
Understanding Failure to Maintain Contact Violations

A REPORT FOR THE REDUCING REVOCATIONS CHALLENGE



ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

Acknowledgements

This study was conducted as part of the Reducing Revocations Challenge, a CUNY Institute for State and Local Governance national initiative supported by Arnold Ventures that is dedicated to understanding the drivers of probation revocations and identifying ways to reduce them when appropriate.

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Executive Summary

Study Purpose

Since 2019, Ramsey County Community Corrections (RCCC) and the Robina Institute of Criminal Law and Criminal Justice have partnered to participate in the Reducing Revocations Challenge, a national initiative of Arnold Ventures and the CUNY Institute for State and Local Governance dedicated to understanding the drivers of probation revocations and identifying ways to reduce them when appropriate. One of the findings that stood out from the original research was that failure to maintain contact with the probation officer—which is often referred to as absconding in other jurisdictions—was one of the most prevalent violation types, accounting for 29% of probation violations and 23% of revocations.

The purpose of this follow-up study was to investigate the underlying causes of failure to maintain contact violations by interviewing people on probation who had experienced a failure to maintain contact violation. The research questions were:

1. What can we learn from people on probation about why individuals fail to maintain contact?
2. Is there anything probation officers or Ramsey County Community Corrections could change or do differently that would prevent failure to maintain contact violations?

Additionally, we investigated a third research question to learn from people who had warrants what their experiences were like in responding to or being picked up on a warrant.

Reasons for Failure to Maintain Contact Violations

On the surface, the reasons for failure to maintain contact seemed to be simple: eight dropped out of contact with their probation officer; four individuals never started probation; two people moved to another state; one person left an inpatient treatment center; and five perceived that they had never had a failure to maintain contact violation. However, the individual stories of each person interviewed revealed much more complex situations.

- **Substance Use:** Multiple individuals struggled with substance use issues while on probation, and this served as the root cause of their failure to maintain contact violation. At least two people indicated they had no intention to stop using; a state that was exacerbated by being in the throes of addiction. Others were actively trying to engage in treatment, but dropped out of contact when they failed a urinalysis test because they feared the consequences. Another person who was also trying to stop using frequently butted heads with their probation officer who they felt did not understand addiction. And one person used drugs and alcohol to self-medicate for underlying mental health issues.
- **Lacking Basic Needs:** Of the twenty people interviewed, all but four struggled with at least one basic need, such as housing, employment, and providing themselves with food, and twelve mentioned struggles in multiple areas. Housing was the area of greatest need with ten people calling this out and many describing themselves as being “homeless” at some point while they were on probation. For most of the individuals who reported struggles with basic needs, there were also other issues that seemed to be at the root of their failure to maintain contact. But given the high number of interviewees who reported these issues, it is fair to say that the lack of basic needs likely served as additional stressors while they were

on probation. For three individuals, lacking basic needs translated into an inability to afford phone service or transportation, which led directly to their failure to maintain contact.

- **Race and Culture:** Most individuals interviewed did not report feeling that they were treated differently because of their race or cultural background. However, one individual who was Native American did not feel that her probation officer would be receptive to her request to move back to her tribal reservation when she was facing homelessness, so she took matters into her own hands and moved out-of-state without permission. This individual said she did not think her cultural background was relevant to probation, so she never discussed it with her probation officer, indicating a lack of communication and trust in that relationship.
- **Gender:** One individual—a male who was being supervised by a female probation officer—described a situation indicating there were gender dynamics at play in his relationship with the probation officer. The individual perceived that the probation officer was "flexing her muscles" rather than doing her job and labeled her as being "unprofessional" because she did not warn him that a warrant had been issued when he dropped out of contact. Given the individual's apparent gender bias, it was unlikely that he was going to be responsive to his female probation officer.
- **Stress of Being on Probation:** One individual who had an extensive criminal record was making a tremendous effort to turn his life around and successfully complete probation. He experienced significant stress in trying to maintain the drug- and crime-free lifestyle required by probation and made a few missteps as a result.
- **Lack of Communication by Probation Officers:** Two individuals said they never received responses to messages they had left with the probation department. One individual fell out of contact when he checked into inpatient treatment, though he said he notified his probation officer. A second person fell through the cracks upon completing inpatient treatment. She attempted to contact the probation department to determine who her probation officer was and what her requirements were, but said she never received any communications back. Her next interaction occurred two years later when she was arrested on a warrant during a routine traffic stop.
- **Potential Missed Cues:** One person was repeatedly kicked out of treatment centers for getting into altercations with other treatment center residents, indicating he may have had undiagnosed mental health issues or unrecognized criminogenic needs. Another individual who was on probation for a substance use offense continued drinking to deal with the pain of domestic abuse. It does not appear that anyone was aware of her situation until she was arrested for a second offense.

Potential Ways to Prevent Failure to Maintain Contact Violations

Several individuals we interviewed did not think anything about their probation experience needed to change. However, the interviews also revealed several potential areas for improvement that have the potential to reduce failure to maintain contact violations.

- **Assess and Address Basic Needs:** Many of those we talked to struggled with meeting their basic needs, especially housing. Yet most interviewed said they did not see probation as an entry point for receiving assistance, and several said they did see providing help with basic needs as the responsibility of probation officers. Thus, almost universally, the individuals who reported a lack of basic needs also reported that they did not seek help from their probation officers to address those needs. One of the Phase 1 research recommendations was to better integrate probation and social services to address basic needs by, for example, instituting a basic needs assessment during intake. The findings here continue to support that recommendation. Proactively assessing and providing help with basic needs and connecting individuals

to resources to address their basic needs may alleviate those stressors and provide people with more capacity to engage with their probation requirements.

- **Develop Protocols for Reestablishing Contact with Those who are “Hiding in Plain Sight:”** Most failure to maintain contact violations described by interviewees did not necessarily mean the person could not be found. Instead, failure to maintain contact with most individuals we interviewed indicated they were unresponsive or disengaged with probation. The fact that many of these individuals were aware that probation was trying to reach them indicates that probation could potentially do more to reestablish contact. Thus, one option is to develop stronger protocols for reestablishing contact such as visiting last known addresses and places of employment, reaching out to collateral contacts, and checking with probation officers in other counties before filing a failure to maintain contact violation.
- **Strengthen Communication with Individuals on Probation:** Several people reported experiences indicating that communication is an area requiring closer attention by probation officers. The interviews showed that in some cases, RCCC simply needs to be more responsive to messages that are left by people on probation, and that probation officers could do more to troubleshoot with individuals who struggle to access a phone to maintain contact. Other individuals appear to need reminders, whether a quick message after a missed contact, or a reminder prior to the scheduled meeting.
- **Show Care and Build a Relationship:** Showing care through building rapport, sincerely checking in with individuals, and supporting them with positive affirmations were essential facets of building a relationship. These facets were necessary for many of those interviewed because they found these relationships helpful and that seemed to correlate with positive views of their time on probation. In contrast, individuals who did not feel cared for or supported on probation had a more negative view of probation.
- **Demonstrate Flexibility Around a Person’s Life Circumstances and Current Situation:** Another critical element that interviewees reported to reduce risk for violations was to extend care and support by demonstrating flexibility. This included offering flexibility with regard to the manner and location of regular check-ins, offering different ways to complete the requirements of probation, and accommodating the individual’s life circumstances and current situations. Probation officers can display flexibility and being “on their side” by being empathetic and accommodating to the realities of the individuals they supervise.
- **Foster Motivation to Create Behavior Change:** A key concept in promoting behavioral change for people on probation is to draw on the individual’s intrinsic motivation to change. Individuals who had a good relationship with their probation officer also seemed to be more motivated to engage in and successfully complete probation. Improving communication, showing care and fostering relationships, and demonstrating flexibility are all ways to achieve this. Additionally, people on probation talked about the importance of personal responsibility and self-motivation. The advice they offered to individuals in similar circumstances rested on these ideals. Thus, providing peer-to-peer support from individuals formerly on probation may be another way to foster motivation.
- **Additional Recommendations:** In the Phase 1 study, we identified the relationship with the probation officer as one of the potential drivers of probation violations and revocations. We posited that the difficulties could stem in part from lacking the tools to deal with difficult clients, simple exhaustion, or insurmountable differences in race, gender or culture. The stories of at least two individuals seemed to fit this category. One recommendation is to have probation officers work in teams, so that the individuals they supervise can be reassigned to another probation officer when interpersonal conflict arises. Working with a new officer of a different gender or temperament may help to foster a better relationship. A second recommendation is that RCCC should continue efforts to recruit a more diverse workforce that reflects the community it serves.

Additional Issue: Warrant Experiences

During the Phase 1 study, we learned that one practice in RCCC for responding to failure to maintain violations was to request that the court issue a probation review bench warrant, the primary purpose of which was to re-establish contact with the person on probation. In this study, we wanted to learn from people who had warrants what their experiences were like in responding to or being picked up on a warrant.

Overall, the experiences of people who had warrants indicate that while most of the individuals were aware there was a warrant, only a few addressed the warrant head on by turning themselves in. The rest waited until some other intervening event such as being picked up for a new offense or being stopped for a traffic violation brought them to the attention of the police. This is not surprising given that most of the individuals who failed to maintain contact were in some sense practicing avoidance. Those who turned themselves in did not seem to be as impacted by the experience as those who were arrested. Most significantly, only one individual seemed to describe an experience that was likely similar to the probation review bench warrant, indicating either that it is more routine to utilize an ordinary warrant process or that there is little difference to the person being arrested between a probation review bench warrant and regular warrant.

- **Request a Summons Instead of a Warrant Unless There are Specific Public Safety Concerns:** Given that most individuals appeared to be aware that a warrant had been issued, it may be just as effective to first request a summons rather than a warrant unless there are specific public safety concerns. The official court process would send a message that the individual's failure to maintain contact is serious, and may prompt individuals to show up for court and reestablish contact rather than practice avoidance as several interviewees did. For those who still do not appear, a warrant is still an option.

Introduction

Since 2019, Ramsey County Community Corrections (RCCC) and the Robina Institute of Criminal Law and Criminal Justice have partnered to participate in the Reducing Revocations Challenge, a national initiative of Arnold Ventures and the CUNY Institute for State and Local Governance dedicated to understanding the drivers of probation revocations and identifying ways to reduce them when appropriate. The original study drew from three sources of information: a legal and policy review, data regarding a cohort of 3005 people who started probation in 2016 and were followed for two years, and interviews with criminal justice system stakeholders. Findings from the research phase were published in *Understanding Probation Violations and Disrupting the Revocation Pathway in Ramsey County, Minnesota*. Throughout this report, the findings from the original Reducing Revocations Challenge report are referred to as the “Phase 1 study.”

