

UNIVERSITY OF MINNESOTA

PROBATION REVOCATIONS:

Findings from Interviews with Revoked Probationers
from Bell County and Matagorda Community
Supervision and Corrections Departments

A Report by the Robina Institute of Criminal Law and Criminal Justice

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ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

PROBATION REVOCATIONS:

Findings from Interviews with Revoked Probationers from Bell County and Matagorda Community Supervision and Corrections Departments

Summary Report

By

Ebony L. Ruhland & Jason P. Robey

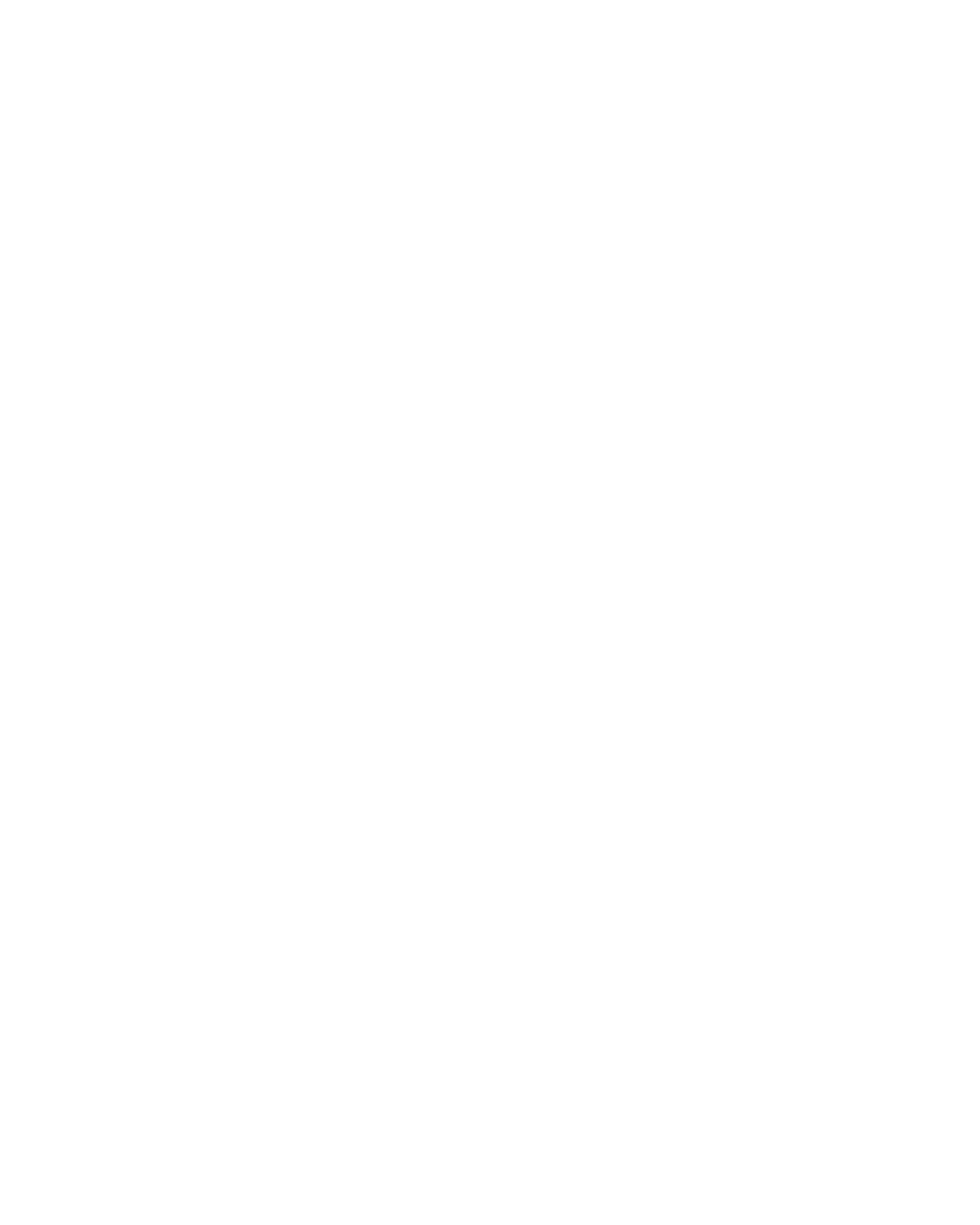
Suggested citation: Ebony L. Ruhland & Jason P. Robey, *Probation Revocations: Findings from Interviews with Revoked Probationers from Bell County and Matagorda Community Supervision and Corrections Departments*, Robina Inst. Crim. Law and Crim. Just. (2017).

