Probation and Parole Systems Marked by High Stakes, Missed Opportunities

1 in 55 U.S. adults is under community supervision
The Pew Charitable Trusts

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Acknowledgments

This chartbook was prepared by The Pew Charitable Trusts’ public safety performance project team members, former project director Adam Gelb, Laura and John Arnold Foundation staff members Juliene James and Amy Solomon, and consultant Brian Elderbroom. It is part of a collaboration between Pew and the Laura and John Arnold Foundation to improve the effectiveness of community corrections. The Pew team thanks current and former colleagues Casey Ehrlich, Adam Fifield, Jen Sirko, and Henry Watson, for research and writing support, and Dan Benderly, Jennifer V. Doctors, Carol Hutchinson, Krista MacPherson, Jennifer Peltak, and Liz Visser for their assistance with production and distribution.

External reviewers

This chartbook benefited from the insights and expertise of Veronica Cunningham, executive director of the American Probation and Parole Association, and Daniel P. Mears, Ph.D., professor in the College of Criminology and Criminal Justice at Florida State University. Neither they nor their organizations necessarily endorse the findings or conclusions.
Overview

Incarceration has long dominated the national conversation on criminal justice, because the U.S. prison population skyrocketed between the 1980s and late 2000s. Starting in 2007, policymakers seeking to protect public safety, improve accountability, and save taxpayer dollars initiated a wave of bipartisan reforms that has reduced the number of people behind bars in many states. Yet this movement has largely overlooked the largest part of the correctional system: community supervision.

Nationwide, 4.5 million people are on probation or parole—twice the incarcerated population, including those in state and federal prisons and local jails. The growth and size of the supervised population has undermined the ability of local and state community corrections agencies to carry out their basic responsibilities to provide the best public safety return on investment as well as a measure of accountability. Although research has identified effective supervision and treatment strategies, the system is too overloaded to implement them, so it sends large numbers of probationers and parolees back to prison for new crimes or for failure to follow the rules.

As part of a collaborative effort to improve the nation’s community corrections system, The Pew Charitable Trusts and the Laura and John Arnold Foundation analyzed the leading research and identified the most pressing problems and some promising solutions. The available data leave many questions unanswered, but this review reveals key insights and challenges many assumptions about supervision. Among the findings:

Community corrections is marked by considerable growth and scale, disproportionate representation of men and people of color, and a majority of people who committed nonviolent offenses.

- 1 in 55 U.S. adults (nearly 2 percent) was on probation or parole in 2016 (the most recent year for which data are available), a population increase of 239 percent since 1980, though rates vary considerably by state, from 1 in 18 in Georgia to 1 in 168 in New Hampshire.
- Between 1999 and 2016, the probation population per crime reported to police rose 24 percent and per arrest rose 28 percent.
- African-Americans make up 30 percent of those on community supervision but just 13 percent of the U.S. adult population.
- 3.5 times as many men as women are on supervision, but the number of women on parole or probation has almost doubled since 1990 to more than 1 million.
- More than three-quarters of the 4.5 million Americans on probation or parole were convicted of nonviolent offenses.
Improvements in supervision offer opportunities to enhance public safety, decrease drug misuse, and reduce incarceration.

- Nearly a third of the roughly 2.3 million people who exit probation or parole annually fail to successfully complete their supervision for a wide range of reasons, such as committing new crimes, violating the rules, and absconding. Each year almost 350,000 of those individuals return to jail or prison, often because of rule violations rather than new crimes.
- About one-fifth of felony defendants were on supervision when they were arrested. Although probationers and parolees make up a minority of arrests, they are disproportionately represented among arrestees compared with the general population, suggesting that improved supervision success rates would lead to greater public safety and reduced taxpayer expense.
- Rates of substance use among those on supervision are two to three times those of the general population, but many probationers and parolees do not have access to treatment.

Policy changes can reduce correctional control and improve public safety.

- From 2007 to 2016, 37 states experienced simultaneous drops in their community corrections and crime rates. In many cases, these gains followed adoption of evidence-based sentencing and corrections reforms that prioritized scarce supervision and treatment resources for higher-risk individuals, invested in risk-reduction programs, and created incentives for compliance.

These findings demonstrate the need for greater scrutiny of the community corrections system by policymakers and the public. They also reinforce an emerging consensus among leading practitioners for a fundamental change in the vision and mission of supervision: from punishing failure to promoting success.
Glossary

**Administrative response:** A sanction for noncompliance with supervision rules that is less punitive than long-term incarceration, such as a verbal or written warning, curfew restrictions, more frequent drug testing, and short-term incarceration.

