

2011

Bernalillo County In
Detention Probation
Violation Hearing Results

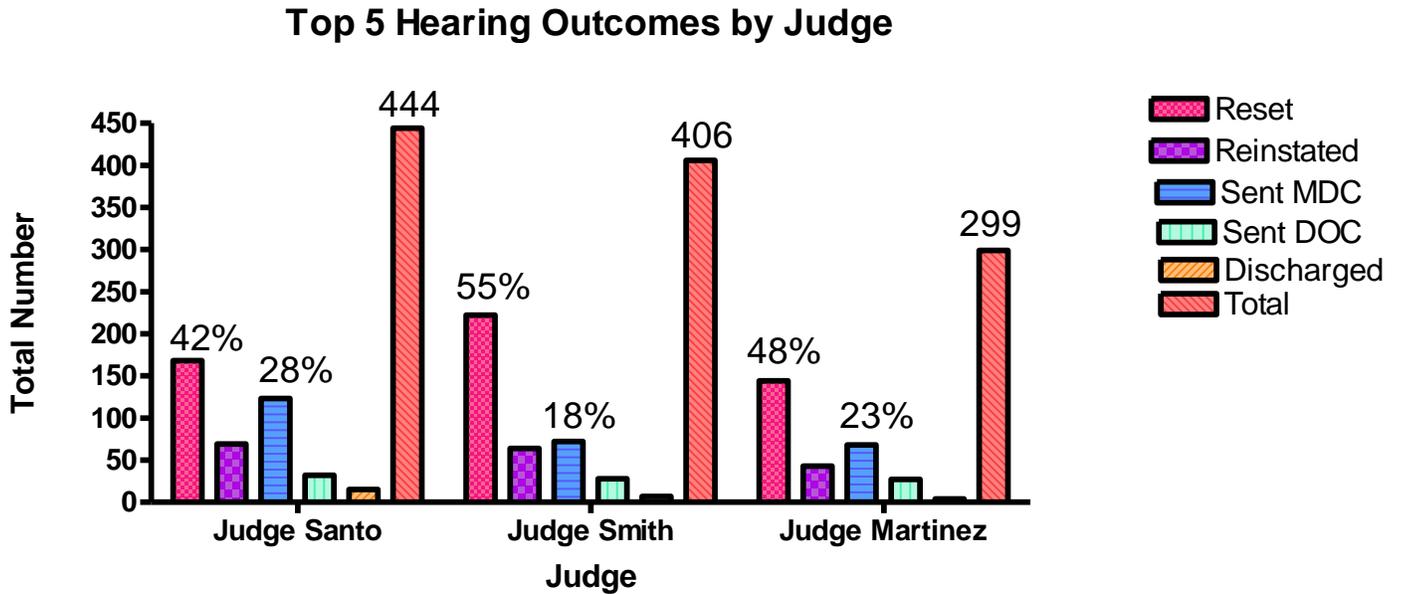
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[PROBATION VIOLATION HEARING RESULTS]

Submitted to the Deputy County Manager Thomas Swisstack, March 26th 2011

NOTE: Significance tests were removed from the body of this report and only narratives remain when a significant finding was observed. Tests were removed to simplify findings for the average reader.

Figure 1.



All three PV hearing Judges ruled at the same level when tested for differences in reset, hold, and release. In other words, no significant difference was found when you look at these three variables, *reset, hold, and release*.

Figure 2.