Acknowledgments

The authors wish to thank the Texas Department of Criminal Justice for allowing us to conduct these interviews. Thank you to prison and jail facilities where we were able to conduct interviews. Thank you also to Bell County Community Supervision and Corrections Department and Matagorda County Community Services and Corrections Department for agreeing to let Robina interview revoked probationers.

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Texas Prison Summary Report

Introduction

In 2014, the Robina Institute of Criminal Law and Criminal Justice (Robina) began a study to explore factors that lead to probation violations and revocations. This study included probation jurisdictions from Texas, Minnesota, Massachusetts, and New York. To explore this issue, mixed methods research was used. Existing quantitative data was used to determine the demographic composition of those on probation and those revoked. Qualitative interviews were conducted with probation officers, judges, prosecutors, and public defenders to understand their views on five central areas. The areas included: 1) probation conditions, 2) length of probation, 3) probation fines and fees, 4) sanction/administrative actions, and 5) revocations. In addition to interviews with criminal justice stakeholders, interviews and focus groups were also conducted with probationers who had experienced a violation while on probation. To see findings from each jurisdiction, please see <http://robinainstitute.umn.edu/areas-expertise/probation-revocation>.

The interviews for two sites in Texas, Bell/Lampasas Counties (herein referred to as Bell County) and Wharton/Matagorda Counties, expanded to include inmates who were on probation but had their probation revoked for a new crime and/or a probation violation. In the summer of 2016, researchers conducted interviews in 5 correctional facilities located in Texas. Twenty-one former probationers (12 males, 9 females) from Bell and Wharton/Matagorda Counties were interviewed.

The purpose of the inmate interviews with probation violators was to understand from their perspectives their experiences on probation, why they violated probation, and what they thought probation officers and departments could do to better assist probationers and prevent revocations. This report highlights findings from these interviews.

Research Methods

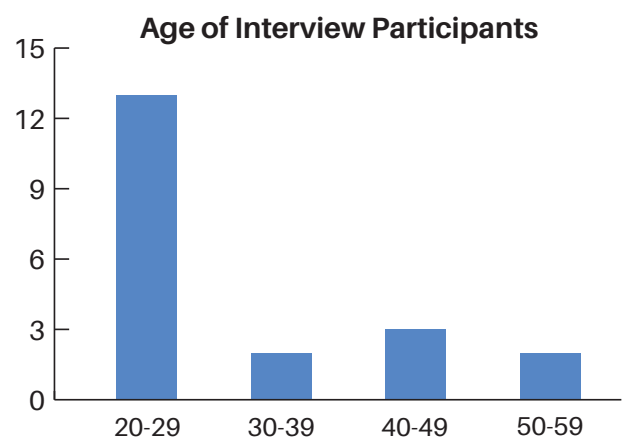
To conduct the interviews, institutional approval was obtained from the University of Minnesota Institutional Review Board and Texas Department of Criminal Justice (TDCJ). In Texas there are about 100 state jails and prisons where individuals could be housed for probation violations. This figure does not include the local jails. Since there are so many state facilities and because they are spread across a large geographic area, the study scope was narrowed to 5 facilities. The facilities are all located within the same

geographic area in or near Huntsville, Texas. TDCJ identified eligible participants by sorting inmates who were on probation in Bell or Wharton/Matagorda Counties, who recently violated conditions of probation and were housed in one of those facilities. If the inmates met the study criteria, they were invited to be in the study.