**Administrative supervision:** A form of probation that typically requires little to no contact with a supervision officer but also permits a return to prison or jail if the person being supervised is not compliant.

**Community corrections (community supervision):** Mandatory oversight by a judge or parole board of an individual outside a secure facility. The two most common types are probation and parole.

**Conditions of supervision:** Rules that those under supervision must follow, such as abstaining from alcohol and illicit drugs, reporting to supervisory officers, abiding by a curfew, participating in treatment programs, and avoiding contact with people with felony records.

**Earned compliance credits:** A policy that awards time off supervision terms for compliance with conditions.

**Evidence-based practices:** Practices and programs demonstrated to be effective through research.

**Graduated sanctions:** A range of community-based penalties, such as increased reporting, community service, and short-term incarceration, administered in a manner that is swift, certain, and proportional to the violation.

**Parole:** Conditional release to community supervision after a term of incarceration.

**Probation:** Community supervision imposed by the court generally in lieu of incarceration.

**Revocation:** Sanction for failure to comply with supervision conditions that results in incarceration either for a defined period or, for some on parole, completion of their original sentence.

**Revocation cap:** A limit on the amount of time served in jail or prison for a revocation resulting from a technical violation.

**Risk and need assessment:** A tool for determining a person’s likelihood of reoffending, appropriate level of supervision, and needs (such as treatment for substance use disorders) that, if addressed, would reduce the risk of reoffending.

**Technical violation:** Noncompliance with one or more conditions of supervision, excluding new criminal convictions, that may result in sanctions or revocation.
At the end of 2016, more than 4.5 million people were on probation or parole, accounting for two-thirds of the total correctional population. More than 3.6 million of those individuals were on probation, and the remaining 875,000 were on parole.¹ The community corrections population peaked in 2007, and although it had declined 11 percent by 2016, it remained near its all-time high and was 239 percent larger than it was in 1980.² Although the significant growth of the U.S. prison and jail populations over the past half-century has garnered substantial public and policymaker attention, this similar rise in the number of people on community supervision has been largely overlooked.


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From 1999 to 2016, the probation population increased relative to the volume of crime and arrests. Specifically, the number of people on probation per crime rose 24 percent and per arrest rose by 28 percent. Although the reasons for the growth in supervision—or for the more recent decline—have not been well-studied, these data indicate that crime is not the only factor influencing the size of probation populations; sentencing and corrections policies and practices also have an effect. This finding has a strong precedent—the lion’s share of prison growth has been attributed to policy choices—but more research is needed to understand these relationships and their implications for criminal justice policy.

**Figure 2**

*Use of Probation Has Increased Relative to Public Safety Indicators*

Probation population per 100 crimes and arrests, 1999-2016

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Note: Crimes include Part 1 offenses, which are property and violent crimes, reported to police and tracked in the FBI’s Uniform Crime Reporting Program.

Sources: Pew and Laura and John Arnold Foundation analysis of data from the FBI Uniform Crime Reporting Program; Bureau of Justice Statistics, Annual Probation Survey

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As probation and parole populations grew, so did the per capita rate of community supervision. Today, 1 in 55 adults in the U.S., or 4.5 million people, is subject to postconviction surveillance and court-ordered rules. That share is down 581,900 people from the 2007 peak of 1 in 45, but it still represents nearly 2 percent of American adults.

In addition, the national rate masks wide variation in how probation and parole are used across states. The share of people on community supervision ranges from 1 in 18 in Georgia to 1 in 168 in New Hampshire, and even among neighboring states with similar populations and political demographics, rates can differ significantly. For example, 1 in 33 adults in Idaho is on supervision compared with just 1 in 134 in Utah.


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African-Americans and Men Are Overrepresented in Probation and Parole
Community supervision rates, total and by race and sex, 2016

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Virtually all demographic groups are represented in the community supervision population. However, people of color, particularly African-Americans, and men are disproportionately represented.

The racial gap resembles that in incarceration: Black adults are about 3.5 times as likely as whites to be supervised, and although African-Americans make up 13 percent of the U.S. adult population, they account for 30 percent of those on probation or parole. In addition, although federal data do not indicate disproportionate representation of Hispanics in community corrections, many states do not report ethnicity data, so Hispanics under supervision are undercounted.

Imbalances also exist among females and males under supervision. Men are supervised at a rate about 3.5 times that of women. However, the share of women under supervision has nearly doubled from 520,000 in 1990 to more than 1 million at the end of 2016. As a result, women accounted for one-quarter of the probation population and 1 in 8 parolees by 2016.
Figure 5
Most Probationers and Parolees Were Convicted of Nonviolent Crimes
Community supervision population by offense type, 2016

At the end of 2016, 8 in 10 probationers and two-thirds of parolees had been sentenced for nonviolent crimes. Drug and property crimes each accounted for more than a million of the people on parole or probation that year. For a sense of scale, if individuals under supervision for drug crimes and those for property crimes each made up a city, they would rank among the 10 largest cities in the U.S.

