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Probation & Parole: A National Perspective

Courts, Corrections, and Justice Interim Committee

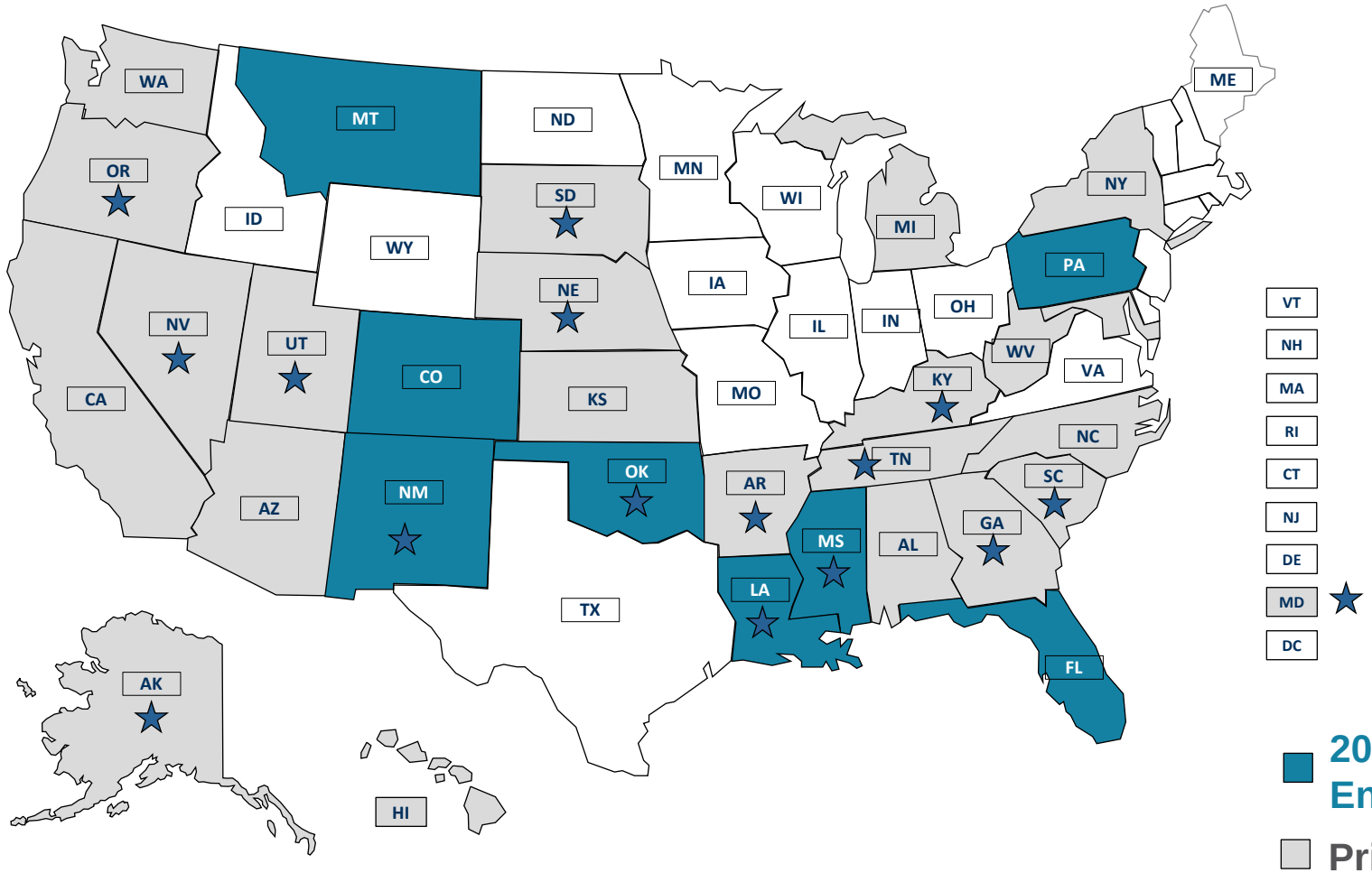
September 28, 2023

Presentation Overview

- Introductions
- Background on Community Supervision
- Research
- Evidence-Based Practices
- State Examples
- Questions?