One of the findings that stood out from the original research was that after new criminal behavior, which accounted for 28% of violations and 41% of revocations, failure to maintain contact with the probation officer—which is often referred to as absconding in other jurisdictions—was one of the most prevalent violation types, accounting for 29% of probation violations and 23% of revocations. Failure to maintain contact was somewhat more common for felonies, accounting for just over a third (36%) of violations by those on felony probation compared to just under a quarter (24%) of violations by those on misdemeanor and gross misdemeanor probation.¹

The Phase 1 study included interviews with stakeholders including judges, prosecutors, defense attorneys, probation officers, and treatment providers to learn their views about what the drivers of probation violations and revocation were in Ramsey County, Minnesota. These stakeholders posited that failure to maintain contact may be driven by myriad issues, including those related to homelessness, mental health, and chemical dependency.² The original stakeholder interviews had been conducted via Zoom during the pandemic. Robina Institute researchers were unable to interview people on probation at the same time because the university placed a moratorium on interviews with vulnerable populations, such as people in the criminal justice system, during the pandemic. Therefore, as the Robina Institute and Ramsey County considered ways to gather additional information about the underlying causes of failure to maintain contact violations, it was deemed paramount to learn directly from people on probation.

The goal of this follow-up study was to investigate the following two questions by interviewing people on probation who had experienced a failure to maintain contact violation.

1. What can we learn from people on probation about why individuals fail to maintain contact?
2. Is there anything probation officers or Ramsey County Community Corrections could change or do differently that would prevent failure to maintain contact violations?

Additionally, this study afforded an opportunity to learn more about how people on probation experienced being picked up on a warrant, the issuance of which was reported to be a frequent response for failure to maintain contact violations.

Ramsey County Community Corrections (RCCC) identified a sample of 533 individuals who had a probation violation that included an allegation of failure to maintain contact filed with the court between Oct 1, 2019, and Sept 1, 2022. The individuals may also have had other allegations of technical violations of probation, but people who had

¹ Kelly Lyn Mitchell, Lily Hanrath, Erin Harbinson, Robina Institute of Criminal Law and Criminal Justice, *Understanding Probation Violations and Disrupting the Revocation Pathway in Ramsey County, Minnesota*, 5, 27-28 (2021), https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2022-02/robina_rrc_report_final.pdf.

² *Id.* at 57-61.

allegations of new criminal behavior were excluded. Given the time frame of the of the violation, our expectation was that the individuals interviewed might be actively on probation or recently discharged. But our goal was to identify people whose violation was far enough in the past that it would have already been handled by the court so we would not put anyone in the position of talking about an active case. RCCC wanted to ensure that its probation officers were not involved in the recruiting process and had recently had some success in recruiting people to participate in focus groups by texting invitations, so it was decided that we would attempt to recruit people for interviews through text messages. Thus, the final criterion was that the individuals for the sample had to have a cell phone number included with their contact information. Of the 533 people in the sample, we were able to attempt to contact 504 individuals during the open recruiting period. Of those, 30 people expressed interest in being interviewed, and 20 people ultimately consented to and completed an interview.

As shown in Table 1, the individuals who completed interviews were primarily male, white, and over 40 years of age. Compared to the data sample in the Phase 1 study, the group of people we interviewed included more people who were white and fewer people who were Black, but seemed to include people who identified with other races and ethnicities in similar proportions as in the Phase 1 study.³ Thus, our findings may not adequately capture the experiences of people who are Black. Additionally, the average age of those we interviewed was a little older than the average age in the Phase 1 sample; 38 in this sample compared to 34 in the Phase 1 study.⁴ Therefore, the experiences shared with us may not capture the reasons that younger people fail to maintain contact with their probation officer. Most in our sample had earned a high school diploma or GED or had completed some college classes. Most were also employed full-time at the time of the interview, though the sample seemed to be split between people with extremely modest incomes—many less than \$10,000 per year—and people with more sustainable incomes of \$40,000 or more.

Table 1. Demographic Information (N=20)

Attribute	#	Attribute	#	Attribute	#	Attribute	#
Age (Avg. 38 yrs)		Race		Education		Annual Income	
25-30	3	White	12	Some High School	1	Less than \$10,000	6
31-35	2	Black	2	H.S. Diploma or GED	8	\$10,000-19,000	2
36-40	6	Asian	2	Some College	6	\$20,000-29,000	2
41-45	5	Native American	2	Associate or Technical Degree	1	\$30,000-39,000	1
Over 45	2	Multiracial/Other	2	Bachelor's Degree	2	\$40,000-49,000	2
Unknown	2			Graduate School	1	\$50,000 or more	7
				Unknown	1		
Gender		Hispanic Ethnicity		Born in the U.S.		Employment Status	
Male	14	Yes	3	Yes	18	Full-time	12
Female	6	No	17	No	2	Part-time	3
						Seasonal/ Temporary	2
						Not Employed	3

³ *Id.* at 10-11.

⁴ *Id.*

Table 2 shows information about the probation sentences for the people who participated in the interviews. The majority of individuals were on probation for a driving while intoxicated (DWI) offense, which was consistent with, though slightly overstated compared to the probation population studied in Phase 1. Those convicted of drug offenses were slightly over-represented and those convicted of person offenses were slightly underrepresented in comparison.⁵ The most common probation terms within this group were one, two and five years. Those with probation terms of five years were overrepresented and those with probation terms of just one year were underrepresented compared to the data sample in the Phase 1 study.⁶ Thus, the experiences captured here may be more representative of the perspectives of individuals who serve longer probation sentences. The majority of those interviewed had been on probation multiple times. Six people indicated they had been on probation so many times they had either lost count or were unsure of the number.

Table 2. Probation Sentence Information (N=20)

Attribute	#	Attribute	#	Attribute	#
Offense Type		Length of Probation		Number of Times on Probation	
Person	3	1 year	5	One	3
Property	3	2 years	6	Two	7
Disorder	1	3 years	1	Three	1
Drug	3	5 years	7	Four	1
DWI	9	Unknown	1	Five	1
Weapon	1			Six	1
				Multiple (Unsure)	6

This report sets forth our findings from the interviews. The first two sections directly answer the two research questions undergirding this project. The third section explores the experiences of people whose failure to maintain contact resulted in the issuance of an arrest warrant. Throughout this report, the names of individuals have been changed, and in some cases, key details have been masked or eliminated, to protect the anonymity of the individuals interviewed.

⁵ *Id.* at 15.

⁶ *Id.* at 15-16.

Research Question 1:

What can we learn from people on probation about why individuals fail to maintain contact?

In this study, we asked people who had previously been cited with a violation for failure to maintain contact a series of questions aimed at understanding why the violation had occurred. On the surface, the reasons seemed to be simple. Four individuals never actually started probation, meaning that although they had been sentenced to a term of probation, they never completed the intake steps to commence their period of supervision. Two people moved to another state, and one person left an inpatient treatment center. A further eight people simply dropped out of contact with their probation officer, failing to check in or return phone calls or texts. And five perceived that they had never had a failure to maintain contact violation.

Although the reasons for the failure to maintain contact violations appeared to be straightforward, the individual stories of each person interviewed revealed much more complex situations. In this section, we dig into those stories to reveal the root causes of the violations, including struggles with substance abuse, lack of basic needs, and missteps by the probation department.

Struggles with Substance Abuse

Interviews in the Phase 1 study revealed that substance use issues were prevalent among the probation population and were perceived as one of the root causes of failure to maintain contact violations.⁷ The interviews we conducted with people on probation confirmed this perception. As the following stories demonstrate, the circumstances of people who struggled with substance abuse ranged from those who had no intention to stop using to those who struggled with underlying mental health issues and used drugs and alcohol to self-medicate.

Two of the individuals we spoke with were in the throes of addiction when they were placed on probation and had no intention to stop using. April never completed the intake process to start probation.

Yeah. So, I was an IV heroin and meth addict and like I said, homeless, living on the street and in no contact with my family for a couple of years actually. And jumping around from place to place sometimes like friends' houses or sometimes living in a homeless encampment and, or sometimes sleeping on the light rail or, you know, just some of that stuff going on. And that's what I chose to do instead of being compliant and being reunited with my family again, I wanted to use drugs more. – April

As she noted, the addiction created a situation where using became the sole focus of her life, and probation just did not have a role in that equation. She lacked an income and housing and was caught up in a cycle where it was necessary to commit crimes to fuel her addiction.

I didn't want to be sober. I didn't want to not commit crimes because I needed to commit crimes to get the money and I didn't have any housing of my choosing. I didn't have the resources that I could have had, had I sought them out. – April

⁷ *Id.* at 30-31.

Rose described a similar story.

I mean, I was just high out of my mind at that point in my life to where I was like, I don't need to deal with that sh** right now. I'm more worried about being in survival mode and making sure I had something to eat and somewhere to stay that night. And just making sure that I was in a safe place and dealing with my probation officer at the time was not realistic to me. Even though it should have been because he probably would've helped me get to those things, you know? Using, you don't think like that, you know, you're thinking, "F*** that, I'm not trying to be in the system." You know, people don't look at probation officers like they're there to help. They look at them like they're there to put you in jail. So that's kind of what I rolled with. With that opinion. And, you know, it wasn't until I got more clear-headed and started actually working with my PO and like really surrendering to the fact that I have to do this or it's not gonna go away that I actually started to do what I was supposed to do. – Rose

Robert's situation was different. Unlike April and Rose who had no intention to stop using, Robert was engaged in treatment but struggling. The ten hours of treatment he was required to attend each week was draining on top of his full-time job. And he kept failing urinalysis (UA) tests. When he picked up another substance-related charge, he dropped out of contact because he feared the repercussions.

She [the probation officer] was already not happy with me because I was failing a lot of UAs. I just thought it was going to be bad and I was just going to be violated. I was probably going to end up serving the rest of my time out in prison for that and jail for the other thing. I figured I'd just try to wait it out, which was obviously not the right decision. – Robert

Kyle similarly feared the consequences for failing a UA.

Yeah, I went a few months without talking to him [the probation officer] or whatever and there was a warrant out, then I went to jail for it and got it cleared up and got back in contact with him or whatever. And he didn't really, the cool thing about it was he didn't really shame me...he was kind of happy that I was back in contact with him and stuff. Which was kind of cool, I thought he wanted to get me in trouble. – Kyle

Although at another point in the interview Kyle said he felt like his probation officer was "on his side," his initial response was to go on the run when he failed the drug test. But Kyle had been on probation before, and he had had a much rockier relationship with his probation officer in another county. This past experience may have shaped his response.

I had one in a different county that was definitely on the opposite side of the spectrum than this guy in Ramsey. And you can tell me like, man, this lady wants your head on a stick, like she is out to get you, you know, and dealing with her, like I didn't want to call her for anything. – Kyle

Thus, for both Robert and Kyle, substance use was one root cause of their failure to maintain contact, but their fear of what would happen in response to their continuing to use also played a significant role in their failure to maintain contact.