Unlike the prison population, which consists almost entirely of people convicted of felonies, the community supervision population includes people convicted of offenses ranging from the least serious misdemeanors to the most severe violent offenses. At least 4 in 10 probationers are being supervised for a misdemeanor offense; the ratio is probably higher, but the true figure is unknown because of a lack of data from some agencies that supervise only misdemeanants.

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Figure 6
Supervision Failures Are a Major Driver of Incarceration
Probation and parole exits and outcomes, 2016

Probation exits

- 50% Successful exits
- 29% Unsuccessful exits
  - 12% Incarcerated
  - 17% Unsuccessful but not incarcerated
- 21% Unknown

Parole exits

- 57% Successful exits
- 30% Unsuccessful exits
  - 27% Incarcerated
  - 3% Unsuccessful but not incarcerated
- 13% Unknown

About half of people who exit parole or probation complete their supervision terms successfully. For the other half, failure is common and often leads to jail or prison. In 2016, 29 percent of the nearly 2 million probation exits were unsuccessful, and 12 percent (nearly a quarter of a million people) resulted in incarceration. Of approximately 425,000 parole exits, 30 percent were unsuccessful and 27 percent led to incarceration. All told, nearly 350,000 supervision failures result in prison or jail terms annually.

Notes: For probation exits, “Incarcerated” refers to those sent to jail or prison with a new sentence, completing an original sentence, to receive treatment, and other/unknown reasons. “Unsuccessful but not incarcerated” refers to those who abscond, are discharged to a warrant or detainer, or have any other unsatisfactory conclusions. “Unknown” includes death, other/unknown reasons, or not reported. For parole exits, “Incarcerated” refers to those sent to jail or prison with a new sentence, with a revocation, to receive treatment, or other/unknown reasons. “Unsuccessful but not incarcerated” refers to those who abscond and have other unsatisfactory outcomes. “Unknown” includes death, other/unknown reasons or not reported.


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Although 50-state data are not available, research has found that probation and parole revocations contributed significantly to prison admissions in several states in 2015.\textsuperscript{11} Probation revocations made up 55 percent of all prison admissions in Georgia and 61 percent in Rhode Island, while parole revocations accounted for 54 percent of all prison admissions in Arkansas. In some states, the proportions were significantly lower, such as Massachusetts, where probation and parole revocations accounted for just 19 and 7 percent of admissions, respectively, and Nebraska, where those figures were 8 and 17 percent.

One recent study concluded that “the largest alternative to incarceration in the United States is simultaneously one of the most significant drivers of mass incarceration.”\textsuperscript{12}
A study of individuals released from prison in 2004 in 41 states showed that the proportions sent back for a new crime and for a technical violation of supervision were nearly identical.\(^\text{13}\)

Some data also suggest that people on probation and parole contribute disproportionately to arrests.\(^\text{14}\)

In 2009, 18 percent of felony defendants in the 75 largest urban counties were on supervision at the time of their arrest. How many arrests are for new crimes versus rule violations is unknown, but research suggests that many may be the result of supervision practices that focus on catching mistakes through surveillance and monitoring, rather than on promoting success via rehabilitation and support.\(^\text{15}\)

More research is needed to understand these dynamics and develop policies to prevent new crimes and reduce revocations for technical violations.
The large community corrections population and diverse risks and needs of people under supervision have made appropriately managing each person increasingly challenging. A large body of research has demonstrated the practicality and importance of classifying individuals based on their risk of recidivism and treatment needs and then prioritizing supervision and intervention resources on those most likely to benefit.16

For example, an evaluation of halfway house treatment programs in Ohio showed that, although the intervention effectively reduced recidivism for those considered high-risk, it increased reoffending among low-risk participants.17 Research has consistently shown that over-supervising low-risk individuals can do more harm than good by disrupting supportive elements of their lives, such as family, education, and employment, and mixing them in with people who are higher-risk.18 On the other hand, prioritizing resources and attention for high-risk individuals and those in need of treatment has been demonstrated to yield the greatest reductions in reoffending.19

Figure 9
Supervision Should Be Prioritized for the Highest-Risk Individuals
Outcomes for parolees at halfway houses in Ohio, 2010

