



# Probation and Parole

## A Review of Current Literature

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### Background

The criminal justice system involves the courts, jails and prisons, and community supervision for individuals charged with breaking the law. Community supervision is a term that encompasses the practice of parole and probation after an individual has been released from incarceration. The most recent report about state probation and parole programs from the U.S. Department of Justice states that an estimated 4,537,100 adults were under community supervision as of year-end 2016 (Kaeble, 2018). That means that 1 out of every 55 adults in the United States was under either parole or probation in December 2016, or nearly 2% of the adult population in the United States (PEW, 2018). It should be noted, that this is the lowest rate of total population in community supervision since 1999 – a rate that is still 239% higher since 1980. (Kaeble, 2018; PEW, 2018). Of the population under supervision, significantly more fall under the category of probation with less than a fifth (870,500) under parole (Kaeble, 2018).

Looking closer at the population under community supervision, it is apparent that a disproportionate representation of men and people of color under probation or parole. African-Americans make up only 13% of the adult U.S. population but 30% of the population on community supervision (PEW, 2018). There are 3.5 times as many men as women under supervision despite the fact that the number of women under community supervision has doubled to over 1 million since 1990 (Ibid). Conversely, the majority of people, over 75%, under community supervision were convicted of nonviolent offenses (Ibid). Substance abuse is also disproportionately high – two to three times higher – in the supervision population compared to the general population (Ibid). In New Mexico, history of drug or alcohol problems or crimes involving drugs or alcohol make an inmate significantly more likely to abscond (Denman, Willits & Dole, 2017).

### Probation and Parole Violations

After incarceration, some inmates struggle to adhere to the terms of their release to community supervision. Between the 1980s and 2005, there was a sharp decline in the percentage of people who successfully complete probation and parole: successful probation completion fell from 79% to 59% and probation fell 60% to 45% (APPA, 2013). Each year, approximately 2.3 million people exit probation or parole; of those, nearly one third fail to successfully complete their supervision due to new crimes, rule violation(s), and/or absconding (PEW, 2018). Of that those who fail to complete their supervision, almost 350,000 individuals return to jail or prison (Ibid). Depending on the type of supervision, a former inmate has different odds of having their supervision revoked. Of the population that unsuccessfully exits community supervision (about one third), 12% of unsuccessful probation exits and 27% of unsuccessful parole exits end up incarcerated each year (Ibid).

For people released from state prisons, the odds of returning due to violation of their supervision are high. Based on outcomes for state prisoners released from 2004-07, 22% returned to prison for a new crime and 21% returned for a technical violation (PEW, 2018). In New Mexico, 64% of individuals under community supervision had one or more technical violation to the terms of their probation or parole (Denman, Willits & Dole, 2017). The Council of State Governments (CSG) estimates that the cost of incarceration as a result of supervision violation is more than \$9.3 billion annually (CSG Justice Center). Of that, technical supervision violations account for \$2.8 billion (Ibid). To reduce the cost of incarcerating supervision violators, the CSG recommends that state leaders ask the following questions:

- How many people in your state are on probation or parole?
- How are technical violations handled in your state?

- What impact do supervision violations have on local jails in your state?
- How do your state’s policies impact the length of time that people are on probation and parole?
- For what types of new offenses are people on supervision being sent to prison?
- What has your state done to scale up implementation of supervision practices and programs designed to reduce new criminal behavior?
- How much does your state invest in supervision annually? How much do supervision violations cost your state annually?

## Professional Organizations

There are several professional organizations the unite members and agencies with the role of overseeing probation and parole in the United States. Predominantly the American Probation and Parole Association (APPA) aims to inform the field on news and research findings, develop professionals in the field, and recommend best practices through issue papers, resolutions, and position statements (APPA website). A newly established association, EXiT – Executives Transforming Probation and Parole, is run by the Justice Lab at Columbia University. EXiT releases reports and information relevant to people working in probation and parole within the broader context of criminal justice reform ([exitprobationparole.org](http://exitprobationparole.org)). The Prison Policy Initiative engages in multiple areas of research, including probation and parole services. The Prison Policy Initiative is a non-profit, non-partisan research and advocacy organization ([exitprobationparole.org](http://exitprobationparole.org)).

## Best Practices

There are several recent studies and articles detailing best practices in probation and parole services that all center on the same theme: probation and parole should focus on rehabilitation and/or treatment rather than strict compliance to release conditions in order to lower the risk of recidivism.

The journal “Corrections Today” published an article on the Arizona Probation, Parole & Corrections Association’s Spring Conference trying to narrow down what practices work best in community supervision from various stakeholder perspectives. The two key takeaways from the conference were:

1. Involve inmates in their own release plans, paying attention to their needs and wants.
2. “Correctional officers need to be crystal clear with expectations they have for ex-inmates [...] and what ex-inmates can expect from correctional officers,” (Rittenhouse, 2017).

Both takeaways rely on newer approaches to probation

and parole: The Risk-Need-Responsivity model (RNR) by Don Andrews and James Bonta, and the use of motivational interviews (MI) to promote a change in thinking in order to change behavior.