Martin admitted that at the time, he did not want to be sober. He would sober up a few days before meeting with his probation officer so that he could pass the UA following the meeting, but aside from that, he was not really engaging in treatment. Additionally, Martin butted heads frequently with his probation officer.

We would meet and then we'd usually argue for the first 20 minutes and then the last 10 minutes he would lay down life lessons for me... You know, it was just, it was an argument about, you know, him having his idea of what addiction looks like and how it should be handled and me being in it and knowing that what he's suggesting isn't gonna help at all, but having to sit here and listen to it... But I mean, I also get why I frustrated him too is because I didn't always make that phone call to check in with him. And, you know, the couple times I got in trouble it would be like, he'd hear about it from his boss because, you know, I'm supposed to call him and check in with him and if I get arrested or something, I'm supposed to let him know right away. And I never did. I was not good about calling him. – Martin

When Martin was finally violated, he explained that he had checked himself into treatment. He called his probation officer and left a message telling him where he was, but the probation officer said he never got the message and issued a warrant for failure to maintain contact. Thus, the violation appears to have resulted from a combination of Martin's propensity not to check in with his probation officer and the probation officer missing the fact that he had called when checking into treatment.

Finally, one individual spoke about the intersection of drug use and mental health. William had been on probation repeatedly since he was a juvenile. He suffered from multiple mental health issues, including anxiety and ADHD, and used drugs and alcohol to self-medicate.

Trying to self-medicate because I didn't have consistency with mental health. So I would try to, in the past I would try to self-medicate by using drugs or alcohol at the time thinking it was healthy because it would help for a few minutes or that day. Yeah. But would not, the problem still existed because with what I was going through and dealing with my own mind and in the past Ramsey County probation didn't really have the mental health resources that they do now. To where, yeah, when I was out there using...I would go up to commit other crimes to be able to try to supply my drug habit. Cause my drug of choice was methamphetamines and alcohol. – William

William had tried to bring his mental health struggles to the attention of his probation officers in the past, but to no avail.

Even when dirty UAs would come up when I would go take them and they would, I would explain to them, you know, I needed to find doctors, whatever to get consistent medication that I needed to be on... But they wouldn't even listen to what I was saying in the past. – William

When he was using, probation fell to the bottom of his priority list, and he would fall out of contact with his probation officer. As he put it, "You just don't care. Like you don't care to answer the phone or call them." The game changer was when he was admitted to a treatment court. It was there that his mental health issues were identified and addressed, and that in turn led to sobriety.

The Impact of Lacking Basic Needs

In the Phase 1 study, participants thought that some people on probation lacked basic needs such as access to food, income, and housing, and that this affected their ability to meaningfully engage with probation. We therefore asked several questions to test how people on probation perceived their situation, whether they raised the issue of basic needs with their probation officer, or whether their probation officer helped with those aspects of their lives.

Of the 20 people we interviewed, all but four struggled with at least one basic need, and twelve mentioned struggles in multiple areas. Housing was the area of greatest need with ten people calling this out. The majority

who struggled with housing described themselves as being “homeless” at some point while they were on probation, while two others talked about their criminal record as creating a barrier to obtaining housing.

William: Like trying to find landlords that'll work with people with criminal backgrounds, whatever. I asked my probation officer if she could send me the list that she has [of landlords willing to rent to people with criminal records], to try to go over it. Because that's one big piece that a lot of times causes people to go back to criminal activity or not comply with their probation is being homeless. Bouncing around in the streets, trying to find somewhere to lay their head or even to eat doesn't work. So I don't know what else is out there for resources like that or and usually I'm pretty good at finding resources but...

Interviewer: But that's the one area that you really wish there was more help?

William: Yeah. Homelessness is not a fun thing.

Six people noted that they struggled with transportation while on probation. For example, William was living in a shelter and often relied on the transportation services they provided to get to probation appointments. Others relied on bus or light rail or rides from friends and family. At least two individuals said they had driven without a license. And although Callen had a car, it was not working properly and made getting to meetings with the probation officer difficult.

At the time I had a car, but the heat was out. I used to hate driving this car out there because I had no heat. – Callen

Five people indicated that they were unemployed at some point during probation, and six people indicated that they received food stamps. But here another interesting point came up in that several of the individuals who reported issues with basic needs also did not always perceive those issues as problems. As shown in the exchange below, this may indicate that they were familiar with the services that were available and felt a level of comfort if they were receiving those services.

Interviewer: So, while you were on probation, how difficult was it to provide yourself with food?

Hudson: Very easy. I don't think I lost my EBT card. Though I do that a lot... So it was pretty easy. And then coming out of homelessness, I was well aware that you don't need to go hungry in the city. You just gotta know where to go.

Interviewer: All right. How difficult was it to have enough money to support yourself?

Hudson: Okay. That's a hard one. You know what? Somewhat easy. You know, I was provided for, I, you know, I had shelters and food and all that, so I didn't really need much. A person doesn't really need much. So I would say somewhat easy just because, you know it's very difficult being broke all the time.

Interviewer: Yeah. So you had some other services provided for you that made that, so you didn't need as much money, is that what you were saying?

Hudson: Yeah. Okay. You know, I was in a group home, so I didn't have to pay rent. And I was on food stamps, so I had food...I was still poor, you know.

Almost universally, the individuals who reported a lack of basic needs also reported that they did not seek help from their probation officer to address those needs. Most indicated that they felt their probation officer would have helped them if they had asked, and at least two said they had been offered help. But some gave conflicting answers. For example, Lara at one point in the interview seemed to have the viewpoint that her probation officer would not have cared whether she was struggling with basic needs.

My probation officer don't say, "Oh, have you been getting your food stamps? Have you been getting food?" Like she don't ask those questions and nor does she care. – Lara

But at another point, she also said she never used her probation officer as a leverage of help.

I mean, I'm sure if it came down to it when I need help, yes. But since I was already...like she told me these things, make sure you do them and a job was on there. I wasn't using that as a leverage of help. I was getting a job as like, "Oh, wow. Someone told me to actually do this, so I better do it." But I'm sure if I didn't know how to get up on my way, I'm sure she probably would direct me. I'm sure she probably would like, "Oh, yeah. This is the resources." – Lara

The exchanges exemplified by Lara indicate that people struggling with basic needs may find it difficult to ask for help.

For most of the individuals who reported struggles with basic needs, there were also other issues that seemed to be at the root of their failure to maintain contact. But given the high number of interviewees who reported these issues, it is fair to say that the lack of basic needs likely served as additional stressors while they were on probation. For the following three people, however, the lack of basic needs appeared to be more of the driver of their failure to maintain contact.

Hudson was supposed to call in to get probation established. He left a message, but never heard back, and then his phone stopped working. As Hudson put it, "it did worry me sick at times that, you know, I couldn't make these connections." Hudson received subsequent letters from the probation department, some of which were aimed at getting him to check in for a UA. But he never had any formal connection with a probation officer. At the time, Hudson was struggling with homelessness. He changed residences three times in the space of a year and was assigned a housing case worker who ended up serving as a bridge to the probation department.

If my phone wasn't working, she knew where to find me and she could come talk to me. And then I think she sort of acted as a proxy in a way, yeah. – Hudson

Molly dropped out of contact because she was homeless and unable to afford the fee for the automated phone check-in. She met with someone from the probation office during an orientation session and expressed concern that she would not be able to comply with the fee. She was told she could do the check-in for free at the downtown office, but that was unrealistic because she lived in another county and could not afford the transportation. Molly was apparently able to make three phone calls without paying the fee before being locked out of the system because of the outstanding balance. Unable to complete the check-ins, she dropped out of contact altogether and a warrant was issued for her arrest. During that time, she experienced several family emergencies, so addressing probation fell to the bottom of her priority list.

I mean I just couldn't make their phone call and I mean they had unrealistic obligations if I said I couldn't do it from the beginning. I mean, they set me up for failure really. If I said I couldn't do it and you said I had to do it, we should have worked something out, I think. Some kind of thing. I mean it was my first... the only time I've ever had any offense or anything. – Molly

Aiden dropped out of contact after experiencing multiple stressors. He was going through a divorce, and as a result, was experiencing homelessness and financial difficulties. He was not able to pay for his phone service, which was one reason why he did not call in to meet with his probation officer. And when COVID emerged, he rationalized that as a further excuse not to call. Throughout these difficulties, it appears he never told his probation officer about the stressors he was experiencing.

It was probably one of the worst times in my life, like I said, going through the divorce and everything...I don't think I ever told him that I was homeless or whatever. I told him basically that I just lost my phone, which was true. I didn't have the money to keep paying for the service or whatever. So I did look, I was without a phone for a good month or two there or whatever. So I didn't rush to contact him when I did get a phone call again. – Aiden

Race and Culture

During the Phase I study, some of those we interviewed indicated that some probation violations are driven by racial bias and a lack of cultural understanding and connection between probation officers and people on probation.⁸ Most individuals interviewed did not appear to express this opinion. But Lara, who is Native American, perceived that she was treated differently in society because of her race and culture, and this may have resulted in a lack of communication and trust with her probation officer.

Lara left the state because she was experiencing homelessness and wanted to live with her family on her tribe's reservation, which was located in another state. For Lara, the main issue was that she wanted to reconnect with her family support network. However, she did not feel that her probation officer would be receptive to the idea of her moving to another state, so she just left.

I had a living situation that all my family members lived in a different [state]. To be brutally honest, I was like, "You know what? They are not going to approve."...I already knew that they weren't going to approve because it's a different state...I wasn't planning on doing anything else. I just had to move. That's just how it went and I knew that she wasn't going to understand like the first time. I just stopped talking. Then I was thinking in my mind once I get back to...if I ever live back in the cities, I will obviously go and tell them and get it squared away later. – Lara

Lara indicated that she was sure her probation officer would have offered her a list of housing options for her to look into but would not have offered direct assistance.

Interviewer: Did it ever occur to you to tell your probation officer that you didn't have a place to live and that that was the issue?

Lara: No, because on certain circumstances they can't really help you with that. They can give you a list of options of resources, but ultimately at the end they can't really help you and bring you to a nice picket fence and say, "Stay in Minneapolis. We got the setup for you."

At other points in the interview, Lara also described her struggles with race and culture. As Lara explained it, she sometimes acted out as a means of gaining attention. In relaying an incident where Lara was arrested for a new offense, Lara said,

It was like sometimes I wanted to prove to authority that us, young, colored people...that this is what they do...I felt like in this society these days they target certain colors, certain people, certain things. Or even if you dress lower or a certain way. But to feel that like, "Oh my God. They paid attention to me." Or to feel that like...for me I feel like a lost child because I didn't have like this marriage life, soccer mom lifestyle. What we do is we just get in trouble until someone recognizes us. – Lara

However, she explained that she did not discuss race and culture with her probation officer, as evidenced in this exchange about her relationship with her current probation officer.