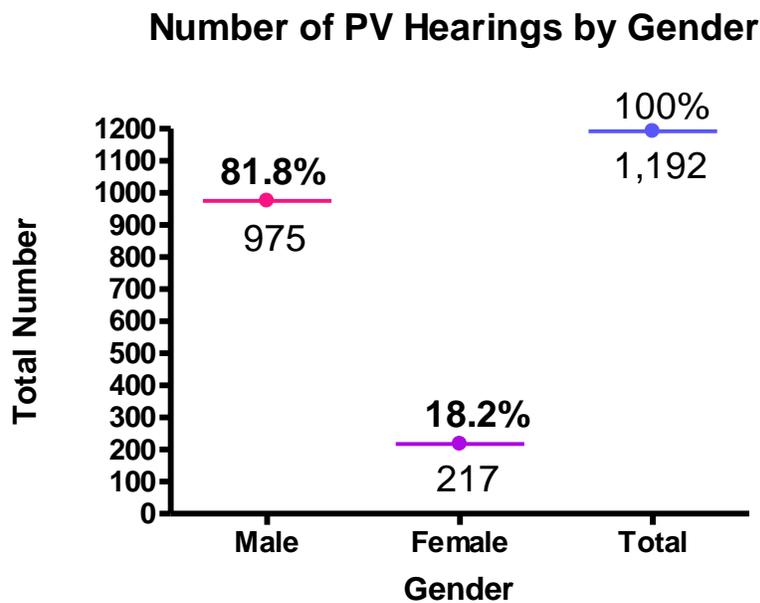
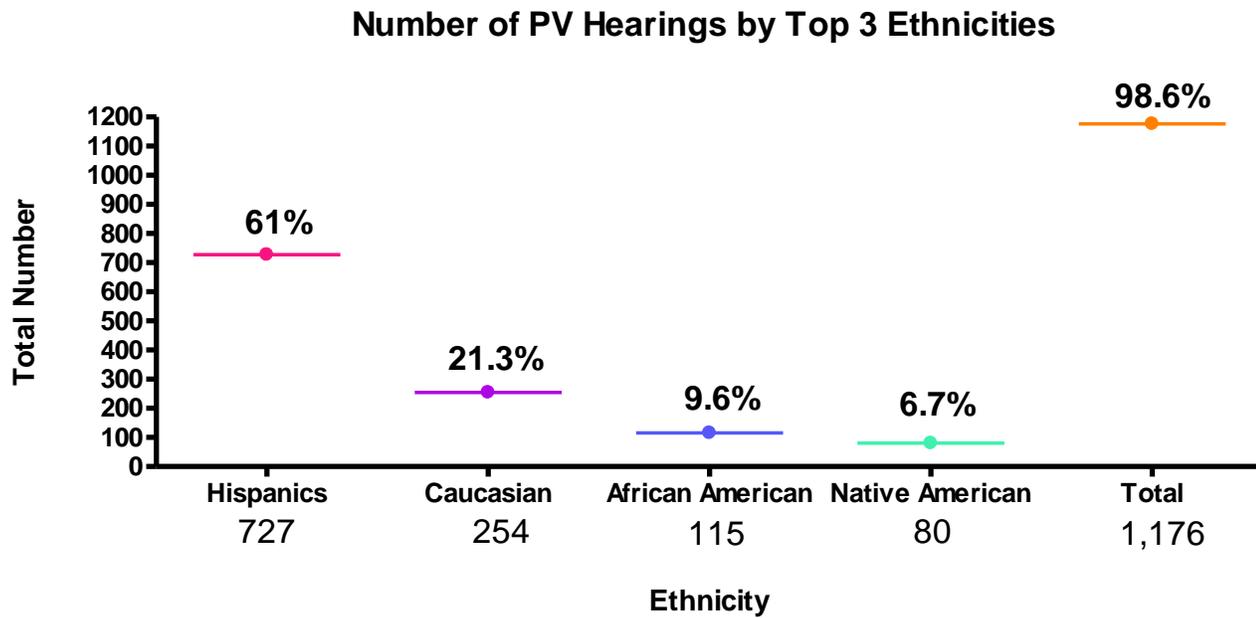
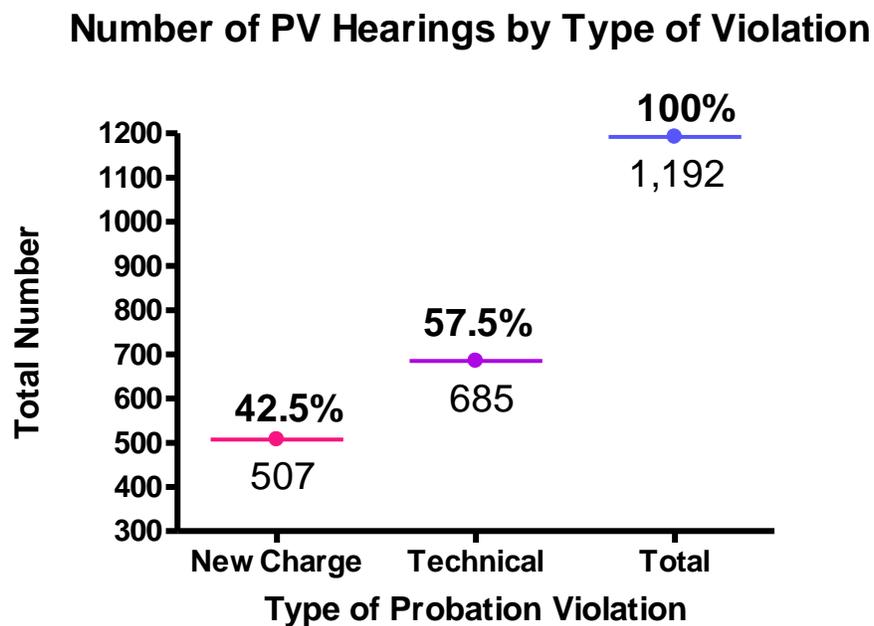