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Nearly half of the community corrections population has a substance use disorder, and rates of substance use, misuse, and dependence are two to three times higher for people on probation and parole than for the general population.20 However, many people under supervision who could benefit from treatment do not receive it because of strained budgets, limited options in the community, or other factors.21 Research has found that a large share of the illicit drug problem is driven by a relatively small group of frequent users, many of whom are under correctional supervision.22 So the failure to provide substance use treatment represents a critical missed opportunity to reduce drug consumption and its costs to individuals, families, and communities.
Research has shown that the growth in America’s prison population had a real, if limited, effect on crime rates. However, public investments in increasing imprisonment passed the point of diminishing returns long ago, and 35 states have simultaneously reduced crime and imprisonment since 2008.\textsuperscript{23}

Similarly, 37 states experienced drops in both community supervision and crime from 2007 to 2016.\textsuperscript{24} And some, such as Texas and South Carolina, cut their supervision and crime rates by 20 percent or more. As was the case with imprisonment, these declines often followed the adoption of evidence-based sentencing and corrections reforms that aim to improve public safety while ensuring accountability and controlling taxpayer costs. Policymakers have pursued these goals by prioritizing scarce community corrections resources for higher-risk individuals, investing in programs to reduce recidivism, and providing incentives for compliance with supervision rules.
A new era for community supervision

Over the past quarter-century, researchers have identified a core set of strategies that can significantly reduce recidivism and thereby increase public safety and cut spending. These include scientifically validated tools to assess people’s risk levels and treatment needs; individual case management plans that match people to appropriate supervision levels and treatment programs; cognitive behavioral and other evidence-based therapies to change behavior; and swift, certain, and proportionate sanctions and rewards for violations and compliance.

The community corrections field has increasingly embraced these essential building blocks of an evidence-based system, and many jurisdictions have seen encouraging results. But bigger gains are possible and urgently needed, given the stakes for those being supervised, for crime victims, and for families and communities.

This analysis suggests that the system is struggling to carry out its mandate. Progress will necessitate more than gradual adoption of specific practices and programs; it will require that the system shrink substantially and embrace major changes in policy and mission. An emerging consensus among criminal justice professionals supports a series of strategic shifts away from the current mass, time-based, isolated, and enforcement-minded model to one that is:

- **Focused.** Direct supervision resources to those who pose a higher public safety risk instead of filling caseloads with low-risk people.
- **Goal-based.** Design supervision terms to end when people complete specific requirements or assigned programs, rather than when they have served a period of months or years.
- **Integrated.** Recognize how neighborhood and social factors affect behavior, and engage community members rather than relying heavily on pressure from the legal system.
- **Constructive.** Fundamentally change the purpose of supervision from punishing failure to promoting success. The goal should be to help people repair the harm they have caused and become self-sufficient, law-abiding citizens, rather than simply enforcing rules set by courts and parole boards, catching violations and imposing penalties, including incarceration.

Striking the right balance between accountability for violations and new crimes, and incentives for compliance and progress can improve outcomes. Ultimately, a more effective community corrections system will require a culture change: Policymakers and stakeholders must view people on supervision as capable of change and deserving of support.

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**Reforms Can Safely Reduce Supervision Caseloads, Revocations**

After decades of growth, the community corrections population has dropped in several states that invested in research-based public safety strategies. Across the country, policymakers are adopting reforms that prioritize scarce resources for higher-risk individuals while removing lower-risk people from supervision caseloads. Changes include shorter terms, earned compliance credits, and reduced or inactive supervision.

Some states also reduced revocations for technical violations and provided a range of options for addressing noncompliance. After South Carolina adopted graduated sanctions, compliance revocations decreased 46 percent, and people under supervision were 33 percent less likely to be incarcerated or reincarcerated than before the reforms. Similarly, after Louisiana implemented a 90-day cap on jail or prison terms for first-time technical violations, length of incarceration declined by 281 days and new-crime revocations fell 22 percent. And after Missouri adopted earned discharge—in which probationers and parolees accrue time off their sentences for compliance—supervision terms dropped by 14 months, the supervised population fell 18 percent, average caseloads decreased 16 percent, and recidivism rates did not change.
Conclusion

Community supervision is the largest component of the corrections system. The 4.5 million people on probation and parole are double the number in state, local, and federal prisons and jails combined. Although about half of these people successfully complete their terms, the sheer size of the population means that current failure rates contribute significantly to the nation’s volume of arrests, drug misuse, and incarceration.

