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Comprehensive Policies Can Improve Probation and Parole

Framework offers solutions to strengthen community supervision

Overview

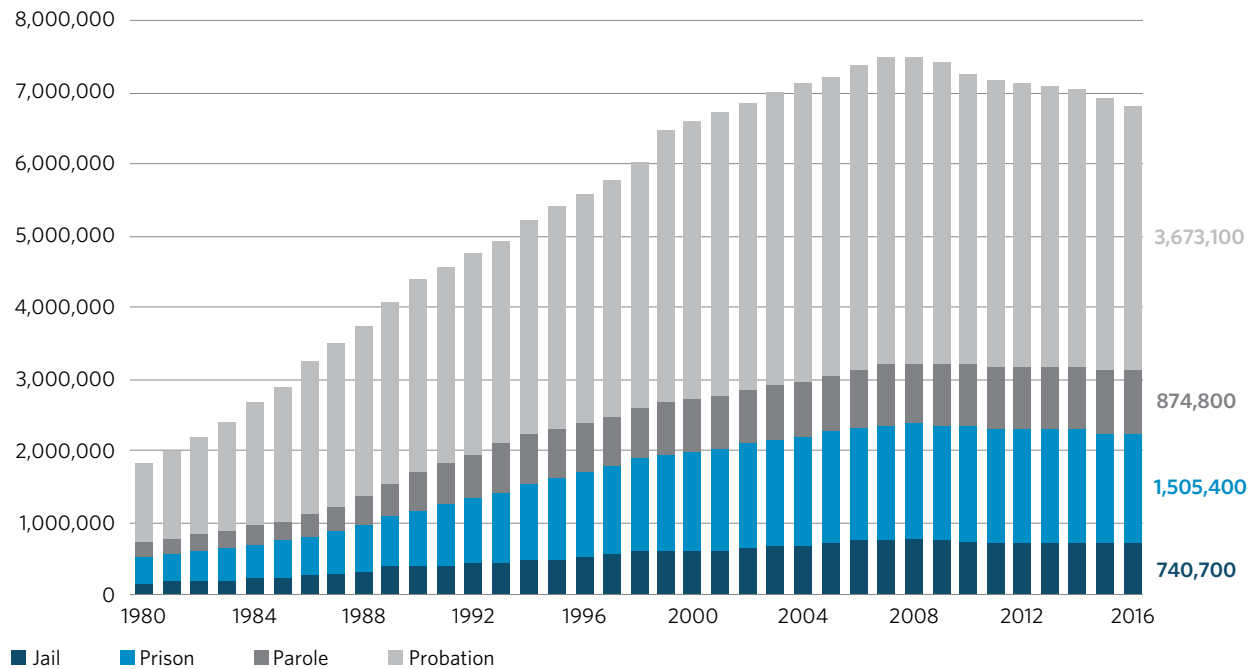
The nation's community supervision population ballooned by almost 240 percent over the past four decades.¹ In 2016, 1 in 55 U.S. adults (more than 4.5 million people) were on probation or parole, more than twice the share incarcerated in state and federal prisons and local jails.² (See Figure 1.) Historically, probation and parole were intended to provide a less punitive, more constructive alternative to incarceration. However, a growing body of evidence suggests that a shift in emphasis toward surveillance and monitoring of people under supervision, rather than promoting their success, and the growing resource demands of ever-larger caseloads have transformed community supervision into a primary driver of incarceration.³ This has produced an array of troubling consequences, not only for individuals on probation and parole, but also for taxpayers and communities.

To help address these issues, The Pew Charitable Trusts and Arnold Ventures convened an expert advisory council to review evidence on best practices and make recommendations on policies and practices that can help deliver better outcomes for people under supervision, their families, and communities; cut the number of people on probation and parole; and reduce technical revocations—a sanction for noncompliance with supervision rules—particularly those resulting in incarceration. The council, made up of criminal justice experts and professionals from academia, the behavioral health field, community supervision, the courts, and law enforcement as well as people who have been on supervision, developed a framework, organized around seven policy goals, that state leaders can use to align supervision systems with evidence-based practices. Where the recommended policies are supported by research, the framework summarizes and cites that evidence. This fact sheet offers a snapshot of the council's recommendations.