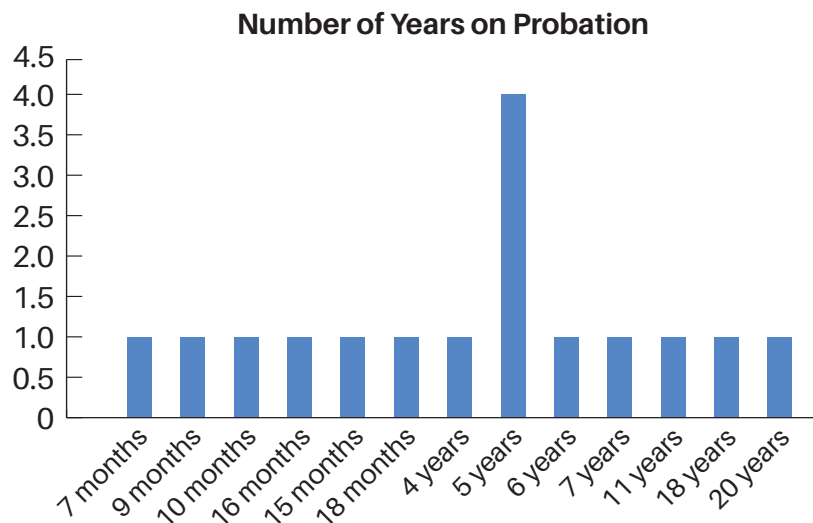
If the individual agreed to be in the study, then a correctional officer brought the participant to either a conference room or the visiting area for the interview. All interviews were conducted in person; in a few instances interviews were conducted with multiple inmates together (no more than 4). In a few other instances, the interview participant was separated by a glass partition. Each interview was conducted by two researchers since TDCJ did not allow the interviews to be recorded. One researcher asked questions while the other researcher took notes by hand.

Sample Demographics & Characteristics

Sixteen participants were on probation previously in Bell County; four participants were previously on probation in Matagorda County, and 1 was on probation in Wharton County. The ages of the participants ranged from 20 to 58 with the mean age being 30.



Racial demographics were only recorded for 12 of the interview participants. Of those, 5 identified as African American, 3 identified as Caucasian, 3 Hispanic, and 1 identified as mixed race. The original offense for which study participants were convicted and placed on probation varied. Five self-reported they were on probation for robbery or burglary; 4 reported probation was for drug possession; and 2 reported they were on probation for assault. Other reasons identified included theft, child endangerment, forgery, and indecency.



Probationers were asked to self-report why their probation was revoked. Four interviewees said it was for a new charge. Others reported that the revocation was for technical violations including failed urine analysis, not going to court-ordered classes or treatment, not paying fees, and not telling the probation officer they had moved.

Interviewees were also asked to self-report how long they had been on probation before they were revoked. Responses ranged from 7 months to 20 years. This was self-reported so the actual amount of time spent on probation has not been verified. The graph above illustrates the range of time probationers indicated they spent on probation before it was revoked.

Findings

The findings will describe the interviewees' experience with probation, focusing specifically on probation conditions, interactions with probation officers, resources that were helpful to probationers, and their perspectives on additional resources needed to better succeed on probation.

Probation Conditions

Almost all of the participants felt probation conditions were clearly explained by their probation officer and felt they understood the consequences if conditions were not met. When asked what conditions were difficult to comply with two common responses emerged: paying financial obligations and curfew. Financial obligations will be discussed in a later section. Curfew was reported as being difficult to follow for those who had jobs that required them to work longer hours. They felt the curfew condition was not flexible enough to accommodate different work schedules. One interviewee reported:

The curfew conflicted with my work schedule. Probation wants you to work full-time. And I was working full time but I didn't get done with work until

after my curfew got over. And I had to drive home still. But I had to keep working to feed my kids.

Other interviewees believed that the curfew was too limiting. For example, when one interviewee's mother was in the emergency room, the individual could not be out past curfew to visit with her. Another commented that the curfew did not allow for much of a life outside of work. The interviewee said:

"The curfew was hard. I just went to work, went home, and went to probation."