⁸ *Id.* at 59-60.

Interviewer: You don't talk much about your cultural background with her?

Lara: No.

Interviewer: Do you think she cares?

Lara: I mean, I'm sure if I brought it up, but it's not relevant. The only time it was relevant for my first one [probation term] is because it was a moving situation. But this ain't a moving situation, so it's not relevant.

Lara's story seemed to involve several intertwined issues. It is possible that she could not navigate the issue of homelessness without direct help. For this reason, she may have simply sought the security of living with family, and in particular, returning to the familiar surroundings of her family home on a tribal reservation. But in the last exchange, Lara connects the dots with her cultural background, saying her culture was relevant to her "moving situation," but was otherwise not relevant to probation. This indicates she may not have felt comfortable asserting the importance of reconnecting with her culture during this period of vulnerability when she was facing homelessness. Lara apparently never told her probation officer about the threat of impending homelessness, indicating a lack of communication and trust in that relationship. It is difficult to tease out whether this lack of communication and trust stemmed from lack of connection with the probation officer or from Lara's experience as a Native American woman, or both. However, race and culture appear to have affected how Lara experienced and responded to being on probation.

Gender Issues

Callen left the state because he wanted to attend a wedding and a graduation for close family members. But although it appears he may have been given permission to travel for those purposes, he seemed to misunderstand the temporary nature of the permission, and dropped out of contact with his probation officer for more than a year. On one level, this might have been a misunderstanding.

Once I got done with everything that I had to do with this lady, you know what I'm saying? She told me I can [leave the state]. She said... I asked her do I need to travel at times? She said, "Go." I [went out of state] multiple times. I didn't know I had a warrant for my arrest. I figured that she put me on administrative probation. I'm thinking since I'm on administrative probation, since she grant me the wish, the opportunity, to [travel], I'm thinking in my head that I don't got to talk to this lady no more. – Callen

But on another level, Callen was a male being supervised by a female probation officer, and there may have been some gender dynamics at play in their relationship. Callen saw the interactions through this gendered lens, interpreting the probation officer as "flexing her muscles" rather than doing her job. He labeled her as being "unprofessional" because she did not warn him that a warrant had been issued when he dropped out of contact.

She just didn't want to cooperate with me. She just wanted to flex her muscles like...you know what I'm saying? She was the general boss. I mean, that's why before I even got on probation I tried to ask them can I get a man probation officer. It seems like females seem like today like to flex their muscles a little harder when they have a male client...I had a male before and males are not like that because first of all we're both men. You know what I'm saying? It's like they know what we're going through. I don't know. It's like we know what another man is going through unless we know...it's not like...if he comes in automatically and start doing what he got to do, I can tell from him like, "Okay. This man he ain't got time to be playing games. He wants me to be off probation." I wouldn't give them a hard time. – Callen

Given his apparent gender bias, it was unlikely that Callen was going to be responsive to or able to connect with his female probation officer.

The Stress of Being on Probation

Lincoln dropped out of contact when he was experiencing stress. He described himself as a drug addict and a criminal. But after being in the system multiple times, this time he had managed to stay engaged with probation for several years before dropping out of contact.

I was stressed out. I was stressed out. I've been on probation for two and a half, three years, you know... usually I go through my PO once and I say f** it. It was a little tough. I was stressed out. – Lincoln

Some of the stressors Lincoln described were being in poor health and having responsibility to care for a child. But probably the greater stressor was maintaining the drug- and crime-free lifestyle required by probation. Most of the people around Lincoln were still using drugs. And as he put it, the change was significant.

This, you know, was a big, big, whole different change, you know? I was going from being a criminal to trying to stay on probation, to staying out of jail and listening to your PO. It's the total opposite of what I usually always do. You know what I'm saying? – Lincoln

Given the complete turnaround Lincoln was trying to make, it is understandable that he made a misstep here and there. But Lincoln credited his probation officer with motivating him to succeed.

All my previous POs were quick to see my record and just say, "You ain't worth nothing. I'm not gonna put up with you." ...No, she just gave me a fresh slate and instead of just being a stickler, she was more open to other stuff because she had seen I had done more jail time and it wasn't getting me nowhere. So she wanted to try something different, and you know, I feel like because of that, I was more willing to work harder and do things I could have done before. – Lincoln

Lack of Communication by Probation Officers

Two individuals in our study told stories about instances in which the probation department appears to have failed to follow up on contacts the individuals on probation made, and each led to a failure to maintain contact violation for the person on probation.

Luke was on probation in multiple counties at once. He said he never had a violation in Ramsey County, but he also indicated that he would forget to check in with his probation officer.

I don't know. It's like they do more work than they have to honestly and now I have got to find time to meet up with him next week because my schedule is so packed up and I forget the dates. He calls and says, "Hey, we're going to meet in two weeks. Put this on your calendar." Then two weeks later happens and then you forget about it. There is a lot that can happen in your life. – Luke

Thus, if he did have a failure to maintain contact violation, it was likely due in part to the difficulty he experienced trying to keep track of work, treatment, and check-ins with multiple probation officers. He described one instance where when he checked into inpatient treatment in one county, this caused another county to perceive him as being out of contact. He thought the violation was in one of the other counties for which he was on probation, so it is unclear if this is the incident that led to a failure to maintain contact violation in Ramsey County. Luke was stymied by the lack of communication between the different probation agencies.

Yep. That's when they gave me a violation in [the County 2], but I was in contact with [my probation officer in County 3]. [County 2] was...I was not in contact with them. But I was dealing with going into inpatient and my PO would try to speak to him for me and all of that. But [the probation officer in County 2] put a warrant out and there was no way to take it back. But [my probation officer in County 3], he tried to stand up and say, "Hey, he was actually in contact with me. If you would have called me, I would have told you where." That would be very nice to have one person's information more...have them be more in contact with each other. Instead of a person be in contact with all probation officers, which makes it absolutely tough... You know when you get that paper it says against the State of Minnesota. It doesn't say versus the county. It doesn't say that. – Luke

Carrie never connected with her probation officer. She had been assigned to inpatient treatment. She talked to one probation officer before entering treatment and thought that person kept tabs on her while she was in treatment. However, she had also been told that her assigned probation officer was on leave. Once she completed treatment, she did not know how to get in contact with her probation officer, so she called the general number several times and left messages.

And like I said, I didn't hear anything back from them at all. They didn't send a letter, they didn't call. And I had tried calling the general number a couple of additional times just to find out like, hey, who's my PO? My intent, of course, was to continue to keep in contact with them at least monthly to let them know what I was doing because I assumed—nobody told me, but I just assumed that kind of is part of the conditions of probation. But like I said, I never got ahold of anyone. – Carrie

Carrie never heard anything further until she was picked up on a warrant two years later. Carrie noted that COVID started soon after she was released from inpatient treatment, so both the transition between probation officers and the transition to remote work by RCCC could have played a role in the lack of communication. But as Carrie noted, although RCCC had the tools to reach her, they never did.

They had my phone number, they had my email address, they had my home address. They could have contacted me, you know, to get the information, you know, to find out where things were at, what I'd done, you know. It was frustrating because there was no communication. I didn't know who to send information in, you know, to at that time, to let probation know that I was doing the things I was supposed to do as a part of my probation agreement. – Carrie

Potential Missed Cues

Two individuals shared experiences that demonstrated there were other stressors or issues that likely contributed to their failure to maintain contact. Each instance may have presented a potential missed cue that could have resulted in a different outcome.

Peter had numerous failed attempts at treatment. The incident that appears to have resulted in a failure to maintain contact violation occurred when he walked out of a treatment center. Previously he had been required to leave several other treatment centers. From Peter's perspective, it was "really hard to find a good treatment center," but at the root of this problem, it appeared that Peter repeatedly got into altercations with other treatment center residents.

I could just keep my mouth shut but I'm just not that type of person, you know? And if someone's gonna you know, I just kind of, I stand up for myself and if you think you can bully me, you know, I'm not gonna let that happen... I am who I am and, you know, I'm not gonna let anything happen, you know, let people do that to me that way. And if that caused me to get kicked out, then, you know, so be it. – Peter

It is interesting to note that when describing his interactions with his probation officer, Peter felt like the probation officer never remembered him.

And he was really forgetful, you know, like he would never remember me calling him. And I don't know if that was the case or like he just had too big of a workload, but he would never, he never remembered talking to me. And he would never remember like, what we discussed, you know, like you know, nothing. Like he didn't recall. He didn't know any of it, he doesn't remember any of our conversations that we had over the phone. – Peter

If true, this may also be at the root of his failure. Had the probation officer done more to investigate why Peter kept failing treatment, he may have been prompted to seek a mental health assessment or to do a risk-needs assessment to determine if Peter scored high in other criminogenic need areas such as antisocial personality or procriminal attitude. If so, then the question may have been whether he was receiving the *right* kind of treatment. It may have been impossible for Peter to effectively engage in substance use treatment without addressing his mental health or underlying attitudes, values, and beliefs. Instead, it appears that Peter was simply counseled by his probation officer to remain in treatment.

After like, after like the fifth time he you know, he advised me not to quit, no matter what the circumstances was. And I walked out and so he violated me by doing that. And then so when I called him and talked to him, he told me that he had a warrant for me for not you know, and I should just go turn myself in, which I did. – Peter

Following the violation, Peter chose to serve out the remainder of his sentence in jail rather than attempting another treatment center.

I got in front of the judge and the judge gave me another two months for violating my probation. But the good thing was that if I was to do so, I would execute my sentence and I would come out of jail with no probation. So I said, “Sign me up.” So no probation, no treatment, nothing. That was the best thing that happened to me. – Peter

Skye never filled out the necessary paperwork to sign up for probation. She had originally been placed on probation for a substance use offense. But it wasn't until she was caught with a second offense that she formally engaged with probation.

I actually did not sign up for probation, my dumb ass, because it was during the Corona, and the abuse—for the pain—I drank because of the pain. – Skye

The underlying issue was that Skye was in an abusive relationship. As she indicated, she drank “for the pain.” Skye shared that she had a broken back from the abuse and suffered from anxiety. Thus, the moment when she was brought into the criminal justice system for the first offense was a moment when she could potentially have received help for the abusive relationship. But there is no indication that she received help for her situation until she was arrested for the second offense.

By the time Skye spoke with us for her interview, she had moved to a shelter, and was receiving assistance in navigating her new circumstances. Her probation officer was supporting her in taking steps so she could be reunified with her children.

No Apparent Violation

In the Phase 1 research, we found that while failure to maintain contact was cited as the sole reason for the violation in 12% of cases, it was more common for failure to maintain contact to be alleged in combination with one or more additional violations.⁹ Therefore, it was not surprising that several of the individuals we interviewed did not seem to be aware that they had had a failure to maintain contact violation. For some, this was likely because they had another violation that they perceived to be more serious, such as failing a UA or being arrested for a subsequent offense. In other cases, although the individuals perceived there had never been a violation of any sort, they did describe behavior that would potentially support a failure to maintain contact violation, so it may be that the matter was handled informally.

