported in Finding III (see pages 27 through 32) were conducted on a weighted data set. The 845 cases were weighted so that each of the four counties was represented in the sample in direct proportion to the number of cases they represent in the probation population for these four counties. Weighting allows for generalization of the findings to the four counties included in the sample.

Analysis of variance (discussed above) with post hoc tests was used where one of the variables was quantitative (such as arrests and length of time on probation). Post hoc tests were used to make pairwise comparisons.

Variables that could not be appropriately analyzed using analysis of variance were analyzed using two-way and multiway crosstabulations and the Chi-Square test used as a measure of association.

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