- CJI bridges the gap between research and practice with data-driven solutions that drive bold, transformative improvements in adult and youth justice systems
- CJI provides non-partisan analysis, research, technical assistance, program evaluation, and training to jurisdictions throughout the country

CJI's Work Across the Country



CJI Technical Assistance

State Corrections System Approach

- CJI uses **a data-driven approach** to help jurisdictions identify gaps in the justice system, consider appropriate changes to policy and practice, and apply a comprehensive implementation framework

Case Studies

- **Local Initiatives:** Alachua County, FL; Johnson County, KS; Yolo County, CA; multiple counties in TN & TX
- **Statewide Initiatives**: Oklahoma, Tennessee, Nevada, Oregon, Nebraska

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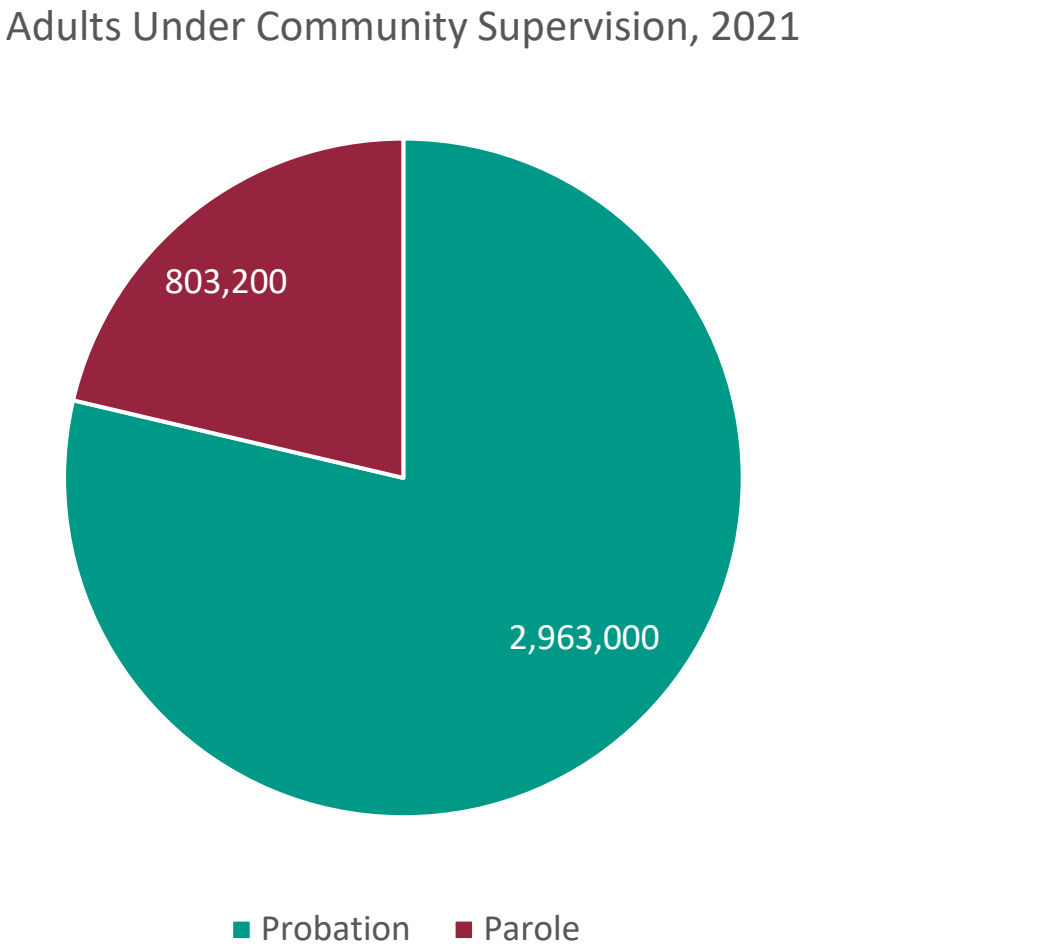
Community Supervision Background