Charlie said that when he would forget to do something or did not do what was required of him in a timely manner, he would receive emails or letters reminding him to do those things. He explained that he was on the color wheel, which meant he was required to call into probation on a regular basis, and if his color came up that day, he would have to go in for a UA. The one violation he remembered having was for drinking alcohol in violation of the no use policy. So it is possible that he received a failure to maintain contact violation—possibly for missing UAs—along with that violation.

George thought he never had a violation for failure to maintain contact. The only incident George remembered was having difficulty calling into the automated system. But he sent an email about the difficulty he was having with the password, and it was resolved later that same day.

Ian was also on the automated call-in system and admitted to missing several check-ins and leaving the state without permission. Ian perceived these incidents as being minor.

They just message you or tell you that you're late on the check-in and want to know why you're being late on those check-ins and stuff like that. – Ian

He did not recall ever receiving a violation, but at one point said there was a “false” warrant out for his arrest.

No, I did not have a violation, but I will say this, I finished my probation and then something happened and there was like a, there was like a false warrant out...I don't know exactly what I did, but I understood that there was a warrant out for me, so I went to clear it out. I went to go clear at the office or something. Wherever I went to clear it, I went to clear it. Yeah. And once I cleared it, I was good. And then like a few weeks later, like they pulled me over claiming that they had a warrant out for my arrest. – Ian

Austin said he had never had a probation violation. But this quote indicates that he may not have always stayed in contact with his probation officer.

I mean, like, there's times where, you know, I wouldn't, I'm working so much, I'm not even paying attention to the contact and etcetera. And, you know, a month, maybe six weeks would go by. And then he'd shoot me a message like, “You all right? Call me.” And then I'd call him, you know? – Austin

Given that everyone in our sample had an allegation of failure to maintain contact at some point, the fact that these individuals did not perceive that they had had a violation indicates there may have been a lack of communication by the probation officer or a misunderstanding on the interviewees' part about the seriousness of their behavior.

⁹ *Id.* at 27.

Research Question 2:

Is there anything probation officers or RCCC could change or do differently that would prevent failure to maintain contact violations?

In the Phase 1 Study, it was suggested that more work was needed to understand why failure to maintain contact occurs in order to develop responses that address these nuanced situations.¹⁰ It is necessary to acknowledge that several individuals interviewed said they would not change anything about their recent experience on probation with Ramsey County or their relationship with their probation officer. Furthermore, many interviewees did not think their probation officer could do anything differently that would have prevented their violation or further helped them be successful on probation. When asked if there was anything they would change or if there was anything their probation officer could have done differently, some of the responses included:

I don't have anything bad for Ramsey County with the ones that I've had so far. Nothing at all. – Austin

I wouldn't change anything to be honest. Okay. It was fine. – Ian

For the individuals who would not change anything, they often felt, “everyone was doing what they're supposed to be doing.” This means that the probation officers and often the department were “doing their jobs.”

However, the interviews also revealed several potential areas for improvement. In this section, we utilize the interviews to suggest ways that failure to maintain contact violations could be reduced. Some of these suggestions flow naturally from the root causes of the failure to maintain contact violations identified in the findings for the first research question; others arise directly from recommendations made by the individuals who were interviewed.

Assess and Address Basic Needs

Many of those we talked to struggled with meeting their basic needs, yet most interviewed did not see probation as an entry point for receiving assistance. One of the Phase 1 research recommendations was to better integrate probation and social services to address basic needs. The findings here continue to support that recommendation.

As described above, nearly everyone interviewed struggled with at least one basic need, and several experienced deficits relating to multiple basic needs. At least six individuals struggled with transportation issues and therefore may have benefited from transportation assistance. Molly identified ways probation could provide aid and why assistance was critical for individuals on probation.

¹⁰ *Id.* at 62.

Maybe if they don't have transportation give them bus tokens, offer some kind of, I don't know, Lyft Pass, I don't know. You'll have to have those or something like that, you know, to pay for a, you know, a ride to get to make these phone calls or appointments. And if you say you don't have transportation from the beginning, they should offer some kind of something for you to be able to get to them. I mean, it should be my responsibility, but you can't, I mean obviously you have problems if you're on probation already, I mean, people that don't have problems don't get on probation. – Molly

Housing was reported most frequently as a need by those we interviewed. Aiden was temporarily living in his car after losing his home in a divorce. Luke described continuing to live in a sober house, perhaps longer than necessary, because it was a means of remaining housed. And Rose described how her addiction further contributed to the difficulty in finding housing.

Interviewer: How difficult has it been to have safe, reliable, consistent and affordable housing?

Rose: That was very difficult at first. But the more I stayed with my program, the easier it got.

Interviewer: Why was it very difficult in the beginning?

Rose: Because nobody really trusts an addict right off the bat. You really have to prove yourself that you want to change in order for people to start trusting you to stay in their home or even getting into housing. So, it just gets easier the longer you do it.

William struggled with finding housing because of his extensive criminal record. He said his probation officer wrote a “character letter” to help him obtain housing. Because of the help William received from his probation officer, he concluded, “My relationships [with my probation officers] been actually pretty good compared to past times.”

As described in the *Impact of Lacking Basic Needs* section above, almost universally, the individuals who reported a lack of basic needs also reported that they did not seek help from their probation officer to address those needs. Most thought their probation officer would have helped if asked, but there was evidence that it may not have been routine for people on probation to be asked if they needed such help. Further, several did not see providing help with basic needs as the responsibility of probation officers. Yet, for those who received this assistance, many found it helpful, and it seemed to lead to positive views of the relationship with their probation officer. One individual, William, explains how their probation officer helped them.

She tells me all the time if I need help with anything at all, to just reach out and explain[s] to me the resources that they do have at hand. They are helping me to try to get a valid driver's license. – William

Thus, one potential mechanism for better integrating probation and social services may be to institute a basic needs assessment as part of the intake process. As noted above, while lacking basic needs may not have been the root cause of individual violations, these issues may have served as additional stressors that exacerbated other underlining issues, such as drug or alcohol use or mental illness, or may have simply pulled people in too many directions at once, causing probation to fall to the bottom of their priority list. Proactively assessing and providing help with basic needs and connecting individuals to resources to address their basic needs may alleviate those stressors and provide people with more capacity to engage with their probation requirements.

Develop Protocols for Reestablishing Contact with Those Who Are “Hiding in Plain Sight”

In the Phase 1 research, one judge explained their perception that very few individuals abscond in the traditional sense, where they intentionally leave the state or hide from their probation officer. Instead, the judge explained, "The vast majority of people, frankly, are in plain view. They just have decided not to return phone calls, or are unable to, or don't have the transport to get where they need to be."¹¹ This appeared to be the case with many of the individuals interviewed. Only two people seemed to fit the traditional definition of absconding by intentionally leaving the state. The others provided information that indicated RCCC may have known where they were; they were just not staying in contact. One person who was on probation in several counties at once was in touch with his probation officer in one county, but may have fallen out of contact with probation officers in two other counties. Several noted that they had received phone calls and letters from the department but had not responded. Thus, a failure to maintain contact violation did not necessarily mean the person could not be found. Instead, failure to maintain contact with most individuals we interviewed indicated they were unresponsive or disengaged with probation. Without digging into each case file, it is difficult to know whether probation officers took additional steps to connect with these individuals, like going to their homes or reaching out to collateral contacts. Still, the fact that many of these individuals were aware that probation was trying to reach them indicates that probation could potentially do more to reestablish contact. Thus, one option is to develop stronger protocols for reestablishing contact such as visiting last known addresses and places of employment, reaching out to collateral contacts, and checking with probation officers in other counties before filing a failure to maintain contact violation.

Strengthen Communication with Individuals on Probation

Communication emerged as another theme where adjustments could be made to help people avoid failure to maintain contact violations. Several of the interviewees were frustrated when they could not communicate with their probation officer or when their probation officer did not return their phone calls. Luke and Carrie said they left messages with the probation department but never heard back. Luke said he was violated when he checked into a treatment program, even though he claims to have left a message for his probation officer. Carrie tried to engage with probation upon exiting an inpatient treatment program, but though she called in several times, no one ever called her back. Her next interaction with the probation department was when she was arrested on a warrant two years later. April had difficulty establishing contact with her probation officer when she relocated to another state and was moved to supervision under the interstate compact.

It was just hard to get ahold of the new one [interstate compact probation officer] and like, I didn't even know who she was for a long time. But then when I did need to get a hold of her it was just a little bit challenging. I had to go through my old probation officer just to find out who my new one was and then I called her and lost messages and didn't get responses back timely at all. So, it was just a little bit different, but I don't know. I mean, technically she was my probation officer *contact* person, but my new probation officer was in [the other state]. – April

Thus, RCCC should identify ways to improve communication such as better monitoring phone messages to ensure probation officers receive and respond to them. If RCCC is going to hold individuals to a strict standard

¹¹ *Id.* at 31-32.

for failure to maintain contact, in some cases issuing warrants and depriving individuals of liberty as a result, they should hold themselves to that same standard.

A few individuals struggled to make phone check-ins either because they could not afford to pay the required fee for checking in or did not have a phone. Molly, as previously described, knew early in her probation sentence that she would have difficulties making the monthly phone call to the probation department because she could not pay the fees associated with the calls. Though she raised this issue during her orientation, she was told that she could go to the downtown office to call in for free, which was unrealistic because she could not afford the cost of transportation. Thus, Molly felt like probation “set her up to fail.” Aiden and Hudson were both experiencing homelessness and could not afford to pay for phone service. They simply did not have phones that they could use to make the check-in calls. Thus, RCCC could eliminate fees for phone check-ins, if the agency has not already done so as part of its recent efforts to eliminate revenue producing fees.¹² Additionally, probation officers could help individuals problem-solve places where they can make phone calls to check in if they do not have access to a phone.

Some individuals also stated it was helpful when their probation officer initiated the contact and checked in on them. Austin would get so focused on his everyday obligations, such as work, that he would forget to contact his probation officer. When this happened, Austin said his probation officer would “shoot him a message” asking if he was all right and reminding him to check in. This reminder was helpful, and would prompt Austin to contact his probation officer. Ian also sometimes received those follow-up messages when he missed a phone check-in. But he found it most helpful when he received text reminders ahead of time. When asked in what ways his probation officer helped him to be successful on probation, Ian said, “I suppose I would get like, text messages. Just making sure that I check like a few days prior to my usual check-in date, stuff like that.”