A federal probation study evaluated three different models of monitoring and treating former inmates: Strategic Training Initiative in Community Supervision (STICS), Effective Practices in Community Supervision (EPICS), and Staff Training Aimed at Reducing Rearrests (STARR). All of these models are built on eight core correction practices: 1) anti-criminal modeling, 2) effective reinforcement, 3) effective disapproval, 4) effective use of authority, 5) structured learning, 6) problem solving, 7) cognitive restructuring, and 8) relationship skills (Gendreau, Andrews, & Theriault, 2010). The study’s quasi-experimental method found that EPICS generated the best reduction in recidivism because of its combined use of Cognitive Behavioral Therapy (CBT) and Motivational Interviewing (MI) (Labreque, Smith & Luther, 2015). Specifically, the study showed that officers using EPICS with high fidelity decreased recidivism to 18.8% from 52.5% for officers that had low fidelity to the model.

Another federal probation article by Alexander, Whitley and Bersh stressed the use of the Post-Conviction Risk Assessment (PCRA) to create more evidence-based supervision (2014). The PCRA has been used by federal probation since 2010 and focuses on five major characteristics: criminal history, education and employment, substance abuse, social networks, and attitudes. These characteristics are rated by the officer as well as through a self-report questionnaire, and are scored into four categories: high, moderate, low/moderate, and low. Officers are trained to look for the main drivers that lead to criminal behavior and stress that monitoring compliance is not the same in effectiveness as using the PCRA to form a targeted, proactive plan to reduce an inmate’s risk. The article also presents a detailed set of steps to help other probation agencies and their officers implement the PCRA into dynamic supervision.

The CSG presents a similar plan to the federal probation papers. The plan provides examples from the Travis County, Texas probation department which saw a decline of 20% in felony probation revocations and a 17% decline in one-year rearrest rates (Fabelo, Nagy & Prins, 2011). The CSG plan is broken into three subparts with a total of ten steps:

### Setting the Agenda for Change

1. Engage and Inform Key Stakeholders
2. Review and Evaluate Current Departmental Policies and Practices

3. Analyze the Evaluation and Develop a Mechanism for Overseeing Change  
Redesigning Departmental Policies and Practice
4. Improve Probationer Screening and Assessment Processes
5. Align Supervision Plans with Screening and Assessment Results
6. Redesign Incentive and Sanctioning Strategies
7. Develop Recidivism-Reduction Training  
Implementing Procedures to Ensure Quality and Monitor Progress
8. Develop and Implement a Process- and Outcome-Accountability System
9. Retool the Personnel Evaluation System to Reinforce Agency-wide Recidivism-Reduction Efforts
10. Review Progress and Set Goals for Continuous Improvement (Fabelo, Nagy & Prins, 2011).

The CSG plan was turned into a free online course by the National Reentry Resource Center in 2019 and is available to all probation departments for use (Relias Academy).

The APPA provides more insight and example programs for state probation and parole programs. APPA suggests that states structure their probation and parole supervision on two key strategies: 1) swift, certain, and proportionate sanctions to respond to violations, and 2) use of incentives to promote and reinforce compliance among probationers and parolees (APPA, 2013). Given these strategies, the APPA lists exemplary programs from four states:

1. HOPE: Hawaii Opportunity Probation with Enforcement

Reinforces strong and immediate relationship between probationers actions and consequences by using consistent messages about personal accountability and responsibility. Uses frequent, random drug tests and sanctions violations with swift, certain, short jail stays. Found that probationers were 55% less likely to be re-arrested, 72% less likely to use drugs, 61% less likely to skip appointments, and 53% less likely to have their probation be revoked.

2. 24/7: Sout Dakota's 24/7 Sobriety Project  
Utilizes close monitoring like twice daily alcohol breathalyzer tests or continuous alcohol monitoring bracelets. If probationers fail or skip tests they are sanctioned with short jail stays. Found 12% reduction in subsequent DUI arrests and 9% reduction in domestic violence arrests.

3. POM: Georgia's Probation Options Management  
Provided an administrative response process to probation violations rather than the traditional court hearing system. An evaluation indicated that the administrative processes reduced jail time, reduced time spent in court, and provided substantial cost savings for the districts that implemented the change.

4. ISP: Wyoming's Intensive Supervision Program  
Uses behavioral interventions to impose both sanctions for violations and positive recognition and incentives for compliant behavior. The combination of sanctions and incentives led to higher success rates. An evaluation found that a ratio of 4 incentives for every 1 sanction created the highest success rates (APPA, 2013).

When considering how other states could create similar programs utilizing the two suggest strategies, the APPA provided additional lessons learned by the four exemplary programs. Each program requires sufficient funding and human capital to plan and implement programs, which can be a barrier (APPA, 2013). Additionally, states need to consider legal and constitutional issues, use incentives more than sanctions, collaborate with key stakeholders, develop structured response grids using key principals, and assess program fidelity and outcomes (Ibid).

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