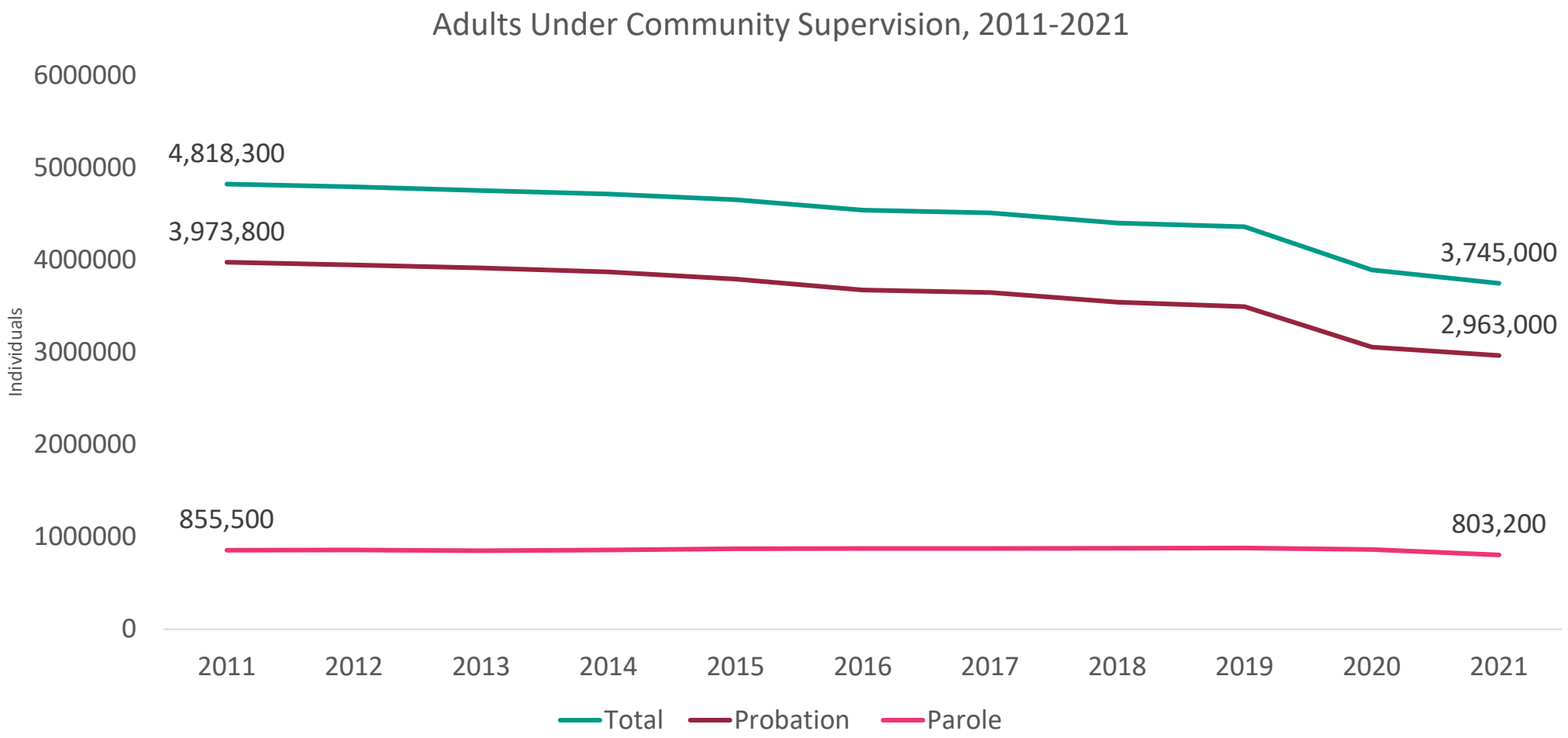
What is Community Supervision?