But at least one interview demonstrated the dilemma with communication. As explained below in the third research question about warrants, many individuals we talked to seemed to be aware that a warrant had been issued in response to their failure to maintain contact. This indicates that probation officers may have had ways to reach out to individuals on probation, but nevertheless were unable to reestablish contact. Callen, who had left the state for over a year without permission, complained that his probation officer did not tell him when a warrant was issued, and he found this to be unprofessional. However, he ignores the fact that by leaving the state and cutting off contact, he also cut off the means for his probation officer to talk to him about the warrant.

Callen: I didn't know I had a warrant...I didn't just like understand like why she is unprofessional because just one time in general I was on probation [in another case] and the lady she had to put a warrant out for me, you know what I'm saying? She told me. It's like, “Hey, I put a warrant out for you. Come in and turn yourself in. That will be on you if you make it easy on yourself. You need to come in now and get it over with. Or you can wait, play games, and be harder on yourself.”

Interviewer: Right. This probation officer, your last one, she didn't tell you she put out a warrant?

Callen: The thing is no. She didn't tell me she put a warrant out. When we were in court, she was like, “Yeah. He stopped being in contact with me from over a year. No phone calls,” and dah dah dah dah. I'm looking at this lady like, “Well, I don't know what to tell you. You know what I'm saying? She told me I can go [out of state]. How did you not know that I had moved there?”

Interviewer: She didn't try to like message you, call you, or email you at all?

¹² From 2017 to 2020, Ramsey County made a concerted effort to eliminate revenue-producing fees. See Ramsey County, *Community Corrections Fines and Fees Elimination*, <https://data.ramseycounty.us/stories/s/43ua-msdw>; Ramsey County *Eliminates Nearly \$700,000 in Criminal Fines and Fees*, Star Tribune (Apr. 14, 2020), <https://www.startribune.com/ramsey-county-eliminates-nearly-700-000-in-criminal-fines-and-fees/569640712/>.

Callen: She said she messaged me stuff, but she didn't because if she did it would still be in my email... Like I said she could have been more professional like told me like, "Hey, I'm putting a warrant out for you." It could have been avoided like that. Other than that, it wasn't like that. She didn't tell me, so I am just walking around here with a warrant.

Thus, communication is an area requiring closer attention by probation officers. The interviews showed that in some cases, RCCC simply needs to be more responsive to messages that are left by people on probation, and that probation officers could do more to troubleshoot with individuals who struggle to access a phone to maintain contact. Some individuals appear to need reminders, whether a quick message after a missed contact, or a reminder prior to the scheduled meeting. But in some cases, such as Callen's story demonstrates, while the person on probation may perceive that the probation officer has failed to communicate, the actions of the person on probation may have made that more difficult.

Show Care and Build a Relationship

Several individuals identified the importance of their relationship with their probation officer as key to their engagement. One factor that seemed to be important to building a relationship was showing care and building rapport. For example, Austin wanted to spend time building rapport with his probation officer before getting down to the business of probation and focusing on conditions.

Having you know, personal chats or stuff like that... He would sit there and talk more with me about some of the sh** that I was doing. But then, you know, his work comes into play, and then he has to move on...I would've been willing to sit there and talk to him all day. You know, that kind of probation relationship. – Austin

Robert compared his experience being on probation in another county and felt the relationship with his Ramsey County probation officer was more caring because they took the time to get to know him.

Well, with my other probation [in another county], it's just a group of probation officers. It's a lot less personal. If you go through some sort of a hardship...in [the other county], it seems like they don't care because they don't know you. I like, feel like [my probation officer] is different because we've gotten to know each other so it's more personal and she is more understanding. – Robert

Expressing care during the check-ins was important as opposed to just running through a checklist of questions without sincerely engaging with the individual. April felt more of a connection to her probation officer because "she always took time to talk to me about more than just probation, about how my life was going and how treatment was going, and my family stuff was going."

Kyle explained that his probation officer had a caring attitude that went beyond supporting him with his probation requirements.

Yeah, he genuinely cared. Like you have heart and can definitely tell that. He just wants to see you. He'd always say like, "I'm not out to get you, man. I'm just trying to help you be successful on your probation... And like, anything that you need, I am here for, you know anything at all, whether it be life, or nothing related to probation, I am a phone call away." Which really felt like, you know, you had like other friends out there outside, you know. – Kyle

In fact, Kyle relayed that this probation officer supported him through a difficult time when a close relative passed away. Kyle had been on probation multiple times, and as Kyle explained, when probation officers

expressed care, it made the difference between him wanting to work with and be honest with them and wanting to sidestep them.

Kyle: But I've gotten along with people that have genuinely shown that they've cared and more so, or I feel like that they're on my side and trying to help me.

Interviewer: So, you've had some that you feel are on your side, but some that you feel are more, tell me about the other side. How is that different?

Kyle: It's almost more like you want to rebel against them. You don't want to be honest with them. It's just yeah. It's almost like you try and sidestep them, and almost like you have fear for them, you know.

Additionally, another factor important to establishing a relationship was for individuals on probation to feel that the probation officer supported them. Those who felt supported also described having a stronger relationship with their probation officer.

I have a good relationship with her [probation officer]. She's supportive. She like, gives me affirmations every time...she shares different things with the judge and the other court team people about positive things that I'm doing and continuing to do. – William

I have an amazing relationship with my probation officer. Every time I accomplished something that was a small goal because I've had a lot of struggles along the way, he was one of the first people I contacted. Like, "Well, I accomplished this today." And he would text me back and be like, "Well, congratulations. That's off the bucket list. Let's move on to the next." And he was just a really big support. He wasn't really, I didn't feel like, I don't know how you could explain it...I guess there's a lot of probation officers. The people that I know that are on probation that are like, "I swear he is out to get me, you know, he is making me go through this or that." But I mean, I never had to, I've never felt that with my probation officer. Like he was a very big support in me accomplishing my goals. And it was a really cool experience for me because I didn't have that before. – Rose

For Lara, the support had the additional influence of making her want to succeed on probation. The affirmations made her feel supported and consequently impacted how she saw probation.

I think sometimes just that person there telling you, and reminding you, and knowing that you're worthy of being sober. You're worthy of law-abiding. You're worthy of not [committing new offenses]. Like there is other people out there and you don't have to [break the law] if you just learn how to follow rules to follow guidelines. Stay in school. Don't do drugs. Don't drink and drive. Simple sh**. Simple stuff if we can just follow them. But I guess being on probation like gives you a gift... If I never were on it, I would probably go back out and [commit a new offense]. – Lara

A couple of interviewees brought up the importance of "encouraging words." Thus, another thing probation officers may want to do to better assist individuals on probation at risk for absconding is to give them positive affirmations and encourage them. Robert said of his probation officer, "She is really encouraging when you're doing well, and she definitely wants to see you doing well." A couple of interviewees remembered the positive words their probation officer said, and it often served to motivate them to do better or, at minimum, began to lay the groundwork for changing their mindset. Martin said how these inspiring words helped him "I mean it was, it helped, it helped to hear... It just, you know, the more people you hear it from, probably better it is." Rose expressed how her probation officer was supportive when they showed how proud they were of her.

When I got into my apartment, which one of my really big struggles because of I have a really heavy criminal background, it was a really big accomplishment for me to get housing. He [the probation officer] did come and do a home visit and was super supportive. You know, like proud of me almost, you know? – Rose

A couple of individuals did not feel cared for or supported on probation, and this seemed to result in a more negative view of probation. Molly only talked to someone in the probation department at her orientation. After that, she was supposed to call an automated line to check in. She felt no one in the probation department helped her to succeed on probation, and that they instead “set her up to fail” because she told them she could not afford the fee for the phone check-ins. Peter felt like his probation officer put him on the “back burner” because he was in treatment for most of the time he was on probation. For Peter, the issue was that his probation officer never seemed to remember him. This apparent lack of engagement by the probation officer affected how Peter saw his relationship with his probation officer.

Yeah, he did nothing. He didn't help me with anything personal, you know, or, you know, no advice or nothing, you know? – Peter

Luke, who was on probation in more than one county at the same time, noted a marked difference between the care shown by his probation officer in another county compared to his Ramsey County probation officer. At one point, there was a death in his treatment center. Having seen the news, the probation officer in the other county called to check on him. As Luke said, “That’s being aware of having a client and not just a number.”

Thus, showing care through building rapport, sincerely checking in with individuals, and supporting them with positive affirmations were essential facets of building a relationship. These facets were necessary for many of those interviewed because they found these relationships helpful and that seemed to correlate with positive views of their time on probation.

Demonstrate Flexibility Around A Person’s Life Circumstances and Current Situation

Another critical element that interviewees reported to reduce risk for violations was to extend care and support by demonstrating flexibility. This included offering flexibility with regard to the manner and location of regular check-ins, offering different ways to complete the requirements of probation, and accommodating the individual’s life circumstances and current situations.

Some individuals were looking for flexibility with the time and place of their regular check-ins. Both Robert and Austin had variable work schedules, so planning for regular check-ins with their probation officers was challenging. Robert said his probation officer would often do check-ins by phone and allow him to do his drug testing through his treatment program rather than at the probation office. Austin would sometimes meet his probation officer in the community.

I try to work a lot, so meeting schedules and stuff is really hard for me. But it makes it, they make it easier. I mean, we're all right, well let's just meet up in the field. You know, let's go meet somewhere at the coffee shop or, 'cause I remember we went to coffee shops or we met at the Y once. – Austin

Similarly, April appreciated the flexibility her probation officer offered for check-ins and other interactions that would normally have required her to travel to meet with the probation officer.

She really just went above and beyond as far as being, what's the word, flexible with me when I needed a travel permit to go out of state to see my family, she would just like to send me an email about it. And rather than having me have to go in, she met me in the parking lots of my treatment center just to do quick face-to-face meetings every month. – April

Flexibility to accommodate situations that arose was viewed as indispensable. On the contrary, it can really hurt individuals' perspectives of their relationships with their probation officers when the probation officer is not viewed as flexible. As an example, Luke, who was on probation in two counties at the same time, preferred the way his probation officer in the other county worked with him compared to the rigidity of his Ramsey County probation officer.

Luke: With [the other county], what they do is they come to see you. That makes it 1000% easier because he comes and sees me in treatment, which makes it 1000% easier. He comes here. He knows. When I'm in a group or whatever, he comes and sees me. He gets a chance to talk to the counselor. He checks in with the counselor or whatever. He also gets the chance to check in with me. He also verifies that I'm also doing the treatment. Instead of me just going on the phone with him and just telling him I'm in treatment.

Interviewer: You haven't had that experience in Ramsey? Like no one has done something like that in Ramsey County?

Luke: No. No. Yesterday I talked to him. I said, "Hey, can we meet next Friday? My work is starting on Thursday." He is like, "How about this? If it's Friday, you have come to see me," so that's not much help at all.