Many individuals interviewed felt the requirements of probation overall were too strict and time consuming. They felt there were too many programs and services they had to attend, including community service, classes, and treatment. Layered on top of that was the requirement for regular in-person check-ins with their probation officers. Some felt all these requirements interfered with their ability to maintain employment, as described by an interviewee.

"When you have to go to classes every week and meet with PO every week it's difficult to keep a job. Your boss is only going to be so understanding. Eventually probation will get in the way too much and your boss would just rather hire someone who isn't on probation."

In the same interview it was said:

"You've got to report to probation every week. That can clash with your work schedule. If you miss, you can get increased reporting which just makes it worse."

Another interviewee said about the conditions:

"[They are] just time consuming. It was hard to work and go to 3 classes."

The reporting requirements and attending all other programs and services also made it difficult to manage family obligations. Probationers were not allowed to bring their children to check-ins with the probation officer. During an interview, four men who were previously on probation described the situation and the challenges it presented.

Interviewee 1: *"If you bring a kid, they'll tell you to leave."*

Interviewee 2: *"It makes it hard to go to probation meetings. If you can't find someone to watch the kids, you can't just leave the kid home alone. You have to miss the meeting."*

When asked what would happen if they brought their kids, they responded by saying:

"Don't even try it."

"They'd tell you to leave."

"They wouldn't meet with you."

Some voiced concerns that the length of probation was too long. One person who expressed this concern was sentenced to 8 years of probation. Two different interviewees who were sentenced to 10-year probation terms also felt the term was too long, in part because of the reporting requirement.

"For 10 years' probation, I was expected to report every week."

Financial Obligations

Many interviewees said the financial obligations of probation imposed a heavy burden. In Texas, probationers are expected to pay monthly supervision fees, and the estimated total of fees is assessed at the time of conviction. In addition, probationers often must pay fees for each of the programs and services (e.g., urinalysis tests, classes, and treatment) with which they are required to engage during the period of supervision.

"They [probationers] do start off at a lot. Right when you start it's hundreds of dollars."

"You've got to pay for everything. Every time you take a UA, classes, everything."

One person said, "probation is very expensive" and another said, "the fees were hard." These financial obligations were perceived as especially difficult for probationers who had family responsibilities or limited incomes because it interfered with probationers' ability to pay for the other necessities of life.

"The prices [for probation] were too high, the monthly payments. . . \$350 per month. I've got 4 kids. I was able to pay for a while but eventually I couldn't."

"The day they arrested me I had \$1,000 and they said I could have afforded to pay them more. But I had to pay rent, bills, car payment."

Several of the interviewees talked about the tremendous pressure to pay financial obligations. There seemed to be a clear expectation to prioritize these financial obligations over the probationers' other needs.

"You pay it [probation fees] or it'll go against you. I had about \$300 per month. I paid what I could. I always paid probation first, even before my bills. First thing I did when I got my paycheck was go to probation and give them money."

"You're expected to put probation before everything else."

"The probation officer would say 'let me see your paycheck stub. Okay, I'm going to take this much out.'"

Many felt they would be revoked for nonpayment of financial obligations. And some were sure that nonpayment had in fact been the reason for revocation.

"I lost my job. I couldn't find another one. I couldn't make my payments. She revoked me."

"I didn't commit a new crime. I wasn't paying. And I wasn't going to classes. At my trial they mostly talk about my fees though. And they said, 'you could have paid more.'"

At least one individual admitted to choosing to self-revoke because of inability to pay the required fees for classes the individual had been ordered to attend.

"I was going to drug classes but I couldn't pay them. I decided to take state jail for 9 months because I didn't want probation. I didn't try to run. I turned myself in. For the classes I had to pay \$50 every Monday."

The stress of the fees made one person say, "payments make you want to run [abscond]" while another person, addressing the fear of being revoked when unable to pay supervision fees at the regular probation check in said, "if I can't pay, I'm not going to probation."

Two individuals provided a different view of nonpayment, describing their choice not to pay probation supervision fees because they did not feel they were receiving any benefit from the experience of probation.