3.7 Million People on Community Supervision in 2021



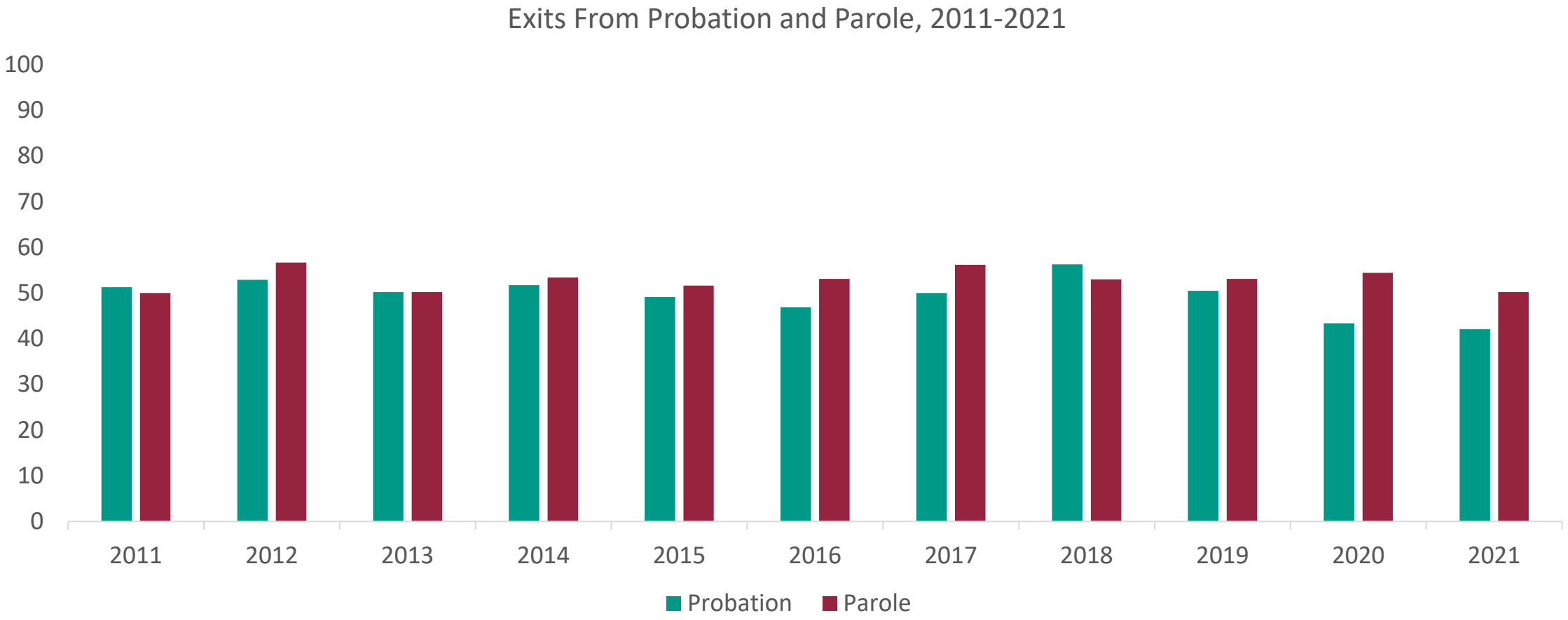
Source: Bureau of Justice Statistics, Annual Probation Survey and Parole Survey, 2021.

Number on Community Supervision Higher a Decade Ago



Source: Bureau of Justice Statistics, Annual Probation Survey and Parole Survey, 2021.

Completion Rates Remain at or Close to 50 Percent



Source: Bureau of Justice Statistics, Annual Probation Survey and Parole Survey, 2021.

Thirty Percent of Community Supervision Population Returned to Prison or Jail in 2021

Exit Type	Probation	Parole
Completion	42.1%	50.2%
Incarceration	9.8%	20.3%
Unsatisfactory exit other than incarceration	5.7%	2.2%
Death	8.9%	3.9%
Unknown/ Not reporting	33.5%	23.3%

Source: Bureau of Justice Statistics, Annual Probation Survey and Parole Survey, 2021.

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Research Findings

Research: Prevailing Views 1970's-1990's

- Robert Martinson 1974 Study: What Works?
  - *"With few and isolated exceptions, the rehabilitation efforts that have been reported so far have had no appreciable effect on recidivism."*
- Studies continued to confirm this view, depicting prison as the only effective deterrent on crime.

Source: Martinson, What Works?

Research: 2000's

- Studies show overall limited impact of prison on crime reduction.
  - *"Overall, the increased use of incarceration through the 1990's accounted for between 6 and 25 percent of the total reduction in crime rates."*

- For certain individuals, incarceration can increase recidivism through the criminogenic effect.
- Research finds that longer prison stays do not reduce recidivism more than shorter stays.