Luke was frustrated because his probation officer was strict and not flexible with his changing work schedule, and as a result, he viewed probation in Ramsey County less positively than probation in the other county.

Some individuals were also looking for flexibility in meeting the requirements of probation. People on probation often had multiple requirements. Thus, for some, flexibility meant the probation officer helped to break the requirements down into manageable steps for the person to complete. As Kyle said, his probation officer was "just helping me set up the next step, what I need to do." For others, flexibility meant allowing them to work towards compliance with their conditions over time. For example, Robert felt that his probation officer was understanding of his situation, commenting that, "She [the probation officer] gives me extra time to complete things if she knows I'm going through something." Moreover, flexibility gave some individuals the feeling that they had choices as reflected in Rose's experience.

And we just really talked about what my main goal was and all the small goals that I could do to accomplish getting there. And if that didn't work, then we would talk about other options. I didn't feel like I was cornered, and I didn't feel like if I didn't accomplish it right away, that I was getting violated and going right back to jail. So, I had options there to really like, figure out what was gonna straighten me out in that timeframe. – Rose

Two individuals raised a third theme, in that they were looking for understanding from probation officers that the officers' actions could disrupt the delicate balance of their lives. Luke, who lived in a sober house, had his days filled will working and treatment, and sought flexibility in finding a time to meet with his probation officer. But he felt his probation officer was rigid and unyielding, and only offered options that had the potential to interfere with his employment.

It's, "Either you come see me, or you do a phone call or Zoom while you are at work," and that kind of disrupts your employment. Because now not only do you go to your manager about say, "Hey, I've got to go do a phone call." He goes like, "Why can't you do it afterwards?" Now, you have to explain that you are on probation. – Luke

Luke had been under supervision before, and once lost a job when his employer learned that he was on electronic monitoring.

Luke: When I was on an ankle bracelet, one of the stipulations of having a job would be that you have to find a job, and once you find a job you have to have them call your workhouse probation to let them know that you've been working there. They will call them and say, "Hey, we want to let you know that he is on probation with the workhouse and he is on a bracelet." I found a job that was paying \$27, which was really hard to find. Then after that phone call, he called me and said, "Hey, I'm sorry. We can't keep nobody on probation," and it was labor work. Everybody is on probation on labor work.

Interviewer: So, you feel if you have to reveal to your employer that you're on probation that they might not want you to work there anymore.

Luke: It shuts down opportunities of growth.

Austin wanted flexibility with home visits. He was renting a room in a house with five other people and said his housing contract required 24-hours notice that a probation officer would be entering the home. Austin's probation officer in Ramsey County would either meet with him in the driveway or identify other places in the community that they could meet, such as a coffee shop or the YMCA.

Like when you're renting a room or something like, you know, other people don't like anything to do with probation or cops or anything like that or stuff like that. – Austin

But on one occasion, a probation officer from another county insisted on entering the home without notice, and Austin had no choice but to let him in. Austin quickly notified the house manager, who consented to the probation officer entering the home, but Austin was required to leave the home soon after that incident.

These two examples highlighted a tension in that probation officers need to verify employment and housing and the conditions at each location, but the person could lose their employment and housing if the probation officer does it in a way that calls attention to the fact that the individual is under supervision.

Probation officers' flexibility to accommodate an individual's life situations and current circumstances came down to what Kyle believed to be a purpose of probation, "probation to me should feel like the probation officer's on their side." Similarly, Charlie thought probation officers should be more like "advocates" rather than an "arm of the law." He said,

I think if anything, they could be your advocate and in a way that shows that you're trying. But other than that, if you don't show that you're trying, and you don't work to succeed and step through the hoops that the court has given you. They're more looked at as the arm of the law. – Charlie

Probation officers can display flexibility and being "on their side" by being empathetic and accommodating to the realities of the individuals they supervise.

Foster Motivation to Create Behavior Change

A key concept in promoting behavioral change for people on probation is to draw on the individual's intrinsic motivation to change. Motivation came up frequently in the interviews, primarily falling into two themes: motivation inspired by a positive relationship with the probation officer and self-motivation.

As described above, when probation officers demonstrated care, this helped to strengthen their relationship with individuals on probation. Probation officer also strengthened relationships by demonstrating flexibility with regard to the manner and location of regular check-ins, offering different ways to complete the requirements of probation, and accommodating the individual's life circumstances and current situations. As a corollary to that, individuals who had a good relationship with their probation officer also seemed to be more motivated to engage in and successfully complete probation. Lara saw the regular check-ins with her probation officer as a type of care she did not experience within her own support network.

But actually, I'm very grateful that I do have someone because I don't get this from my ex-boyfriend. I don't get this from my mom [or other family members] checking in on me. They're not saying, "How is it going?" They're not saying, "Anything changed?" They're not saying, "Oh, good. I'm glad you're still at your job." "Oh, I'm glad you're taking care of this therapy." They're not saying any of that. To me, it's like comfort even though it's not meant to be. Even though it... like I messed up parts of my life in a criminal world, but also like the part of me likes when she calls. A part of me is like looking forward and put something in my calendar. It's something to look forward to. Like something I'm accomplishing. – Lara

These check-ins motivated her to do well on probation so she would have "accomplishments" to share with her probation officer.

When Rose's probation officer responded with support, she was motivated to make the decision to change.

I really got lucky with my probation officer. Because he rooted for me the entire time. He was my probation officer before I was arrested and like I said before, I ghosted him pretty well. And then when I was arrested, I called him and I'm like, "Okay you win." You know what I mean? Like, it's time to change, you know. So he's like, "All right, well, just call me when you get into treatment and we'll go from there." And I mean, I've stayed in contact with him weekly. – Rose

Kyle and Lincoln were motivated by the trust they had with their probation officers. Both relayed how their probation officers responded to positive UAs with support rather than automatically violating them. Additionally, Lincoln had a lengthy record. His prior experiences on supervision had been difficult because his supervision officers were strict and judged him based on his record. But his probation officer in Ramsey gave him a fresh slate, didn't pre-judge him, and provided a guiding hand. This served to motivate him to succeed.

Not that she was softer, but just that she was more, had an open ear to understanding what I was going through and trying to relate and, you know, and, you know, try to make the best of it. Not just saying, all right, you messed up. That's it. Jail time...I really appreciate the lady because she was, you know, nice enough to not, you know, just want to always throw me in jail, but mean enough to keep me, you know, letting me know what's gonna happen if I don't, you know to guide me away from that... Like, she can work with me as long as I'm honest, you know what I'm saying. And I kind of trusted her. So, you know what it kind of worked out, she always held up her end of the bargain. – Lincoln

Interviewees were also asked what advice they would give to others on probation faced with similar circumstances to their own. Interestingly most of the responses centered around individual controls and individual motivation, the second theme in this area. This included Rose saying, "You really have to prove yourself that you

want to change.” Aiden said, “Just owning up to your part and just doing what you gotta do.” Similarly, Kyle said, “Pull it up and get it done.”

Consequently, many of these responses reflect what William said was a personal choice to want to change. Interestingly, he felt there was little probation could ultimately do because it was more so up to the individual on probation if they were ready to change. This belief was even true for some interviewees who were critical of the criminal justice system and probation. Hudson said,

From my point of view, I understand, or at least believe very fully that I'm not a dangerous individual. Not that anybody deserves to be constrained or anything in my belief, but I would suggest that someone play the game. And that what was asked of me, I actually think was pretty minimal and the things I failed to provide, I think oh, I certainly could have done otherwise, I think. I could have found a way. And I think, and I would suggest anybody regardless of how you feel about the ethics of the way it is, you know, try to follow them, try to play the game that they're playing. Because you're in their hands in a lot of ways. – Hudson

Hudson admitted during the interview that he, at times, was disrespectful to his probation officer but appreciated that his officer “worked with them” despite that attitude. Hudson also said he wished he would have handled things differently, suggesting he had some personal responsibility for his overall experience on probation.

Lara also saw personal responsibility as crucial for achieving success on probation, even when or if the system was unfair.

Get your sh** together. Get on those Zoom meetings. Be accountable for your actions for what you did, even if you think that you did was unfair. But in this system, it is what it is. Get over it. Deal with how authority makes rules and deal with that they are giving you a second chance to live. All they want from you is just to stay in contact. – Lara

These reflections by individuals on probation lead to two potentially essential things that probation departments could do to assist individuals. First, identify ways to increase or facilitate individuals' motivations to change. Improving communication, showing care and fostering relationships, and demonstrating flexibility are all ways to achieve this. Additionally, engaging in problem-solving and assisting individuals on probation to see multiple options when they encounter barriers may prevent individuals from feeling like they need to abscond or stop contacting their probation officer when they are not in compliance or when times get stressful.

The second tool that could help individuals on probation in similar situations not feel pressured to abscond is to provide them with peer support. In the past year, RCCC has developed a navigator position to provide peer support and help people navigate the requirements of probation. Another option is to bring in probation graduates (those who have completed probation) to share their words of wisdom and what worked for them. The graduates could include those who had a violation at one time and information on how they would handle it differently. William's quotes illustrate what this advice from former individuals on probation might look like. He outlined the importance of staying in contact with probation and said,

Maintaining contact with them is a big one. Without maintaining contact, you really don't have a chance of staying compliant. Besides being communicative, like if you have open communication with your probation officer, it makes a big difference with having open communication. They're more willing to work with you, they're more supportive, they're more willing to try to help you find a solution to whatever might be going on in your life at the time. – William

Many of the individuals interviewed acknowledged and believed that complying with probation was an individual decision. There were some things probation officers could do, but ultimately it was up to the individual to change. Former individuals on probation could help current individuals under supervision by serving as a mentor or sharing what worked and what is essential for them to succeed on probation.

Additional Recommendations

In the Phase 1 study, we identified the relationship with the probation officer as one of the potential drivers of probation violations and revocations. We posited that the difficulties could stem in part from lacking the tools to deal with difficult clients, simple exhaustion, or insurmountable differences in race, gender or culture.¹³ The relationship Callen had with his probation officer seems to fit this category. Given his apparent gender bias, it was unlikely that Callen was going to be responsive to his female probation officer. Thus, it might have been more effective for him to be supervised by a male probation officer. One recommendation then, is to have probation officers work in teams, so that the individuals they supervise can be reassigned to another probation officer when interpersonal conflict arises. Probation officers should be encouraged to initiate these changes when they are not connecting with certain individuals on their caseloads. And individuals on probation should have ways to request such changes. Working with a new officer of a different gender or temperament may help to foster a better relationship.

Similarly, Lara felt that she was treated differently because of her race or cultural background. She did not appear to have open communication and trust with her probation officer, so she did not disclose that she wanted to move out of state to return to her tribal reservation. It is possible Lara may have fared better on probation if she had a probation officer, or at least a mentor, who was also Native American. Thus, RCCC should continue efforts to recruit a more diverse workforce that reflects the community it serves.