"I didn't pay fees because I didn't want to. Because they [probation] weren't doing anything for me."

"\$500 per month, that's a lot. I paid \$5 a month. That's it. I didn't pay them because they weren't giving me anything. They weren't doing anything for my money."

Choosing Prison over Probation

Due to the length of probation and because of the restrictions, some of the inmates interviewed said they decided to choose prison over probation. After being on probation for a little while, they thought prison would be easier. The restrictions and the threat of revocations were too much for some. One person who elected to self-revoke said:

"My PO threatened to violate me every time I went in there."

Another interviewee commented about the length of probation.

"Probation just kept dragging on for a long time. It kept getting extended or restarted."

Others expressed a desire to complete their sentence as quickly as possible because once finished, they would be able to spend time with family or find employment more easily without the restrictions of probation. One father who was having trouble paying supervision fees chose prison over probation when his probation officer told him to get a second job.

"My probation officer told me I had to get a second job. I told him it would cut into my time with my daughter. But he said I had to make ends meet. So I chose to end probation and serve in prison."

Because of the restrictions and the difficulty of completing probation, another interviewee said:

"If I would have the option of doing probation again, I would have chosen prison."

Probation Officer Interactions

Despite interviewees feeling probation was difficult (some to the point where they chose prison over probation), there was some contradiction in their responses when asked about their interactions with probation officers. Many felt their probation officers gave them many chances to succeed or to turn things around but it was they, the probationers, who were failing. As one respondent said,

"I was only on probation for a couple of months. But they were good people. They tried to help me further myself. I violated on a drug case."

In the same interview another person said:

"I was good for a while until a tragedy happened and I didn't have good coping skills. I got a prescription for narcotics and that led me back to my addiction issues. The POs were great though. They sent presents to my kids while I was here. They were very helpful."

A respondent in a different interview said:

"The probation officers were good down there. They gave me lots of chances."

Later, the interviewee went on to say:

"I think they [probation] did everything they were supposed to do. They work with you and if you work with them it's fine."

A few interviewees voiced personal responsibility as to what led them back to prison.

"They [probation] did what they were supposed to. I didn't. They gave me information about classes, GED, and AA. I was still using drugs and drinking."

"I caught a drug case. I really did it to myself. She [probation officer] sent me to a lot of programs."

One of the interview participants who thought a 10-year probation sentence was too long, said:

"Probation ain't hard. It's just about what you want to do. . . . It all depends on what you want to do."

But while the respondents felt they were given multiple opportunities, they also expressed concern about the tone and quality of their interactions with probation officers. Several of the interviewees stated their probation officers had "attitude." At times, they felt a lack of respect from the officers as one respondent explained:

"You talk to me with respect and I'll talk to you with respect. She gave me attitude. If I'm doing everything I need to do, I shouldn't get attitude."

Another interviewee in a different interview had a similar response.

"When you're a PO, when you first meet them give them respect. Instead of giving you respect they give you an attitude. And you're just supposed to sit there and take it. If you want me to respect you, show me respect. Talk to me like I talk to you. Be respectful if you want to be respected."

So while many felt probation officers gave them resources and multiple chances while on probation the personal interactions were not always described as positive exchanges.

Suggestions for Improvement

The interview participants were asked what probation or probation officers could do to better assist individuals on probation. As mentioned, some interviewees thought probation officers gave them multiple chances and provided them with enough resources (and in some cases too many). Often, interviewees believed it was their own personal choices that prevented them from succeeding rather than anything the probation department did. However, interviewees did offer some suggestions that they thought would have helped them succeed on probation. Responses tended to fall into two categories: resources for probationers and probation officer/probationer interactions.

The limited resources in small towns were mentioned more than once. One person said,

"They need more resources for drug addicts. There are a lot of drugs in that small town...but there are no rehabilitation centers."

One interviewee called out Matagorda as having very few resources. And another interviewee made the same comment about Bell County, focusing specifically on the fact that there is no homeless shelter in Bell County. Several interviewees also mentioned they wanted resources that would help them find jobs.