Sources: Campbell Collaboration (2015); Nagin, Cullen & Jonson (2009); Nagin & Snodgrass (2013); Vera Prison Paradox (2019)

Current Research Trends on Community Supervision

- Researchers revisited Martinson's "Nothing Works" theory and began studying what works to reduce recidivism.
- Relying on evidence-based practices has proven effective at changing behavior and reducing recidivism.
- Traditional forms of community supervision focusing on monitoring and compliance have been shown to be less effective than models focused on rehabilitation.

Sources: Palmer (1975); Labrecque, Viglione, and Caudy (2023; Bonta, Rugge, Pedneault, and Lee (2021); Latessa & Lovings (2019).

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Evidence-Based Practices

What are Evidence-Based Practices?

1. Risk, Needs, and Responsivity
2. Frontloading Resources
3. Incorporating Treatment
4. Using Swift, Certain, and Proportional Sanctions to Address Negative Behavior
5. Reinforcing Positive Behavior
6. Monitoring Quality, Fidelity, and Outcomes

Source: National Institute of Corrections

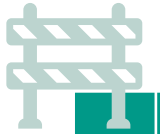
Risk, Needs, Responsivity (RNR) Model

Risk

- **WHO** to target
- Target those individuals with higher probability (higher risk) of recidivism
- Assess through actuarial risk assessment tool

Need

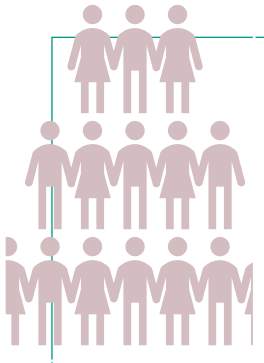
- **WHAT** to target
- Certain factors are tied to recidivism
- Targeting these factors results in a reduction in future offending



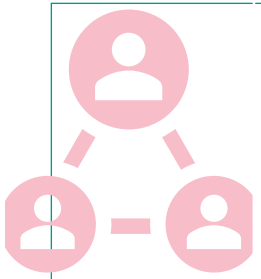
Responsivity

- **HOW** to target
- Target barriers to individual treatment and supervision and use behavioral/ social learning theories that are most effective

Frontload Resources



Focus community resources in the first days, weeks, and months when individuals are most likely to recidivate.

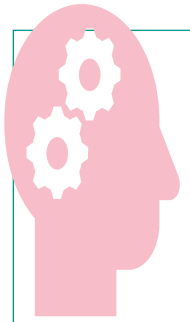


Deter future criminal behavior by intervening early.

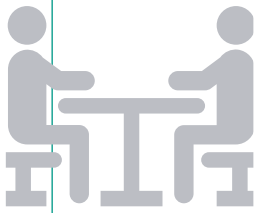
Identify early those who need enhanced supervision and support.

Incorporate Treatment Into Supervision

Utilize case plans to ensure community supervision practices align with RNR findings.



Incorporate Cognitive Behavioral Therapy (CBT) and community-based treatment into case plans.



Use communication strategies such as Core Correctional Practices that reflect a rehabilitative model.

Use Swift, Certain, and Proportional Sanctions

- Studies find that swift, certain, and proportional sanctions are more effective than delayed, random, and severe sanctions.

+	−
Communicated clearly in advance	Imposed inconsistently
Applied swiftly to the behavior	Imposed after a delay
Proportionate to the behavior	Out of proportion to the behavior

Reinforce Positive Behavior

- Research finds that positive reinforcement is more impactful at behavior change than negative reinforcement.

Time Credit Incentives

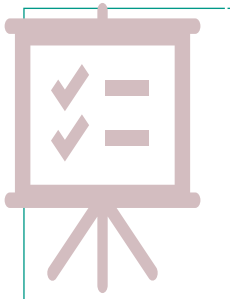
Financial Incentives

Verbal Recognition

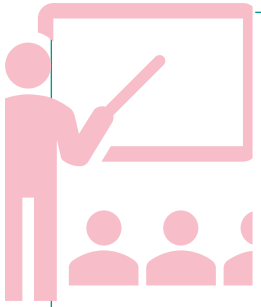
Reduced Supervision Conditions

Reduced Supervision Time

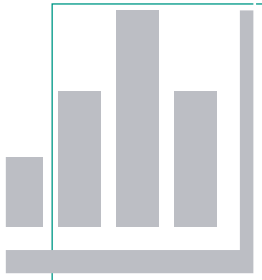
Monitor Quality, Fidelity, and Outcomes



Evidence-based practices require ongoing support.