¹³ *Id.* at 59.

Additional Issue: Experiences with Warrants

During the Phase 1 study, we learned that one practice in RCCC for responding to failure to maintain violations was to request that the court issue a probation review bench warrant. As explained in the Phase 1 study, a probation review bench warrant is a hybrid between a formal and informal response to a failure to maintain contact violation.¹⁴ The primary goal of a probation review bench warrant is to reestablish contact with the probationer. If a person is picked up on this type of warrant, they are supposed to meet with the probation officer on duty at the Law Enforcement Center, update their contact information, and set a check-in time with their probation officer. If they show up for that meeting, probation continues as usual. If they do not show up, the probation officer will file a probation violation and request a warrant. A probation review bench warrant will convert to a regular warrant if active for three months.¹⁵

Robina's informal inquiries with law enforcement revealed that there was no differentiation in law enforcement's system between a probation review bench warrant and any other type of warrant. Thus, we surmised that being picked up on a probation review bench warrant might be the same as being picked up on a regular warrant. In this study, we wanted to learn from people who had warrants what their experiences were like in responding to or being picked up on a warrant.

Of the 20 people we interviewed, 16 had a warrant at some point during their probation term. The majority of the people who had warrants seemed to be aware of them; only three individuals explicitly said they did not know a warrant had been issued until they were arrested. Upon learning of a warrant, a person could take two courses of action: (1) turn themselves in and face the consequences; or (2) wait it out and risk being arrested if ever stopped by the police. William, who had been on probation multiple times, had learned that turning himself in resulted in better outcomes than being arrested.

There have been a few times also where I've turned myself in once I knew that there was a warrant out, and the outcome of me turning myself in was significantly more lenient than them picking me up. [When I didn't turn myself in] the probation officer, wouldn't even give me another chance. They just, "Oh no, he's doing 120 days or he's doing 90 days. That's what we're recommending. It's up to you and judge. But he didn't comply even once he found out the warrant was out to turn himself in, to get it taken care of or reach out to me to make contact." 'Cause a lot of times when probation officers, they issue a warrant, sometimes they'll call you or somebody else will tell you that the warrant's out and if you contact them to try to resolve it and, and you know, get back on track, a lot of times the probation officer will give you a day or two in jail and release you back out with the restructure of your probation.

– William

However, it was a rare experience for the individuals we interviewed to turn themselves in. Only four of the 16 people with warrants indicated that they handled their warrants in this way. With the assistance of a public defender, one additional person was able to schedule a hearing directly with the judge. Instead, it was more common for the individuals to experience an arrest.

¹⁴ *Id.* at 34.

¹⁵ *Id.*

Four individuals were arrested for new offenses, including drug possession, DWI, and felon in possession of a firearm. For these individuals, the warrant for failure to maintain contact was typically addressed alongside the violation for the new offense. For example, April, who never started probation because she was in the throes of addiction, explained it this way.

I got a new charge in a different county. So I went to jail for that in a different county. And then I had a warrant through Ramsey County... And instead of waiting until the first county is done with you, you can go while you're there. So, you're kind of killing two birds with one stone and not having to go sit at the other county for a while. But so I went to Ramsey County, my court hearing there and they violated me for having a new charge. And then the other violation was simply for not going to set up probation like I was supposed to. – April

Several others were arrested during routine traffic stops for offenses like speeding or driving with equipment violations. Kyle knew there was a warrant out for his arrest. As he explained, when he was pulled over, “I knew I was going in for it.” But in two of the cases, the persons we interviewed did not know there was an arrest warrant until they were arrested during the traffic stop, and in these instances, the arrests seemed to have a greater impact. Carrie, who had tried several times to connect with her probation officer after completing treatment, was arrested during a routine traffic stop for speeding that occurred two years after her last attempt to connect with probation.

I wasn't really scared. I was more frustrated and upset. And I mean, I was embarrassed, like to be pulled over and put in handcuffs in front of a friend of mine when we were, we had planned to go out to dinner and we're heading to dinner, and all of a sudden, because she was speeding, she got pulled over. And then I get, I mean, she was embarrassed too. She got off with nothing, thankfully, because he was more concerned about me than her at that point. But it was, I mean, it was just a frustrating experience because they didn't, probation didn't do their job, quite frankly... And the judge was irritated with probation at that time that they had, you know, issued the warrant without ever trying to get in touch with me. – Carrie

Carrie spent three days in jail before being brought before a judge. According to Carrie, during the hearing, the probation department admitted the warrant had been a mistake. Carrie had to fax verification that she completed treatment to a probation supervisor and then she was discharged from probation.

Lara was pulled over in another state for an equipment violation. That was when police discovered she had a warrant in Minnesota and arrested her. She had not known there was a warrant out for her, nor had she realized that her actions in leaving Minnesota without permission could catch up to her in another state.

When I wasn't communicating with my probation officer the first time around, I went to go live in a different state. Obviously... I thought, “Okay. Well, who cares? Probation was whatever. I'm not getting in trouble anyways. I'm not doing any of them. This is in a different state...” I was driving around with no headlight and they kind of pulled me over. I didn't do anything besides...but I did do something because I didn't stay in communication. This is where it gets tricky with probation. It's like just because I think I didn't do anything in the moment, I was still in a different state, and they don't like that. – Lara

Lara wanted to execute her sentence but was persuaded by the judge to continue on probation for an additional two years. At the time of our interview, she was doing well on probation, but felt she should have been allowed to simply serve out the remainder of her time.

I think they linger you on to probation for the lower class...people to either mess up because they know that's what we're about and that's why they keep you long on it because they want you to f**k up in life...I said I wanted to do my time. He shouldn't have said no. He should have agreed and not manipulate my thoughts or giving me suggestions to not... Then I would have been paper-free. They don't want you to be paper-free though. They want you to mess up. – Lara

Ian's experience was somewhat different, but just as impactful. Ian was aware there was a warrant out for him and thought he had cleared it, but he and his wife had an unsettling experience when he was stopped by the police.

No, I did not have a violation, but I will say this, I finished my probation and then something happened and there was like a, there was like a false warrant out. There was like a false warrant out on my name, and I had cleared it, but it was already like a month in after I cleared it. And then my wife was driving me, we were in my vehicle, but my wife was driving and then the police officer pulled us over claiming that they had a warrant for my arrest. I told them there was no warrant and they claimed that I was being uncooperative because I didn't want to get arrested for a warrant that wasn't even valid, you know what I'm saying? So that's when they wanted to put their hands inside my vehicle and unlocked my door. And then like, you know, and then as soon as that happened, like I was like, okay, I just have to comply now 'cause I don't want to get hurt, get shot or something... I was telling them that it wasn't a valid warrant... So they took forever to figure that out. You know, my wife was in the car all scared and stuff... So yes, the police just ended up giving me a half-assed apology and just told me to go on my way I guess... It was more infuriating than anything because like, the way I was handled, it felt belittling. – Ian

These three individuals who were arrested, or nearly so, during a traffic stop, experienced embarrassment, frustration, and fear. In two of the situations, the arrest was potentially unwarranted. Carrie would never have been deemed to be out of contact if there had been clearer communication from the probation department about what to do after she finished treatment. And Ian thought he had already cleared his warrant. The arrest of Lara appears to have been legitimate, but she did not seem to understand why she was being arrested; she thought the issue was the broken headlight, when it was the fact that she had left Minnesota without permission.

Finally, two individuals in our study related vivid memories of the moment they were arrested, indicating that the arrest had a profound impact. For example, Rose had dropped out of contact because she was struggling with substance use. Her memory of that day is so vivid that she remembers eating the last bites of a Big Mac sandwich as two officers approached.

So, that day that I was arrested, I can remember that vividly actually. I had been with my boyfriend at the time and a friend of his, and we just got back from the scrap yard because I was trying to make extra money to get my kids Easter baskets or put the rest of their stuff in their Easter basket... Easter was four days away. And I remember pulling into the driveway and I was finishing my McDonald's. I was eating a Big Mac. Two officers came out of nowhere and both of them walked outside the truck to go into the garage where my boyfriend's friend was at the time. And I remember thinking to myself, "This is a good time to run," and I don't know what stopped me, but I just didn't, I just put my sandwich away, tucked my stuff in my purse and just said to myself, "This is it. You're going to jail." [The officer] come up to the truck and was like, "Could you please step out of the vehicle?" So I did. He handcuffed me, set me down on the ground and ran my information and it came back that I had warrants. So obviously I got arrested. And that was enough for me. I mean, I had been so tired of running, I just didn't have it in me to run anymore. – Rose

Aiden, who had dropped out of contact because he did not have the money to pay for his phone service also had a vivid memory of the arrest.

I had just got done working a really long, hard day. I was sitting in my truck just outside of Domino's. Actually, it was snowy that day, so it was all wet and muddy. And I had a change of clothes in the truck, so I pulled behind Domino's and changed really quickly. And some lady in the apartment building behind there had to f***in call the cops because I was changing my clothes back there behind Domino's... So I go back up front, you know, I'm parked there and I'm eating my pizza, you know, just sitting there minding my own business and these cops all show up and they're just eyeballing me or whatever. And then they finally came up to me. It was like, "Is something wrong?" And I explained to him, but I just explained to you, like, I was just done working up in the rain, I wanted to change my clothes, you know, like, no big deal. He was like, "Can I see your ID?" And they just, you know, they ran it and came back with the hit for a warrant. – Aiden

Aiden was especially frustrated by the arrest because he had actually checked in with his probation officer just two days earlier. It was then that his probation officer informed him of the warrant but said there was nothing he could do about it. When Aiden was brought before the judge, his probation officer supported him and explained to the judge that he had continued to attend his court-ordered classes but had just fallen out of contact. Of all the warrant experiences related by the individuals in the study, this one sounded closest to the description of a probation review bench warrant we heard during the Phase 1 study.

Overall, the experiences of people who had warrants indicate that while most of the individuals were aware there was a warrant, only a few addressed the warrant head on by turning themselves in. The rest waited until some other intervening event such as being picked up for a new offense or being stopped for a traffic violation brought them to the attention of the police. This is not surprising given that most of the individuals who failed to maintain contact were in some sense practicing avoidance. Those who turned themselves in did not seem to be as impacted by the experience as those who were arrested. Most significantly, only one individual seemed to describe an experience that was likely similar to the probation review bench warrant, indicating either that it is more routine to utilize an ordinary warrant process or that there is little difference to the person being arrested between a probation review bench warrant and regular warrant.

Given that most individuals appeared to be aware that a warrant had been issued, it may be just as effective to first request a summons rather than a warrant unless there are specific public safety concerns. The official court process would send a message that the individual's failure to maintain contact is serious, and may prompt individuals to show up for court and reestablish contact rather than practice avoidance as several interviewees did. For those who still do not appear, a warrant is still an option.



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