

EXECUTIVE SUMMARY

Using effective strategies to keep probationers and parolees crime- and drug-free and curb their revocation rates is among the most important issues facing our community corrections supervision system. In fact, there is an underlying responsibility to implement a supervision process that enhances compliance and accountability among probationers and parolees, thereby improving public safety in a cost-effective way. Based on solid research, two key strategies that many agencies have begun to implement are the use of swift, certain, and proportionate sanctions to respond to violations, and the use of incentives to promote and reinforce compliance among probationers and parolees. These responses can be imposed by the courts or releasing authority (e.g., parole board), or they may be executed administratively, meaning that the authority to issue sanctions and reward compliance is given to the supervision agency, without returning to the court or releasing authority.

In December 2012, The Pew Charitable Trusts' Public Safety Performance Project, the American Probation and Parole Association, and the National Center for State Courts jointly sponsored a summit that convened representatives from 14 states to address the use of effective responses to offender behavior in probation and parole supervision. The summit was designed to assist the states by highlighting effective procedures and common performance measures in the use of both sanctions and incentives. Several documents were developed for the summit, including legal and research memoranda and individual profiles that summarized policies and practices for each state (see Appendix A in report). From these documents and insight gained from the summit, a report was developed to highlight key lessons learned around planning and implementation of sanctions and incentives, with particular attention to ways in which states and local jurisdictions can improve the probation and parole supervision process. This is a summary of that report.

The comprehensive practices used to address violations and reward positive behaviors among individuals under community supervision are based on the scientific theory that behaviors are learned and reinforced by psychological and environment factors. Individuals will continue behaviors that are pleasurable and discontinue behaviors that have negative effects on them, and positive and negative stimuli within one's environment can influence this learning process. Applying this theory leads to several key principles in identifying effective responses in probation and parole supervision, which are rooted in the classical work on deterrence in criminology, particularly "specific" deterrence where the purpose is to deter an individual from engaging in future unwanted behaviors, such as crime.

Responses to problematic behaviors must be swift. Probationers and parolees must clearly know the process for handling infractions from the outset, and this process must promote accountability and responsibility to achieve ideal outcomes. Moreover, responses must be applied consistently and must be proportionate to the infractions committed. A system that imposes swift, certain and proportionate responses to violations will be perceived by those being supervised as fair, just, and neutral. Incentives can act as stimuli to reinforce positive behavior among probationers and parolees as well. In fact, to be most effective, research indicates that sanctions and incentives should be used in conjunction with one another. Finally, responses should be part of a larger, evidence-based approach that takes into account the risk, needs, and responsivity profiles of the individuals under supervision.



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As noted above, information was gathered both prior to and during the summit with the intention to identify key lessons learned from agencies in planning and implementing effective responses in probation and parole supervision. Five key lessons learned were identified:

1. ***Consider Legal and Constitutional Issues***—States should carefully consider any legal issues that may be associated with granting probation and parole officers the authority and discretion to impose sanctions. For guidance, states should look to both federal and state case law governing revocation hearings and the ability of supervision officers to impose new conditions of supervision. States can take simple and practical steps to preserve due process of law and the separation of powers in the administrative sanctioning process. These steps will vary according to the nature and severity of the sanction, with sanctions of incarceration requiring a higher level of procedural protections than non-custodial sanctions.
2. ***Apply Proper Ratio of Incentives to Sanctions***—While some research supports the ratio of four incentives for every one sanction that is imposed for a violation of supervision (see report for citations), further experimental research is needed to validate this ratio. In practice, the best rule of thumb is to use incentives at least as frequently as sanctions are used. Sanctions can range from verbal corrective action to brief periods of incarceration. There also should be a wide range of incentive options that supervision officers may use to promote compliance among probationers and parolees. Training can help agencies achieve an appropriate balance between the use of incentives and sanctions.
3. ***Collaborate with Key Stakeholders***—Stakeholder buy-in is crucial when considering incentives and sanctions to use during supervision, because these practices have consequences on the criminal justice system as a whole. All key actors must understand the process and be willing to assist with their role so that the system can successfully function and realize the intended goals. Yet, to best facilitate such collaboration, the agency that conducts probation and parole supervision in the jurisdiction should initiate the planning and implementation processes. Additionally, it is important to review the changes in the supervision process from the perspectives of crime victims and the probationers and parolees.
4. ***Develop Structured Response Grids Using Key Principles***—The development of structured response grids provide supervision officers with guidance in formulating consistent and proportionate responses to specific infractions. Grids should include responses to both positive and negative behaviors, and they should allow for variation in response based on both the severity and frequency of behaviors as well as individual characteristics of the supervisee.
5. ***Evaluate Program Fidelity and Outcomes***—Agencies should include an evaluation plan to assess fidelity to the program design and that the implementation of the design is having the desired effect on the program objectives. When feasible, evaluation plans should give priority to research designs that use random selection and assignment of participants to experimental and control conditions.