Figure 3.



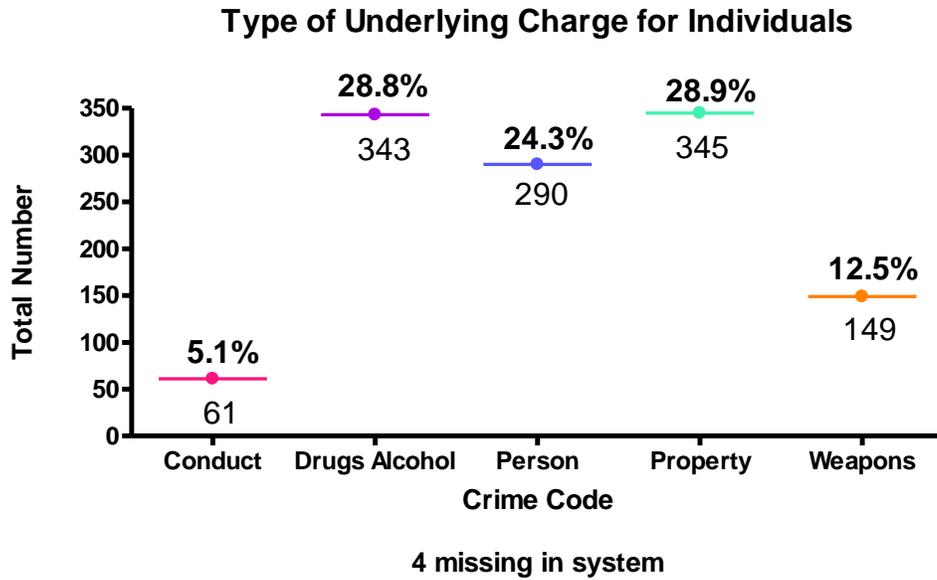
A significant effect was found for male Hispanics for the population that drives all probation violation hearings.

Figure 4.



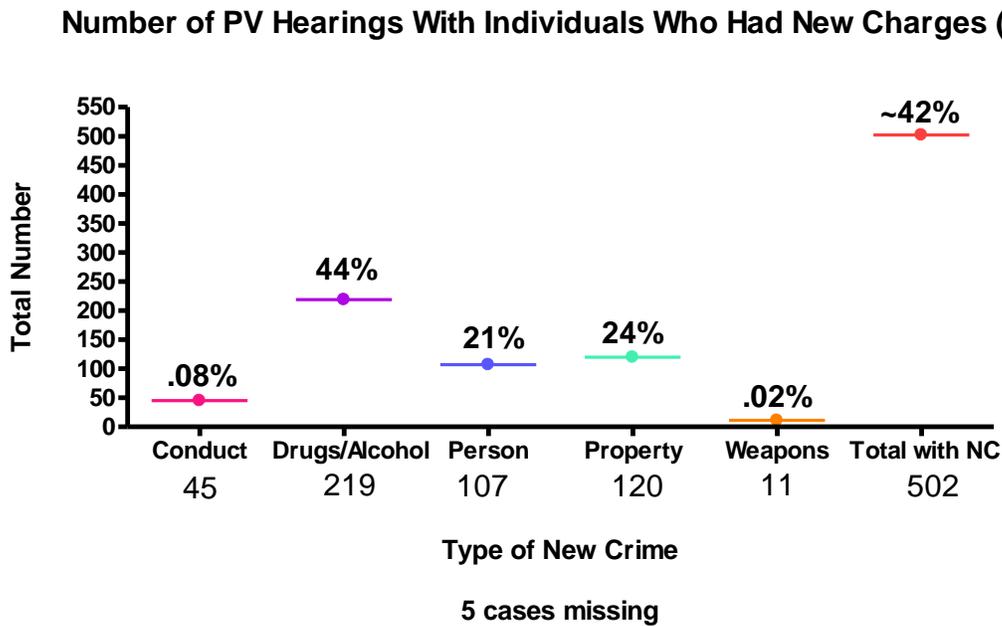
Nearly 43% of 1,192 individuals being heard had new charges. Nearly 58% of individuals were there for a technical violation of probation. Type of Technical Violation could not be accurately captured. Note that there is only a 20% difference in those with new charges and those with technical violations.