Training officers to use these practices is essential to their success.



Monitoring outcomes and collecting data is imperative to ensure practices align with intended goals.

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How Are States Improving Their Community Supervision Outcomes?

Implementing Evidence-Based Practices

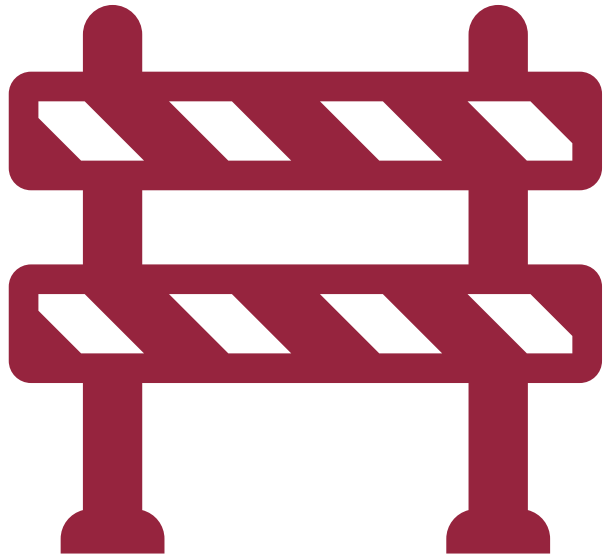
States are:

- Requiring risk and needs assessments to inform conditions and case plans. (Kentucky, Arkansas)
- Developing definitions of key terms. (Nevada, Montana)
- Creating graduated response policies and capping periods of incarceration for technical violations. (Louisiana, Tennessee)
- Validating assessments. (Nevada)
- Developing systems for continuous quality assurance. (Utah)

Removing Barriers to Success

States are:

- Limiting supervision conditions. (Ohio, Georgia)
- Utilizing a targeted approach to drug testing. (Connecticut)
- Requiring collaboration on reentry planning. (Nevada)
- Reducing the impact of financial obligations. (Louisiana)



Focusing Resources on High-Risk Individuals

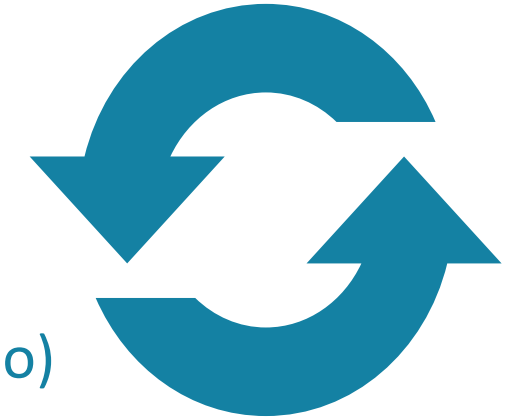
States are:

- Reducing probation terms. (Florida, Delaware)
- Creating early termination and early compliance credit policies. (Louisiana, Mississippi)
- Establishing administrative probation. (Kentucky)

Creating Sustainable Policies and Practices

States are:

- Providing ongoing training, coaching, and staff skill development. (Nevada)
- Creating policies and practices for staff wellness. (Tennessee)
- Educating policy makers and stakeholders. (Montana)
- Ensuring job descriptions align with the agency's mission. (Colorado)
- Enhancing data management systems. (Utah)



Creating National Standards

- National Black Letter Standards will be published in 2024 to provide guidance to community supervision agencies across the country.

- <u>Topics will include:</u>
  - Probation Sentences
  - Assessment
  - Transition to the Community
  - Supervision Practices
  - Caseload Size
  - Enhancing Motivation
  - Case Planning
  - Effective Interventions
  - Responses to Non-Compliance
  - Performance Measures
  - Community Supervision Agency

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Questions & Discussion

Grant Disclaimer

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