



When Offenders Break the Rules

Smart Responses to Parole and Probation Violations

Key Questions for Policy Makers and Practitioners

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1. Are condition violations driving state prison numbers?

- ✔ Policy makers and criminal justice practitioners should know which offenders are driving their state's prison population and spending. In particular, they should ask what percentage of prison admissions are violators – offenders already on probation or parole who were revoked to prison. They should request two separate statistics: how many (and what percent) were revoked for breaking the rules of their release, and how many (and what percent) were revoked for new criminal conduct.

2. Are releasing authorities and supervision agencies well coordinated?

- ✔ Judges, parole boards and probation and parole supervision agencies can all have an effect – either positive or negative – on offender outcomes. They will struggle to adopt a strategic approach to condition violators until their visions and activities are well coordinated.

3. Are the goals of supervision well conceived and widely accepted?

- ✔ More and more correctional agencies are recognizing that they can improve public safety by helping offenders complete their terms of community supervision without committing new offenses or claiming new victims. Some, however, still believe that their job with respect to offenders is to “trail ‘em, nail ‘em and jail ‘em.” Policy makers and practitioners should ensure that their offender supervision agencies articulate the goal of proactive crime prevention, rather than reactive revocation of supervision. This is a more fiscally-responsible way to protect the public and hold offenders accountable.



The Pew Charitable Trusts
1025 F Street, NW Suite 900
Washington, DC 20004-1409
www.pewtrusts.org

ABOUT THE PROJECT

Launched in 2006 as a project of Pew's Center on the States, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs.

The Pew Charitable Trusts applies the power of knowledge to solve today's most challenging problems. Our Pew Center on the States identifies and advances effective policy approaches to critical issues facing states.

ABOUT THIS BRIEF

This document is part of a series of primers for policy makers about the critical choices they face in developing strategies to improve the public safety return on taxpayer dollars. For more on this topic, see our companion publications—a public safety policy brief and a case study of parole violator reforms in Texas—and visit our website at www.pewpublicsafety.org.

ABOUT THE AUTHORS

This document was written by Peggy Burke in collaboration with Adam Gelb and Jake Horowitz. Ms. Burke is a Principal with the Center for Effective Public Policy where she directs projects in the areas of offender transition and reentry, responses to parole and probation violations, court innovation, offender classification, sentencing policy, and strategic planning. Mr. Gelb is Director of, and Mr. Horowitz is a Senior Associate on, the Public Safety Performance Project.

ABOUT THE REVIEWERS

This document was peer reviewed by Judith Sachwald and Dale Parent. Ms. Sachwald was most recently the Director of the Maryland Division of Probation and Parole. Mr. Parent recently retired from Abt Associates, Inc., where for the past 20 years he conducted research and planning on sentencing alternatives, performance-based standards in criminal justice, and prisoner reentry.

While these experts have screened the report for methodology and accuracy, neither they nor their current or former organizations necessarily endorse its findings or conclusions.

Are conditions of release and supervision efforts being appropriately assigned?

✓ Treatment and other services, the conditions and intensity of supervision, and responses to violations should be tailored by offenders' individual risks and needs. Spreading these resources evenly across an uneven population is a recipe for inefficiency and, ultimately, more crime and victimization. Heavy-handed monitoring is appropriate for higher-risk offenders while lower-risk offenders can be safety managed with a limited set of conditions and even considered for early discharge. Intensive interventions for low-risk offenders should be avoided: research shows they actually tend to raise the risk of recidivism.

Are intermediate sanctions available for offenders who need more than a slap on the wrist but less than incarceration?

✓ Supervision agencies need a range of community-based services and sanctions if they are to respond appropriately to offender needs and behavior. Policy makers should mandate and sufficiently fund a continuum of options, or graduated sanctions such as substance abuse and mental health treatment, day reporting centers, and electronic monitoring. These options allow probation and parole officers to meet violations with graduated, cost-effective responses that seek to redirect offender behavior. Without them, agencies tend to allow violations to accumulate until they get fed up and then seek revocation to prison.

Are sanctions for violations swift and certain?

✓ When violations do occur, the consequences should be certain and swift to maximize their deterrent value. Policy makers and practitioners should work to increase the chances that every violation will bring a proportionate consequence and to speed up the time between when a violation is detected and when the sanction is imposed.

Are supervision agencies making the most of positive reinforcement?

✓ Research in a wide variety of fields concludes that rewards are more effective than penalties in shaping behavior. Yet the overwhelming emphasis in community corrections has been to punish failure rather than to reward success. Probation and parole staff can use a range of incentives to boost offenders' compliance with conditions of supervision and their motivation to remain crime- and drug-free. Some incentives include



“Agencies without a continuum of sanctions and services to address these situations will deliver either a slap on the wrist or revocation to prison, neither of which provides a level of accountability proportionate to the violation.”

graduation ceremonies, gift certificates, reduction in reporting or treatment requirements, and early termination of supervision. Policy makers should know what rewards their agencies are using and encourage them to explore additional possibilities.

Are quality risk assessment instruments being used appropriately?

- ✔ Policy makers should mandate and fund sound, research-based assessments of risk and need that equip supervision agencies to make strategic choices about responses to violations. They should develop, implement, maintain and evaluate so-called “third generation” instruments that include both factors that are unchangeable (like prior criminal record) and that are changeable (such as substance abuse). Doing so will help to triage offenders as described above in Question 4.

Is supervisory discretion appropriately structured?

- ✔ Supervision agencies should issue policies and guidelines for fashioning responses to probation and parole violations that take into account the severity of the violation, the risk posed by the offender, and the cost of the response. To ensure reasonable consistency across cases and adherence to agency goals and mission, quality control measures such as requiring senior administrators to review violation arrest warrants should be considered and encouraged.