Figure 5.



Top three underlying charges for individuals in detention waiting a PV hearing were: Drugs and Alcohol (28.8%), a Person crime (24.3%), or a Property crime (28.9%).

Figure 6.

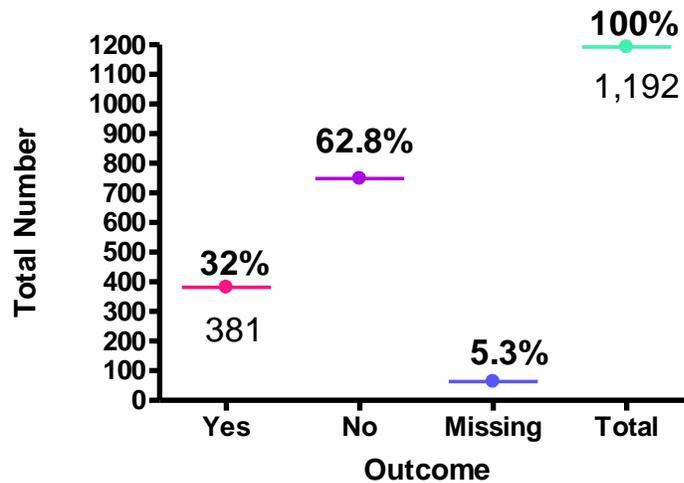


The graph above depicts those individuals who were booked and held at the detention center and had gained new charges against them while on probation (referring to figure 4.). Of the 502 (5 cases missing) individuals who were heard, 44% were for Drugs or alcohol. The drugs or alcohol code was defined by **DWI**, **Trafficking**, and **Possession of Controlled Substance**. Person crimes overwhelmingly (> 60%) consisted of **Domestic Violence**. Property crimes primarily consisted of **Auto Burglary (50%)**, Embezzlement, Shoplifting, and Fraud.

A significance test (with accompanied correlations) was ran to see if there was a difference between first crime (underlying charge) and next crime (probation violation), significant results were found. There was a strong correlation between underlying charge and new charges. What this represents is that individuals tended to commit the same crime once on probation that they did to get on probation. For example, someone who was initially arrested and put on probation for drug trafficking is highly probable of re-committing the offense once on probation with no intervention or with no monitoring. These results can be later tested with Community Custody's data to see if they weigh somehow on these findings. I would hypothesize that they would.