Over the past decade, a strong bipartisan consensus has fueled reforms in dozens of states aimed at safely reducing the nation’s high rate of imprisonment while maintaining public safety. And that is exactly what’s happening: Since its peak in 2008, the imprisonment rate has dropped 11 percent while the crime rate has fallen 23 percent. Crime reductions were, in fact, greater in states that had the biggest reductions in imprisonment. Thirty-seven states have also experienced simultaneous drops in community supervision and crime.

Yet compared with prison reform, which has been the focus of a broad national conversation, the issue of community corrections has received scant attention. It is time for that to change. By taking a similar data-driven approach to improving the community corrections system, leaders in all three branches of government can extend the gains already made to protect public safety, ensure accountability, and control taxpayer costs.
Appendix A: Methodology

Much of the data in this report come from the federal Bureau of Justice Statistics’ Annual Probation and Annual Parole surveys, which are the only community corrections data collection that covers all 50 states, the District of Columbia, and the federal system. The 2016 survey was sent to 456 agencies in the states and the District, of which 414 were in the eight states without a centralized supervision system, and to the federal system. Some data issues do exist, including the following:

- Reporting methods have changed over time for some probation and parole agencies.
- An individual can enter or exit the system multiple times a year or be concurrently serving more than one sentence for separate crimes, but those duplications are not identified.
- Agencies vary in their ability to provide annual population counts that are consistent with Bureau of Justice Statistics definitions.
- Some agencies report the number of cases, while others report the number of individuals they supervise. Because an individual can have multiple probation sentences, counting cases can artificially inflate the totals. BJS requests that agencies report the number of individuals under supervision, and each year some agencies make the conversion, resulting in what appears to be a large decrease from previous years.
- Research suggests that probation totals are probably undercounted because some agencies report only felony sentences and some may include or exclude individuals on other forms of community control (e.g., diversion programs, private probation, and drug courts).
- The exit data had significant weaknesses, because many states either failed to collect the necessary information or provided estimates. Georgia and Michigan did not provide year-end community corrections population figures; year-start figures (Jan. 1, 2016) were used as an estimate. Total community corrections rates and probation rates also were not provided but were calculated using year-start population figures and July 1, 2016, census figures.

Substance Abuse and Mental Health Services Administration treatment data are from the National Survey on Drug Use and Health, an annual survey of the general household population involving interviews with randomly selected individuals to examine trends in substance use disorders and receipt of treatment. The survey excludes people with no fixed address and residents of institutional group quarters, such as jails, and may not capture the entire population of arrestees. People on probation and parole are reported separately (i.e., counted twice). An individual was classified as needing treatment for a substance abuse problem if he or she met the criteria for dependence on or abuse of a substance or if he or she received treatment at a specialty facility, including a hospital (inpatient), rehabilitation facility (inpatient or outpatient), or mental health center in order to reduce or stop illicit drug or alcohol use, or for medical problems associated with illicit drug or alcohol use. Unmet treatment need refers to respondents classified as needing such treatment but not having received it.
## Appendix B: State statistics

### Table B.1

#### 2016 State Community Corrections Rate and Ranking

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<th>State</th>
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* Rates are per 100,000 residents.
† Georgia and Michigan did not provide year-end figures; year-start figures (Jan. 1, 2016) were used as an estimate. Those states also did not deliver total community corrections and probation rates, so those were calculated using year-start population figures and July 1, 2016, U.S. Census Bureau data. All other rates were calculated by the federal Bureau of Justice Statistics using Jan. 1, 2017, census figures. Population counts are rounded to the nearest 100.

The total community supervision population excludes parolees on probation to avoid double-counting and so will not equal the sum of probation and parole populations.

The decline in the community corrections population is the result of the decrease in the probation population. The parole population has continued to grow slowly, increasing by 0.5 percent from 2015 to 2016.


Georgia and Michigan did not provide year-end community corrections population figures; year-start figures (Jan., 1, 2016) were used as an estimate. Those states also did not deliver total community corrections and probation rates, so they were calculated using year-start population figures and July 1, 2016, census figures.

The Bureau of Justice Statistics provides only demographic data related to race/Hispanic origin and sex. The data do not allow for exploration of the relationship among those variables.


Offense types may not add up because of rounding. Weapons offenses are broken out only for parole. If a probationer or parolee was convicted of more than one offense, he or she was categorized by the most serious one.


Phelps, “Mass Probation.”


24 Twenty-seven of these states also saw a decline in their imprisonment rates during the same period.


27 The Pew Charitable Trusts, “National Prison Rate Continues to Decline Amid Sentencing, Re-Entry Reforms.”

28 Ibid.
For further information, please visit:
pewtrusts.org/publicsafety

Contact: Fred Baldassaro
Email: fbaldassaro@pewtrusts.org
Project website: pewtrusts.org/publicsafety

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