

## **An Evaluation of Georgia's Probation Options Management Act: Executive Summary**

**October 4, 2007**

The Georgia General Assembly enacted the Probation Management Act (HB-1161) in 2004. This Act (*herein referred to as Probation Options Management Program (POM)*), authorizes the Georgia Department of Corrections (GDC) to establish an administrative process to sanction probation violators without judicial amendment to the original court order. Handled administratively within GDC, this system is an alternative to traditional judicial modification of court orders for offenders who violate the terms and conditions of their probation. Although the judge still retains authority in all cases, GDC can modify the probationer's current supervision as long as the restrictions (sanctions) imposed are equal to or less restrictive than the maximum non-prison sanction set by the sentencing judge. In cases where the probationer believes the Hearing Officer sanction is excessive, probationers can appeal the POM sanction to the judge. In all cases, the judge is still the only person who can revoke a probationer to prison.

### **The POM Evaluation**

The Probation Management Act has five overarching goals:

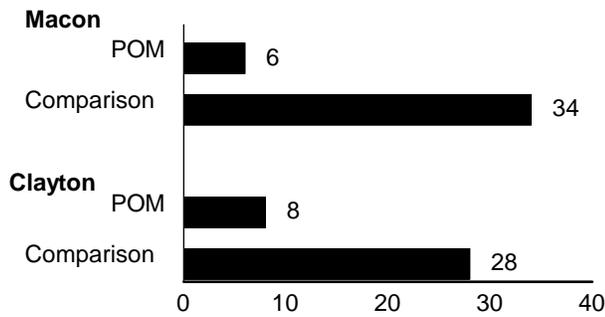
- Enhance public safety via the application of swift, certain and proportionate sanctions to violations.
- Reduce the amount of jail time between arrest and application of sanctions.
- Reduce the amount of time spent on technical violation-of-probation hearings.
- Expand alternatives to make use of non-custodial options for technical violations.
- Reduce recidivism by ensuring swift and certain response to all violations.

At present, the Act authorizes POM in any circuit with a GDC day-reporting-center (DRC). Applied Research Services performed an evaluation of the Act as implemented in the following circuits: Clayton, Macon, Rome, and Tifton. This study was funded by the Governor's Criminal Justice Coordinating Council (CJCC). Implementation of the POM pilot program in the four pilot circuits began in March and April of 2005. As of this report, judges have sentenced over 5,000 probationers to POM and GDC Hearing Officers and chief probation officers held hearings or processed waivers in over 800 cases. The goal of the evaluation was to assess the degree to which POM achieved the above goals, and in so doing provide guidance to the legislature as to whether POM should be implemented statewide.

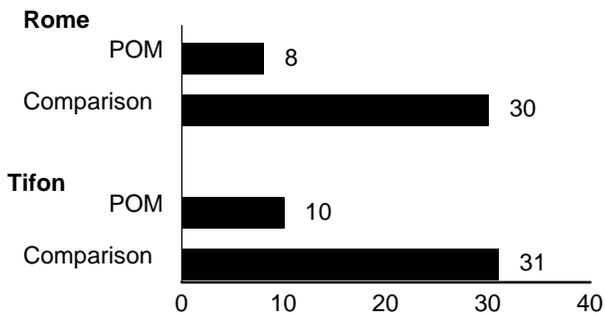
### **1. Does POM Result in Measurable Reductions in Time Spent in Jail between a Violation and Final Sanction?**

Our findings indicate that in each of the four circuits, POM participants spend significantly less time in jail than non-POM probationers in the same circuit. These differences are striking, evidencing anywhere from a three to five-fold decrease in jail time for those sentenced under POM. These findings held among a comparison of similarly situated probationers, defined both by original crime and jail status. One important implication of the difference between POM and non-POM probationers is the significant cost savings associated with the demonstrated reduction in jail time, as well as potential reductions of jail census.