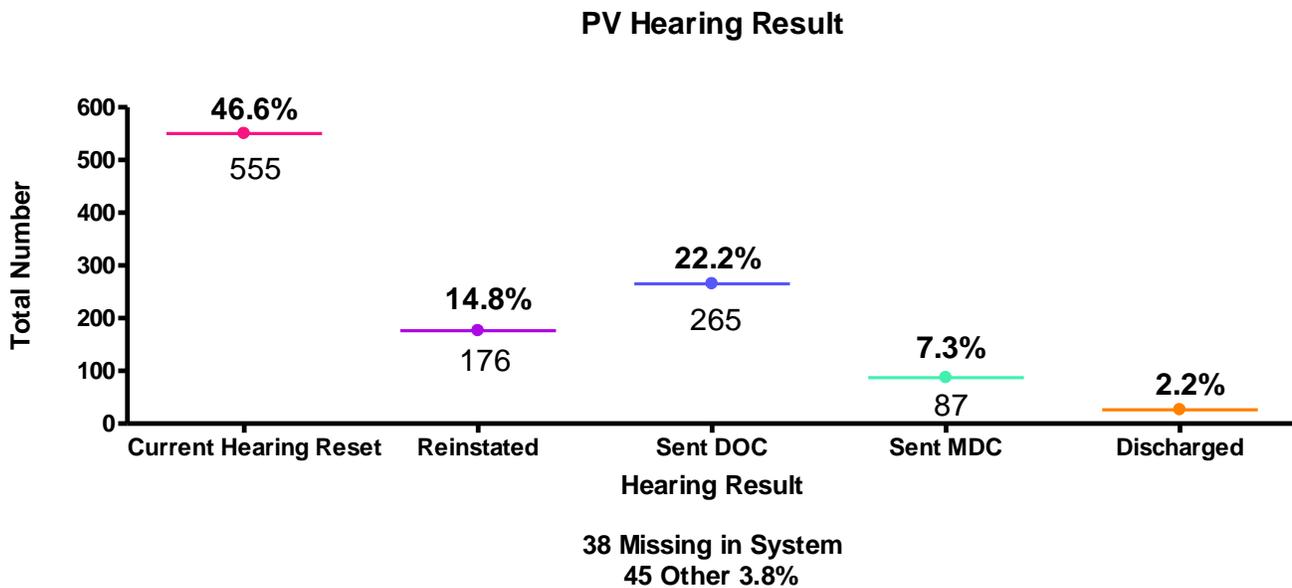
Figure 7.

Number of PV Hearings That *Were Previously Reset* For Individuals That Were In Custody



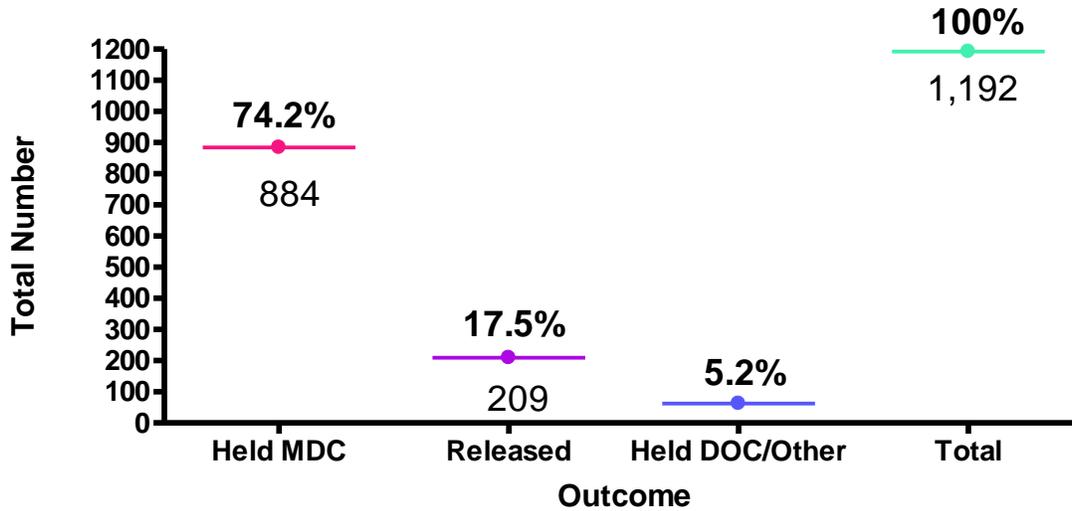
Out of all hearings above (1,192) 32% were previously reset and ~63% were not.

Figure 8.