Figure 1

Number of Adults Under Community Supervision More Than Tripled Over 36 Years

Criminal justice populations by type, 1980-2016



Sources: Bureau of Justice Statistics, Annual Probation Survey, Annual Parole Survey, Annual Survey of Jails, Census of Jail Inmates, and National Prisoner Statistics Program, 1980-2016

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“ The research is clear: We know what types of supervision, interventions, and treatments help reduce recidivism and incarceration. Allocating public resources accordingly promotes justice, enhances public safety, and produces cost savings.”

Barbara Broderick, former chief probation officer, Maricopa County, Arizona, and advisory council member

Framework for a smaller, safer supervision system

The advisory council organized its recommended policies according to the following objectives:

Enact alternatives to arrest, incarceration, and supervision.

Research has consistently shown that supervision is not effective for individuals with a low risk of reoffending and can even increase that risk.⁴ Additionally, probation and parole may be overly punitive for people who commit minor offenses. The council recommends using alternative sanctions, including community service for people convicted of low-level offenses such as traffic violations and minor drug crimes.

Implement evidence-based policies centered on risks and needs.

Evidence-based decision-making is the foundation of effective supervision that yields positive outcomes, and its essential components are the principles of risk, need, and responsivity (RNR)—an assessment methodology that enables parole and probation officers to develop case plans tailored to individuals' needs and level of risk to reoffend. The council recommends that agencies assess people's risk and needs using validated tools and tailor case plans and supervision intensity based on those assessments.

Adopt shorter supervision sentences and focus on goals and incentives.

Two main factors have driven growth in the community corrections population: the number of people sentenced to probation and placed on parole and the length of time they spend under supervision. Research has demonstrated that long supervision terms deliver diminishing public safety benefits.⁵ To address these challenges, agencies should adopt earned compliance credits and other incentives and policies that offer early termination of supervision for people who follow rules or meet other criteria.

Establish effective and appropriate supervision conditions.

People on supervision must follow a long list of standard conditions and sometimes special requirements as well. Individuals who fail to follow these rules can face sanctions, which can include incarceration.⁶ The council recommends locating officers and treatment programs near the people they serve to support compliance and limiting conditions to those that are most likely to enhance public safety and align with each person's case plan goals and assessed risks, such as by using drug testing only when necessary to determine a treatment need.

Develop individualized conditions for payment of legal financial obligations.

People are often ordered to pay fines, fees, and restitution as part of a criminal sentence. And many supervision agencies require the people they supervise to pay for drug testing, electronic monitoring, and other programs and conditions. Although these financial obligations can help enforce accountability and mitigate victims' losses, they also impose economic burdens that can hinder supervision success.⁷ The council provided guidance to help agencies better manage the imposition and collection of fines and fees and recommended that states, agencies, and departments take steps to mitigate the harms associated with these costs to help people successfully complete supervision.

Reduce use of and pathways to incarceration.

Supervision revocations, especially for technical violations—noncompliance with one or more supervision rules that may result in a sanction—are a major driver of costly incarceration, and even short jail stays can cause people serious hardship, including loss of employment, decreased wages, housing insecurity, and family instability.⁸ The council recommends limiting the use of arrest and incarceration as a sanction for technical violations and before revocation hearings and guaranteeing counsel in those hearings.

Support community supervision agencies.

Meaningful and lasting reform will require upfront investments. States must ensure that agencies are equipped with the resources they need to implement evidence-based practices while supporting the work of probation and parole officers to enhance successful supervision completion.

Endnotes

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- 6 F.S. Taxman, "Probation, Intermediate Sanctions, and Community-Based Corrections," in *The Oxford Handbook of Sentencing and Corrections*, eds. J. Petersilia and K.R. Reitz (New York: Oxford University Press, 2012), <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199730148.001.0001/oxfordhb-9780199730148-e-15>.
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- 8 D.J. Harding, J.A. Siegel, and J.D. Morenoff, "Custodial Parole Sanctions and Earnings After Release From Prison," *Social Forces* 96, no. 2 (2017): 909-34, <http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=127291872&site=ehost-live&authtype=sso&custid=s3229936>; C.M. Klingele, "Rethinking the Use of Community Supervision," *Journal of Criminal Law & Criminology* 103, no. 4 (2013): 1015-69, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2232078#.

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