

State Profile Comparison

Administrative Responses in Probation and Parole Supervision

Data were collected across four areas from nine states to gain a better understanding of the use of administrative responses in probation and parole supervision. While individual profiles were developed for each state, the following provides a comparison of the key elements across the states.

LEGISLATIVE AUTHORITY

Matrix 1 provides information about the enabling legislation that authorizes the use of administrative responses in probation and parole supervision across the nine states. Two states have legislation that limits the use of administrative sanctions to felony probationers, while the other seven states have legislation that authorizes the use of administrative sanctions to both probationers and parolees. For four of the states, an individual court (for probationers) or releasing authority, such as a parole board (for parolees), is not needed to invoke the use of administrative sanctions per the enabling legislation. Finally, five of the states have enabling legislation for administrative sanctions only, although they do have mechanisms in place to reward probationers or parolees for positive behavior. The remaining four states do allow incentives to be granted administratively to probationers or parolees.

MATRIX 1

STATE	ELEMENT					
	<i>Sanctions legislation pertains to probationers only or probationers/parolees...</i>		<i>Court/parole board needed to invoke authority?</i>		<i>Legislation authorizes sanctions only or sanctions/incentives...</i>	
	<i>Probationers</i>	<i>Prob/Parolees</i>	<i>Yes</i>	<i>No</i>	<i>Sanctions</i>	<i>Sanc/Incentives</i>
Arkansas		•		•		•
Georgia	•		•		•	
Louisiana		•	•		•	
Missouri		•		•		•
New Hampshire		•	•			•
North Carolina	•		•		•	
Oregon		•		•	•	
South Carolina		•	•			•
Washington		•		•	•	

AGENCY POLICY AND PROCEDURE

Matrix 2 provides information about the policy and procedure regulations of the state agencies that pertain to the use of administrative sanctions for felony probationers and parolees. When asked who has the authority to administratively issue sanctions, eight of the states indicated

frontline supervision officers have such authority. Only one state reserved such authority to field supervisors, hearing officers, and chiefs/directors. Seven of the states reported that the court (for probationers) or releasing authority, such as the parole board (for parolees), may decline to delegate authority to the supervising agency for administrative sanctions. This regulation was typically articulated within the enabling legislation. A majority of the states (n=7) used jail as a type of administrative sanction. Of the two states that indicated jail was not used as an administrative sanction, one state reported that it was in the process of implementing this sanction. The state agencies utilized a wide range of other administrative sanctions as well. Lastly, eight of the states indicated that a formal structure, such as a matrix or grid, was currently in place for administrative sanctions. Of these states, many have adapted the structures to include administrative sanctions.

MATRIX 2

STATE	ELEMENT							
	<i>Supervision officers have authority to administratively issue sanctions?</i>		<i>Can court/parole board decline to delegate authority?</i>		<i>Is jail used as an administrative sanction?</i>		<i>Is there a formal structure for administrative sanctions?</i>	
	Yes	No	Yes	No	Yes	No	Yes	No
Arkansas	•			•	•		•	
Georgia		•	•			•	•	
Louisiana	•		•		•		•	
Missouri	•		•			•	•	
New Hampshire	•		•		•			•
North Carolina	•		•		•		•	
Oregon	•		•		•		•	
South Carolina	•		•		•		•	
Washington	•			•	•		•	

LEGAL PROCEDURE

Matrix 3 provides information about the legal procedure with respect to administrative sanctions across all nine states. Four of the states reported that probationers or parolees are entitled to a hearing before the court (for probationers) or parole board (for parolees) on the fact of a violation and the appropriateness of the administrative sanction. This hearing is different from a revocation hearing or an appeal. For the five other states, such a hearing is still afforded to probationers and parolees, it is just conducted administratively. Six of the states indicated that probationers and parolees are able to request an appointment of counsel at any time during the sanctioning process. For cases in which the probationer or parolee does not admit to the violation for an administrative sanction and, thus, waives the specified rights, five of the states reported that the matter then proceeds to a revocation hearing before the court or parole board. Finally, six of the states reported that the legal procedure does not allow other interested parties, such as treatment providers or family members, to participate in the process.

MATRIX 3

STATE	ELEMENT							
	<i>Entitled to a hearing on violation and sanction?</i>		<i>Given opportunity to request counsel at any time?</i>		<i>Does case proceed to revocation hearing if violation is not admitted to?</i>		<i>Are other interested parties able to participate?</i>	
	Yes	No	Yes	No	Yes	No	Yes	No
Arkansas		•	•			•		•
Georgia	•		•		•		•	
Louisiana		•	•		•			•
Missouri		•		•		•		•
New Hampshire		•	•		•			•
North Carolina	•		•	•		•	•	
Oregon	•		•			•		•
South Carolina	•		•		•		•	
Washington		•		•	•			•

IMPLEMENTATION ISSUES

All nine states have conducting training and education sessions statewide, while all but one state has implemented administrative responses statewide. Matrix 4 illustrates the data collected by each state's supervising agency. The most prevalent type of data collected are the types of violations (misdemeanors vs. felonies) incurred by probationers or parolees. Several other states collect data on jail days, sanctions imposed on violators, recidivism rates, and length of supervision. A few states have established control groups to compare study findings with probationers or parolees who have undergone administrative responses.

MATRIX 4

STATE	ELEMENT						
	<i>Type of Violation</i>	<i># of Jail Days</i>	<i># of Sanctions</i>	<i># of Each Type of Sanction</i>	<i>Recidivism Rate</i>	<i>Avg. Time on Supervision</i>	<i>Control Group</i>
Arkansas	•	•		•	•	•	
Georgia	•	•	•	•	•	•	•
Louisiana		•					
Missouri	•				•		
New Hampshire							
North Carolina	•	•	•	•	•	•	
Oregon	•	•	•	•	•	•	
South Carolina	•		•			•	
Washington	•	•	•	•		•	•