A couple of suggestions were offered regarding supervision fees and paying for the classes. Those who mentioned this either wanted a resource that would help pay their fees or for the financial obligations to be reduced. Another wanted assistance to cover class fees for probationers who could not afford to pay for them. This individual said,

"For the people who can't afford to pay for the classes, they should. There should be like an organization that helps pay for the classes."

An interviewee in the same interview agreed by saying,

"Yeah, they're already making us pay for all of these other fees. They should help for classes."

Other suggestions offered were to allow probationers to bring their kids to probation appointments. Another suggestion was to break down the probation conditions. One person thought probation threw everything at them at once and thought it would be more beneficial if they broke it down. They said, "don't give us so much to do at once."

Interviewees also reported that it would have helped to have better interactions with probation officers. They wanted probation officers to treat them with respect but they also wanted probation officers to be more understanding when situations arose. This was explained by one interviewee,

"They need to be understanding of your reasons [for not meeting a condition]. They just think it's excuses or lies. If I'm working, going to school, and I've got a family, they should understand if I make a couple of mistakes on probation."

One of the interviewees said it would have been helpful if the probation officer noticed when probationers were struggling. This person reported feeling hurt when their probation officer did not notice she had returned to using drugs. To her, this was a sign that the probation officer did not really care about her.

"I was resentful towards my PO. So I went in there and told her I was on drugs. 'How did you not notice for 9 months?' I thought she cared. When somebody is on drugs they act different and as a PO you should have the training to notice when someone is on drugs. Especially me because I was doing so well [before I started using drugs]."

This individual continued:

"I was on drugs and nobody noticed. I wanted them to notice...pay attention. Be more involved with your clients...I was on probation for 2.5 years. I was going to college. I had a 4.0 in college. I was working. I was leading the NA groups. When all of that changed, 'you should have noticed. You should have held me accountable. I need accountability. I need support. Give me sanctions.' An extra group, not AA though. Something educational, where I can learn about coping skills or something. Give me volunteer work. Give me sanctions, not necessarily jail."

Conclusion

This report provides perspectives of individuals who were previously on probation. They shared their experiences and where they felt improvements could be made to probation systems. The data included in this report is intentionally self-reported by individuals to provide a greater understanding of individual perspectives. Overall, individuals recounted both the challenges and opportunities in their experiences of being on probation. Individuals thought probation was helpful, but also felt that it was too restrictive, time consuming, and involved less favorable interactions with officers. Additionally, the financial obligations caused a great deal of stress and strain for individuals. Recommendations for improvement focused on increasing resources, improving communication, and finding ways to reduce financial obligations.



About the Probation Revocation Project

The Robina Institute's Probation Revocation Project partners with city, county, and state jurisdictions to conduct research of community supervision and probation revocation practices in the United States. Outcomes of the first phase of this research include the publication of legal profiles in *Profiles in Probation Revocation: Examining the Legal Framework in 21 States* (2014), and publication of jurisdiction alpha reports that include a close examination of probation practices, policies and procedures, data collection, as well as interviews with probation officers, probationers, judges, prosecutors, and public defenders to provide a comprehensive picture of how these specific jurisdictions manage probation and probation revocation practices.

Additionally, the Probation Revocation Project partners with select jurisdictions to assist with improving practices such as providing an analysis of fees and fines and assisting with developing sanctions and incentive grids for probation management.



About the Robina Institute of Criminal Law and Criminal Justice

The Robina Institute brings legal education, theory, policy and practice together to achieve transformative change in punishment policies and practices. The Institute is focused nationally on sentencing guidelines, probation revocations, and parole release and revocations, and locally on the Minnesota criminal justice system.

The Robina Institute was established in 2011 at the University of Minnesota Law School thanks to a generous gift from the Robina Foundation. Created by James H. Binger ('41), the Robina Foundation provides funding to major institutions that generate transformative ideas and promising approaches to addressing critical social issues.

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UNIVERSITY OF MINNESOTA LAW SCHOOL | 229 19TH AVE SOUTH | N160 MONDALE HALL | MINNEAPOLIS, MN 55455