**Average Days in Jail Between Arrest & Disposition: POM & Comparison Arrestees**



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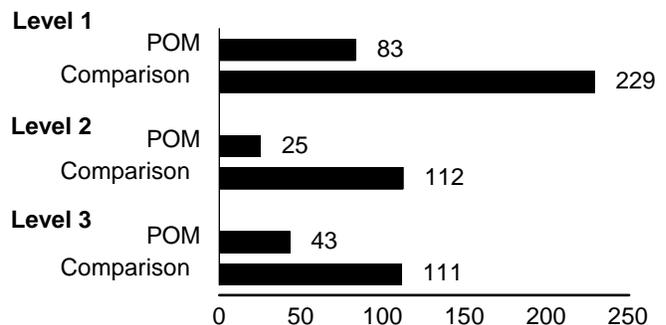
**2. Does POM Result in Measurable Reductions in Time Spent in Court on Probation Violations?**

Detailed timesheets completed by probation officers in the four circuits prior to POM implementation indicated that only 23% of the time spent in court by these probation officers was actually spent engaged in actual hearings, with the remaining 77% of the time spent essentially waiting in court. POM implementation allows for administration of certain sanctions without needing to go to a courtroom hearing before a judge, thereby eliminating a great deal of time spent waiting for the case to be called. In addition, POM allows probationers the option to waive their right to a POM administrative hearing. Fully 83% of probationers during the pilot period did just that, and this information, combined with the time savings associated with fewer court hearings, suggests that POM significantly reduces the need for a costly and time-consuming process in the majority of probation violations.

**3. Does POM Result in Measurable Reductions in Time between Violations and Sanctions?**

As displayed in the figure below, data collected during the pilot period indicates the existence of significant differences in the median number of days between the first violation and the resulting official sanction (POM hearing, or in the case of non-POM cases, a formal disciplinary report). Additional analyses indicate that probation officers are more likely to allow less serious violations to accrue over time than the more serious violations. These findings suggest that POM implementation can shorten the interval between violation and sanction, resulting in an increase of the “swiftness” of sanction imposition, thereby likely reinforcing the behavioral link between the violation and its attendant result in the form of a sanction.

**Median Number of Days Between First Violation & Official Action - Disciplinary Report/POM**



**4. Does POM Result in Proportionate and Graduated Sanctions for Probation Violators?**

The application of predictable and graduated sanctions enforces to the probationer that continued violations will lead to increasingly severe sanctions. Our analyses of the pilot data indicate the existence of clear relationships between the severity of POM sanctions and both the number of alleged violations and the supervision status of probationers at the time of the violation. The findings suggest

that Hearing Officers have endeavored to impose appropriate and proportionate sanctions in all POM pilot circuits. They were most likely to utilize secure options sanctions (such as a probation detention center) on probationers already in elevated supervision statuses and on probationers with more serious allegations.

### **Issues with POM Utilization & Implementation**

POM represents a significant change to the courthouse culture. As such, the early months of POM implementation, which began in spring 2005, moved slowly. While only a few hundred probationers were sentenced to POM during the first quarter, POM sentences gradually increased during the implementation period as POM became a permanent part of the courthouse culture. By August 2007, over 5,000 probationers have been placed in the POM program. Although GDC had prepared their staff, policies, and procedures prior to the POM pilot, it still took time before judges and local probation officers embraced the POM program. Reasons for the program implementation delay included (but were not limited to): Judicial reluctance to delegate non-prison revocation authority to probation; time required for chief probation officers to work closely with the court to modify the sentencing orders to include POM sentences; and probation officer skepticism and concern that POM is unnecessary and will lead to additional work. These issues are to be anticipated in any extension of POM, and have the potential to pose significant challenges that can impede or facilitate initial POM start-up. Another potential issue to consider is that of chief probation officers are apparently not taking full advantage of their POM authority to hold community option hearings and impose sanctions, such as IPS and DRC sanctions. Instead, probation officers may be passing off less severe probation violations to Hearing Officers in lieu of presiding over a community option hearing.

### **Conclusions and Recommendations**

Our evaluation of the implementation of the Probation Options Management (POM) program in the four pilot circuits strongly suggests that POM has met or is on its way towards meeting its legislative goals. It will be especially important to continually evaluate the impact of POM on recidivism, which due to time factors was beyond the scope of this report. Furthermore, our comparisons of the POM circuits to both non-POM circuits and statewide statistics suggest that implementation of POM on a statewide basis would yield similar outcomes. However, policy-makers should be aware that cultural changes in the courthouse are not easily overcome and that full POM utilization should not be expected in the first 18 months.