- Rests of Resets: Of the 555 hearings (Figure 8.) that were reset 238 of these same hearings were previously reset (43%).
- Also, when the decision was made to “reset” 537 of the 555 individuals were sent back to MDC (97%). Chi-square results again revealed that this is happening outside of chance. In an effort to find out where this significant effect was occurring I added the variable “reset” into the significance test Of Underlying Charge X New Charge model above and we found that there was a difference in reset behavior when first and second crime is highly correlated. This significant effect was found for **Property and Person crimes** and NOT Drug and Alcohol crimes.
- Although we found a significant effect above for drug and alcohol when predicting if an individual will commit the same crime as the original once on probation, we do not have that effect when you add in the variable “resets.” This is significant for person and property crimes alone. In other words, although previous crimes predict future crimes this does not mean this predicts “reset,” not for drug and alcohol crimes – in this case **trafficking, possession, and DWI**. These cases are not treated the same. **Chance is at work when predicting outcome**. Person and Property crimes do however get reset more often than not when new charges are being reviewed. Resets are less predictable for person crimes and more predictable for property, although both yielded a significant effect on other levels such as first and second crime.
- **Note**: I would suggest that given the fiscal data results recently reviewed the reason Drug and Alcohol cases do not get reset is due to the judge’s sentencing to MDC for ATP treatment at the first hearing. These average lengths of stays were 28 days. After an ALOS of 28 days clients are released on Probation and commit the same crime, now a PV, (reference chi-square above) and are typically HELD until PV hearing (ALOS is 69 days for Drug and alcohol cases to be heard).

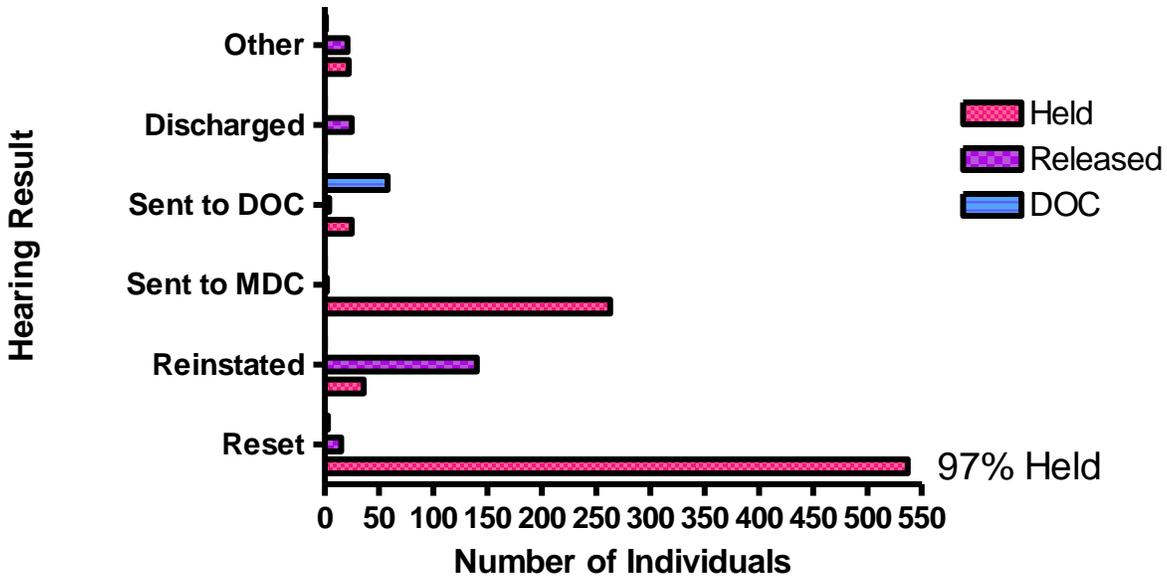
PV Hearing Hold or Release Decision



37 (3.1%) Missing in System

Overall, 74.2% of cases were held at the PV hearing.

PV Hearing Result by Held or Released Outcome



97% of individuals who had the hearing reset was continued to be held in detention until the next hearing date. As show above (Figure 8.) roughly half of all probation violation hearings were reset. 97% of these individuals returned to

detention. The average time individuals spent in detention waiting for a PV hearing was 63 days. This is a straight average. When taking out 11 outliers that were there over a year the average was **57** days.

Note: The average reset time for cases was another 28 days out. Clients could be in detention 91 days for a PV before a decision is made.

The following table shows that the type of crime the individual was being held in detention for prior to the PV hearing had no bearing on the number of days that individual was in detention. In other words, number of days one spends in detention as a function of crime was a NULL result. Type of crime did not seem to predict length of stays in detention before PV Hearing.

ANOVA

Days in Jail Before PV Hearing by crime code

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	41796.524	5	8359.305	1.274	.273
Within Groups	6602225.373	1006	6562.848		
Total	6644021.897	1011			